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TUESDAY, OCTOBER 30, 1973

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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.

PART II:

October 30, 1973—Pages 29869–29951

REMINDERS

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

Rules Going Into Effect Today

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

page no. and date

OCTOBER 30

COAST GUARD—Transportation or storage of explosives or other dangerous articles or substances and combustible liquids on board vessels 20082; 7-27-73

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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

Department of Health, Education, and Welfare

Section 213.3316 is amended to reflect the following title change: From Confidential Assistant to the Administrator, Health Services and Mental Health Administration, to Special Assistant to the Administrator, Health Services Administration.

Effective on October 30, 1973, § 213.3316 (h) (8) is amended as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(h) *Office of the Assistant Secretary for Health and Scientific Affairs.* * * *

(8) One Special Assistant to the Administrator, Health Services Administration.

* * * * *

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

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

[FR Doc.73–23078 Filed 10–29–73;8:45 am]

PART 213—EXCEPTED SERVICE

Export-Import Bank of the United States

Section 213.3342 is amended to show that one position of Confidential Assistant to the General Counsel is excepted under Schedule C.

Effective on October 30, 1973, § 213.3342(k) is added as set out below.

§ 213.3342 Export-Import Bank of the United States.

* * * * *

(k) One Confidential Assistant to the General Counsel.

((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.73–23076 Filed 10–29–73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that one position of Special Assistant to the President of the Government National Mortgage Association is excepted under Schedule C.

Effective on October 30, 1973, § 213.3384(b) (10) is added as set out below.

§ 213.3384 Department of Housing and Urban Development.

* * * * *

(b) *Office of the Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Administration Commissioner.* * * *

(10) One Special Assistant to the President, Government National Mortgage Association.

* * * * *

((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.73–23077 Filed 10–29–73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that one position of Legislative Affairs Officer, Office of the General Manager, National Transportation Safety Board, is excepted under Schedule C.

Effective on October 30, 1973, § 213.3394(b) (4) is added as set out below.

§ 213.3394 Department of Transportation.

* * * * *

(b) *National Transportation Safety Board.* * * *

(4) One Legislative Affairs Officer, Office of the General Manager.

* * * * *

((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.73–23075 Filed 10–29–73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that one position of Public Information Officer, National Highway Traffic Safety Administration, is excepted under Schedule C.

Effective on October 30, 1973, §213.3394 (i) (4) is added as set out below.

§ 213.3394 Department of Transportation.

* * * * *

(i) *National Highway Traffic Safety Administration.* * * *

(4) One Public Information Officer.

* * * * *

((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.73–23074 Filed 10–29–73;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 150—PHASE IV PRICE REGULATIONS

PART 152—PHASE IV PAY REGULATIONS

Fertilizer Industry: Price and Pay Exemptions

Section 150.54 is amended by adding a new paragraph (q) exempting prices charges for fertilizer, fertilizer materials, and certain explosives from the Phase IV price stabilization regulations.

In order to continue to increase the nation's food output it is imperative that the American farmer have an ample supply of fertilizer. World prices for fertilizer are significantly higher than domestic prices. Consequently, an increasing amount of domestically produced fertilizer is being exported. Exemption of fertilizer from price regulations will remove the incentive to export. Accordingly, to insure that the American farmer has an ample supply of fertilizer the Council has exempted fertilizer from the price control regulations. While this exemption will probably result in an increase in the domestic price of fertilizer, it will insure that the American farmer will have a greater supply of fertilizer and therefore that the nation's food output will continue to increase.

Fertilizer materials, i.e. those materials which are used in the production of fertilizer, are exempt under the regulation whether or not they are sold for use in the manufacture of fertilizer. However, where a fertilizer material, e.g. urea, is sold for use in the manufacture of an item other than fertilizer, e.g. feed, the product in which the fertilizer material is used is not exempt. The regulations make one exception to this rule in the case of certain explosives. Ammonia and ammonium nitrate are important inputs to the fertilizer industry and fall within the definition of fertilized materials the price of which is exempt

under these regulations. Certain explosives are manufactured primarily from these chemicals. Since these chemicals are exempt and account for such a substantial portion of the value added, the Council has decided to exempt the prices charged for explosives manufactured primarily from ammonium and ammonium nitrate.

As a complementary action to the exemption from price controls, the Council has also exempted pay adjustments affecting employees engaged on a regular and continuing basis in the production of fertilizer or in support of such production. The exemption is set forth in new § 152.33. The exemption is inapplicable to any such employee who receives executive or variable compensation, or who is a member of an executive control group. The exemption is also inapplicable to any such employee whose duties and responsibilities are not of a type exclusively performed in or related to the production of fertilizer and whose pay adjustments are historically related to the pay adjustments of employees performing such duties outside the fertilizer industry and are not related to the pay adjustments of other employees that are within the exemption. In cases of uncertainty of application, inquiries concerning the scope or coverage of the exemption should be addressed to the Administrator, Office of Wage Stabilization, P.O. Box 672, Washington, D.C. 20044.

Because the purpose of this amendment is to grant an immediate exemption from the Phase IV price and pay regulations, the Council finds that publication in accordance with normal rule making procedure is impracticable and that good cause exists for making this amendment effective in less than 30 days. Interested persons may submit written comments regarding this amendment. Communications should be addressed to the Office of the General Counsel, Cost of Living Council, 2000 M Street NW., Washington, D.C. 20508.

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

In consideration of the foregoing, Parts 150 and 152 of Title 6 of the Code of Federal Regulations are amended as set forth herein, effective October 25, 1973.

Issued in Washington, D.C., on October 25, 1973.

JOHN T. DUNLOP,
Director.

PARAGRAPH 1. In 6 CFR Part 150, § 150.54 is amended by adding at the end thereof a new paragraph (q) to read as follows:

§ 150.54 Certain price adjustments.

* * * * *

(q) *Fertilizer, fertilizer materials, and certain explosives*

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

(i) "Fertilizer" means nitrogenous or phosphatic fertilizers as described in the Standard Industrial Classification Manual, 1972 edition, under Industry Nos. 2873, 2874, and 2875.

(ii) "Fertilizer materials" means those materials described in the Standard Industrial Classification Manual, 1972 edition, under Industry Nos. 2873 and 2874 which may be used in the production of fertilizer and, in addition to those materials, phosphate rock, potash, potassium chloride, potassium sulfate, and other potassium materials used in the production of fertilizer.

(2) *Fertilizer and fertilizer materials.* The sale of fertilizer and fertilizer materials is exempt. However, the sale of items which are manufactured from fertilizer materials, but which are not fertilizer or fertilizer materials, is not exempt.

(3) *Certain explosives.* The sale of explosives manufactured primarily from ammonium or ammonium nitrate is exempt.

PAR. 2. In 6 CFR Part 152, Subpart D is amended by adding at the end thereof a new § 152.33 to read as follows:

§ 152.33 Fertilizer industry.

(a) *Exemption.* Pay adjustments affecting employees engaged on a regular and continuing basis in the production of fertilizer or in support of such production are exempt from and not included in the coverage of this title. The mixing of fertilizer materials shall be considered the production of fertilizer.

(b) *Definition.* For purposes of this section—

(1) "Fertilizer" means nitrogenous or phosphatic fertilizers as described in the Standard Industrial Classification Manual, 1972 edition, under Industry Nos. 2873, 2874, and 2875.

(2) "Fertilizer materials" means those materials described in the Standard Industrial Classification Manual, 1972 edition, under Industry Nos. 2873 and 2874 which may be used in the production of fertilizer and, in addition to those materials, phosphate rock, potash, potassium chloride, potassium sulfate, and other potassium materials used in the production of fertilizer.

(c) *Covered employees.* For purposes of this section, an employee may be engaged on a regular and continuing basis in the production of fertilizer or in support thereof only if such employee is employed—

(1) At an establishment at which fertilizer is produced,

(2) By the firm which operates such establishment.

(d) *Limitations.* The provisions of this section shall not be applicable to—

(1) An employee who receives any item of executive or variable compensation subject to the provisions of Subpart K of this part, other than an item of executive or variable compensation pursuant to a plan or program subject to § 152.127;

(2) An employee who is a member of an executive control group (determined pursuant to § 152.130); or

(3) Employees whose occupational duties and responsibilities are of a type not exclusively performed in or related to the fertilizer industry, and whose pay adjustments are historically related to the pay adjustments of employees performing such duties outside the fertilizer industry and are not also related to pay adjustments of other employees referred to in paragraph (c) of this section.

(e) *Inquiries.* Inquiries related to the scope of the exemption provided in this section or to the applicability of such exemption to specific situations, should be directed to the Administrator, Office of Wage Stabilization, P.O. Box 672, Washington, D.C. 20044, and should be prominently designated "FERTILIZER EXEMPTION INQUIRY."

[FR Doc.73-23099 Filed 10-25-73;4:38 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

Correction

In FR Doc. 73-22384 appearing at page 29210 in the issue of Tuesday, October 23, 1973, the following changes should be made.

1. In § 52.1145 paragraph (d)(2) the words "exceed the applicable acceptance number" in the fifth line should be omitted.

2. In § 52.1146 the word "reguirements" in the first line should read "requirements".

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 725—FLUE-CURED TOBACCO

Subpart—Flue-Cured Tobacco Acreage Allotment and Marketing Quota Regulations, 1973-1974 and Subsequent Marketing Years

Corrections

In FR Doc. 73-20979 appearing in the issue of Wednesday, October 3, 1973 at page 27355 make the following changes:

1. In § 725.92(a), fifth line insert "ing Board, Statistical Reporting" after the word Report-".

2. In § 725.99(a)(2); the fourth, fifth, and sixth lines reading "to show a separate 74 Flue-Cured Tobacco, 1973-74 and Subsequent Marketing Year Account for:" should read "to show a separate account for:".

3. In § 725.105(a) the subparagraph numbered "(4)" should be "(5)" and (4) should read as follows: (4) The location where received.

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

PART 984—WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Expenses of Walnut Control Board, and Rates of Assessment, for 1973–74 Marketing Year

Notice was published in the October 12, 1973, issue of the FEDERAL REGISTER (38 FR 28296) regarding proposed expenses of the Walnut Control Board, and rates of assessment, for the 1973–74 marketing year. This action approves such expenses and assessment rates and is pursuant to §§ 984.68 and 984.69 of the marketing agreement, as amended, and Order No. 984, as amended (7 CFR Part 984). The amended marketing agreement and order regulate the handling of walnuts grown in California, Oregon, and Washington, and are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The total expenses proposed in the notice were $177,460; the assessment rates proposed were 0.10 cent per pound for inshell walnuts and 0.25 cent per pound for shelled walnuts. These rates are to be applied to all merchantable walnuts handled or declared for handling during the 1973–74 marketing year, and are expected to provide sufficient funds to meet the estimated expenses of the Board. The assessable poundage was estimated by the Board at 55 million pounds for inshell walnuts, and 75 million pounds for shelled walnuts.

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

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Walnut Control Board, and other available information, it is found that the expenses of the Board, and rates of assessment, for the 1973–74 marketing year (which began August 1, 1973, and ends July 31, 1974), shall be as follows:

§ 984.325 Expenses of the Walnut Control Board and rates of assessment for the 1973–74 marketing year.

(a) *Expenses.* Expenses in the amount of $177,460 are reasonable and likely to be incurred by the Walnut Control Board during the marketing year beginning August 1, 1973, for its maintenance and functioning, and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rates of assessment.* The rates of assessment for said marketing year, payable by each handler in accordance with § 984.69, are fixed at 0.10 cent per pound for merchantable inshell walnuts and 0.25 cent per pound for merchantable shelled walnuts.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said marketing agreement and this part require that the rates of assessment fixed for a particular marketing year shall be applicable to all assessable walnuts from the beginning of such year; and (2) the 1973–74 marketing year began August 1, 1973, and the rates of assessment herein fixed will automatically apply to all such assessable walnuts beginning with that date.

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

Dated: October 25, 1973.

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

[FR Doc.73-23092 Filed 10-29-73;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

MISCELLANEOUS AMENDMENTS TO CHAPTER

Pursuant to section 552, 80 Stat. 383 (5 U.S.C. 552), and the authority contained in section 103, 66 Stat. 173 (8 U.S.C. 1103) and 8 CFR 2.1, miscellaneous amendments, as set forth herein, are prescribed in Parts 100, 299, 316a, 335, and 499 of Chapter I of Title 8 of the Code of Federal Regulations.

In the Statement of Organization, Part 100, under the Class A port of entry listing of Providence, R.I., in District No. 2 of § 100.4(c)(2), the T. F. Green State Airport port facility is presently designated as "Hillsgrove." Since the designation "Hillsgrove" is no longer used in referring to that facility in the State of Rhode Island, having been replaced by the designation "Warwick," District No. 2 of § 100.4(c)(2) is amended by substituting "Warwick" for "Hillsgrove." District No. 2 of § 100.4(c)(2) is further amended to reflect the designation of "Sandwich, Mass.," as a Class C port of entry for aliens as a result of the activity at that port following the construction of a new power plant in the area. In view of the occasional arrival of passengers on the vessels inspected at New Bedford, Mass., the designation of that port is changed from a Class C to a Class A port of entry.

A number of immigration forms and of nationality forms listed in Parts 299 and 499, respectively, have been reissued and now bear a more recent edition date. Accordingly, §§ 299.1 and 499.1 are amended to reflect the current edition date of those forms.

In Part 316a, the existing last paragraph of §§ 316a.2 and of 316a.3, pertaining to the intraagency forwarding of decisions regarding American institutions of research or public international organizations within the purview of section 316(b) of the Immigration and Nationality Act, are deleted as unnecessary since the procedure outlined is an internal Service one and does not affect the public.

In Part 335, § 335.12 is amended for clarification of the binding effect upon Service officers of interpretations of law by the Attorney General or Commissioner, and to clarify that recommendations of Regional Commissioners upon petitions for naturalization are subject to review and approval by the Commissioner.

In the light of the foregoing, the following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 100—STATEMENT OF ORGANIZATION

In § 100.4(c)(2), District No. 2—Boston, Mass., is amended in the following respects: Under the Class A port listing of Providence, R.I., the port facility of "Hillsgrove, R.I.," is deleted and the port facilities of "Warwick, R.I.," and "New Bedford, Mass.," are added thereto; "New Bedford, Mass.," is deleted from the Class C listing of ports and "Sandwich, Mass.," is added thereto. As amended, § 100.4(c)(2), District No. 2—Boston, Mass., reads as follows:

§ 100.4 Field Service.

* * * * *

(c) *Suboffices.* * * *

(2) *Ports of entry for aliens arriving by vessel or by land transportation.* * * *

* * * * *

DISTRICT NO. 2—BOSTON, MASS.

CLASS A

Boston, Mass. (the port of Boston includes, among others, the port facilities at Beverly, Braintree, Chelsea, Everett, Hingham, Lynn, Manchester, Marblehead, Milton, Quincy, Revere, Salem, Saugus, and Weymouth, Mass.)
Gloucester, Mass.
Pittsburg, N.H.
*Providence, R.I. (the port of Providence includes, among others, the port facilities at Davisville, Melville, Newport, Portsmouth, Quonset Point, Tiverton, and Warwick, R.I.; and at Fall River, New Bedford, and Somerset, Mass.)

CLASS C

Newburyport, Mass.
Plymouth, Mass.
Provincetown, Mass.
Sandwich, Mass.
Woods Hole, Mass.
Portsmouth, N.H.

* * * * *

PART 299—IMMIGRATION FORMS

The listing of forms in § 299.1 is amended to reflect the current edition date of the following forms:

§ 299.1 Prescribed forms.

* * * * *

Form No.	*Title and description*
* * * * *	
I-20 (5-1-73)	Certificate of Eligibility (For Nonimmigrant "F-1" Student Status).
I-38 (5-1-73)	Special Inquiry Officer's Decision (Deportation).

I-39 (5-1-73)	Special Inquiry Officer's Decision (Voluntary Departure, Alternate Deportation).
* * * * *	
I-22 (6-1-73)	Notice to Applicant for Admission Detained for Hearing before Special Inquiry Officer.
* * * * *	
I-129B (6-1-73)	Petition to Classify Nonimmigrant as Temporary Worker or Trainee.
I-129F (9-1-73)	Petition to Classify Status of Alien Fiance or Fiancee for Issuance of Nonimmigrant Visa.
I-130 (6-1-73)	Petition to Classify Status of Alien Relative for Issuance of Immigrant Visa.
I-131 (6-1-73)	Application for Issuance or Extension of Permit to Reenter the United States.
* * * * *	
I-140 (6-1-73)	Petition to Classify Preference Status of Alien on Basis of Profession or Occupation.
* * * * *	
I-212 (7-1-73)	Application for Permission to Reapply for Admission into the United States after Deportation or Removal.
I-221 (7-1-73)	Order to Show Cause and Notice of Hearing.
* * * * *	
I-260 (6-1-73)	Notice to Take Testimony of Witness.
* * * * *	
I-296 (8-1-73)	Notice to Alien Ordered Excluded by Special Inquiry Officer.
* * * * *	
I-391 (5-1-73)	Notice—Immigration Bond Cancelled.
* * * * *	
I-485A (7-15-73)	Application by Cuban Refugee for Permanent Residence.
* * * * *	
I-506 (6-1-73)	Application for Change of Nonimmigrant Status.
* * * * *	
I-538 (6-1-73)	Application by Nonimmigrant F-1 Student for Permission to Accept Employment.
I-539 (6-1-73)	Application to Extend Time of Temporary Stay.
* * * * *	
N-585 (9-1-73)	Application for Information from or Copies of Immigration and Naturalization Records.
SW-434 (7-1-73)	Mexican Border Visitors Permit.
* * * * *	

PART 316a—RESIDENCE, PHYSICAL PRESENCE AND ABSENCE

§ 316a.2 [Amended]

1. Section 316a.2 is amended by deleting the last paragraph thereof.

§ 316a.3 [Amended]

2. Section 316a.3 is amended by deleting the last paragraph thereof.

PART 335—PRELIMINARY EXAMINATION ON PETITIONS FOR NATURALIZATION

Section 335.12 is revised to read as follows:

§ 335.12 Recommendations of the designated examiner and the regional commissioner; notice.

As soon as practicable after conclusion of the preliminary examination, the designated examiner shall prepare an appropriate recommendation to the court. If the recommendation is for denial, or for granting with the facts to be presented to the court, the designated examiner shall prepare a memorandum summarizing the evidence, and setting forth findings of fact and conclusions of law, and his recommendation. No evidence dehors the record or evidence not admissible in judicial proceedings under recognized rules of evidence shall be considered in the preparation of the memorandum. The memorandum shall be submitted before final hearing to the regional commissioner, in those cases or classes of cases designated by him, for review and recommendation. If the regional commissioner does not agree with the recommendation of the designated examiner, he shall prepare an appropriate memorandum, with findings of fact, conclusions of law, and the recommendation of the Service, subject to review and approval by the Commissioner in those cases or classes of cases designated by him, for presentation to the court with the designated examiner's memorandum. In the preparation of memoranda, designated examiners and regional commissioners shall be bound by the interpretations and rulings by the Attorney General or the Commissioner on questions of law.

PART 499—NATIONALITY FORMS

The listing of forms in § 499.1 is amended to reflect the current edition date of the following form:

§ 499.1 Prescribed forms.

Form No.	*Title and description*
* * * * *	
N-585 (9-1-73)	Application for Information from or Copies of Immigration and Naturalization Records.
* * * * *	

Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date, is unnecessary in this instance and would serve no useful purpose because the amendments to § 100.4(c)(2) relate to agency management; the amendments to §§ 299.1 and 499.1 are editorial in nature; the amendments to §§ 316a.2 and 316a.3 relate to agency procedure; and the amendment to § 335.12 relates to agency procedure and is clarifying in nature.

Effective date. This order shall become effective on October 30, 1973.

Dated: October 24, 1973.

JAMES F. GREENE,
Acting Commissioner of Immigration and Naturalization.

[FR Doc.73-23010 Filed 10-29-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 12768, Amdt. 135-37]

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

Air Taxi Operations With Certain Turbojet Powered Airplanes

The purpose of this amendment to § 135.2(e) of the Federal Aviation Regulations is to provide an additional 45-day period for compliance with certain Part 121 equipment requirements applicable to Part 135 certificate holders operating turbojet powered airplanes having maximum certificated takeoff weights over 12,500 pounds but under 27,000 pounds, with passenger capacities of not more 12 persons, and used only for planeload charter flights.

Section 135.2(e) provides that operators of turbojet powered airplanes with maximum certificated takeoff weights of over 12,500 pounds but under 27,000 pounds, with passenger-carrying capacities of not more than 12 persons, used only in planeload charter flights, need not comply until November 15, 1973, with §§ 121.313(f)—a lockable door between the pilot and passenger compartments; 121.343(a)—flight recorder; 121.359—cockpit voice recorder; 121.587—closing and locking of door between the pilot and passenger compartments; and 121.581(a)—forward observer's seat, provided that if the forward observer's seat is not installed, a forward passenger seat with appropriate communications equipment nearby is provided for use by the Administrator while conducting en route inspections.

The National Air Transportation Conferences, Inc. (NATC), and Executive Air Fleet Corporation have petitioned the FAA to amend § 135.2(e) by deleting the phrase "until November 15, 1973" or, in the alternative, NATC requests that the compliance date be extended for another three years. In light of the information provided by petitioners and additional information provided by other operators of the subject aircraft, the FAA has determined that further study of the matter is necessary. Accordingly, the FAA is issuing a notice of proposed rulemaking proposing an extension of the compliance date of § 135.2(e) to November 15, 1974, to allow for this study. In order to provide an adequate period of time for public comment in response to that notice, it is necessary to amend § 135.2(e) to extend the compliance date from November 15, 1973, to January 1, 1974.

In view of the imminence of the present compliance date and since this amendment grants relief and imposes no additional burden on any person, I find that notice and public procedure hereon are impracticable and that good cause exists for making this amendment effective on less than 30 days' notice.

(Sec. 313(a), 601, 604, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1424); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c).)

In consideration of the foregoing, § 135.2(e) of the Federal Aviation Regulations is amended, effective October 30, 1973, by deleting the phrase "November 15, 1973" and substituting the phrase "January 1, 1974" therefor.

Issued in Washington, D.C., on October 19, 1973.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.73-22983 Filed 10-29-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2464]

PART 13—PROHIBITED TRADE PRACTICES

Urban Redevelopment, Inc.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly;* § 13.160 *Promotional sales plans;* § 13.205 *Scientific or other relevant facts;* § 13.275 *Undertakings, in general.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1740 *Scientific or other relevant facts;* § 13.1765 *Undertakings, in general;*—Promotional sales plans: § 13.1830 *Promotional sales plans. Subpart*—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 *Scientific or other relevant facts;* § 13.2090 *Undertakings, in general.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Urban Redevelopment, Inc., New Orleans, La., Docket C-2464, October 4, 1973.]

In the Matter of Urban Redevelopment, Inc., a corporation.

Consent order requiring a New Orleans, Louisiana, real estate developer, among other things to cease representing that structure, facilities, or other improvements are in existence on any of respondent's land, when, in fact, none exist.

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

It is ordered, That respondent Urban Redevelopment, Inc., a corporation, and respondent's agents, representatives, employees, successors and assigns, directly or through any corporation, subsidiary, division or other device, in connection with the offering for sale, sale or distribution of real estate, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Representing by any means, directly or by implication that any structures, facilities or other improvements are presently in existence on any of respondent's land or in any of respondent's real estate developments when such structures, facilities or other improvements do not presently exist; *Provided however,* That this order shall not be construed to prevent the description of proposed and planned structures, facilities or other improvements where such description clearly and conspicuously discloses that such structures, facilities or improvements are not presently in existence and further, as part of the description, discloses the reasonably expected completion date for such structures, facilities or improvements.

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

It is further ordered, That the respondent distribute a copy of this order to all firms and individuals involved in the preparation, creation, or placing of advertising of respondent's real estate.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order file with the Commission a report in writing setting forth in detail the nature and form of its compliance with this order.

Issued: October 4, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.73-23060 Filed 10-29-73;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER C—DRUGS

PART 135—NEW ANIMAL DRUGS

Liquid Feed Supplements

An order was published in the FEDERAL REGISTER of August 6, 1973 (38 FR 21178), establishing § 135.112 *Liquid feed supplements; new animal drug requirements.* The regulation was promulgated following publication of a proposed rule in the FEDERAL REGISTER of December 19, 1972 (37 FR 27634), and included an effective date of November 5, 1973.

Following publication of the order it was brought to the attention of the Food and Drug Administration that circumstances exist whereby certain drug products which bear labeling for use in animal feed and/or drinking water and thus subject to the labeling requirement are not suitable for diversion to use in liquid feed supplements because of their physical, chemical, or other properties and thus should be permitted relief from the labeling requirements of § 135.112(c). As announced in the proposal, the intent of the order is to provide restrictive labeling on those oral products which may be subject to diversion from use in drinking water or dry feed into liquid feed. As a clarification of this intent, § 135.112 is amended to provide a basis upon which relief may be granted from the labeling requirement upon the submission of a petition for such relief which establishes that the particular drug product is such that it cannot reasonably be expected to be diverted for use in liquid feed supplements. The waiver shall be granted on the basis of approval of the petition.

Since certain products may become eligible for such waiver under this section upon approval of petitions, the effective date for the order is delayed for an additional sixty days to provide for processing of such petitions.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351; (21 U.S.C. 360b)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135 is amended in Subpart B by revising § 135.112(c) to read as follows:

§ 135.112 Liquid feed supplements; new animal drug requirements.

* * * * *

(c) Each drug product, intended for oral administration to animals, which contains any of the drugs listed in paragraph (d) of this section and which bears labeling for its use in animal feed and/or drinking water shall also include in such labeling the following statement: "FOR USE IN _____ ONLY. NOT FOR USE IN LIQUID FEED SUPPLEMENTS," the blank being filled in with the words "DRY FEEDS," "DRINKING WATER," "DRY FEEDS AND DRINKING WATER" as applicable, unless:

(1) Such drug product is the subject of an approved new animal drug application providing for its use in liquid feed supplements, or;

(2) The labeling provisions of this paragraph have been waived on the basis of approval of a petition which includes a copy of the product label; a description of the formulation; and information which establishes that the physical, chemical, or other properties of the particular drug product are such that it cannot reasonably be expected to be diverted for use in liquid feed supplements. Such petitions shall be submitted to the Food and Drug Administration, Bureau of Veterinary Medicine, 5600 Fishers Lane, Rockville, MD 20852.

* * * * *

This amendment is an additional action based upon and within the purview of the proposal of December 19, 1972 (37 FR 27634); therefore, additional prior notice and public procedure are not necessary prerequisites for its promulgation.

Effective date. This section shall become effective January 4, 1974.

(Sec. 512, 82 Stat. 343-351 (21 U.S.C. 360b))

Dated: October 23, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-23009 Filed 10-29-73;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT-FEDERAL HOUSING COMMISSIONER [FEDERAL HOUSING ADMINISTRATION]

[Docket No. R-73-230]

PART 275—LOW-RENT PUBLIC HOUSING

Prototype Cost Limits for Public Housing; Correction

In the FEDERAL REGISTER issued on Friday, June 8, 1973 (38 FR 15051), the annual updated prototype per unit cost schedules were published pursuant to section 209(a) of the Housing and Urban Development Act of 1970. Certain of these prototype per unit cost schedule figures and listings were incorrect and were changed. The correct figures were set forth in List 1 published in the FEDERAL REGISTER issued on Monday, August 20, 1973 (38 FR 22383).

Item 6 in List 1 is incorrect and is hereby revised as follows:

6. Page 15065 Region VII, Iowa, Cedar Rapids:

Detached and Semidetached; Number of bedrooms 4; 19,650.

Effective date. This amendment is effective on October 30, 1973.

SHELDON B. LUBAR,
Assistant Secretary-Commissioner.

PROTOTYPE PER UNIT COST SCHEDULE—REGION VII

	Number of bedrooms						
	0	1	2	3	4	5	6
Cedar Rapids, Iowa:							
Detached and semidetached	9,200	11,100	13,700	16,300	19,650	21,850	22,850
Row dwellings	8,800	10,600	13,050	15,550	18,700	20,850	21,750
Walk-up	7,900	9,800	12,450	15,350	17,750	18,750	19,700
Elevator-structure	13,150	15,250	19,350				

[FR Doc.73-22963 Filed 10-29-73;8:45 am]

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-238]

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
*	*	*	*	*	*	*
Connecticut	New London	East Lyme, Town of.				Oct. 23, 1973. Emergency.
Michigan	Alcona	Haynes, Township of.				Do.
Tennessee	Marion	Unincorporated Areas.				Do.
Vermont	Windham	Brattleboro City of.				Do.

(National Flood Insurance Act of 1968, title XIII of the Housing and Urban Development Act of 1968, effective Jan. 28, 1969, 33 FR 17804, Nov. 28, 1968, as amended, secs. 408-410, 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 15, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-22924 Filed 10-29-73;8:45 am]

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

Correction

In FR Doc. 73-22349 appearing at page 29291 in the issue for Tuesday, October 23, 1973, the date in the last line of § 504.1 reading "March 30, 1974" should read "March 30, 1970".

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 1; Amdt. 1-80]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Delegation of Functions With Respect to the Freedom of Information Act

The purpose of this amendment is to amend the delegations to the General Counsel and to the Director of Public Affairs appearing at 49 CFR 1.59 and 1.63, respectively, to reflect that on an application for reconsideration of an initial decision not to disclose unclassified records of the Office of the Secretary, the decision of the General Counsel, rather than that of the Director of Public Affairs, is administratively final. The decision of the General Counsel not to disclose an unclassified record of the Office of the Secretary is considered to be a withholding by the Secretary for the purpose of section 552(a)(3) of Title 5, United States Code. It should be noted that except for the procedures for reconsidering decisions not to disclose records, the Director of Public Affairs has authority to administer the regulations and procedures governing public access to the unclassified records of the Office of the Secretary.

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

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

1. Section 1.59 is amended by adding a new paragraph (n) to read as follows:

§ 1.59 Delegations to the General Counsel.

* * * * *

(n) Review and take final action on applications for reconsideration of initial decisions not to disclose unclassified records of the Office of the Secretary requested under 5 U.S.C. 552(a)(3).

2. Paragraph (a) of § 1.63 is amended to read as follows:

§ 1.63 Delegations to Director of Public Affairs.

(a) Except for reviewing and taking final action on applications for reconsideration of initial decisions not to disclose records of the Office of the Secretary requested under 5 U.S.C. 552(a)(3), administer regulations and procedures governing public access to the unclassified records of the Office of the Secretary and issue supplementary policies and procedures to insure uniform Department implementation of related Secretarial orders and regulations.

* * * * *

(Sec. 9(e) of the Department of Transportation Act (49 U.S.C. 1657(e).)

Effective date. This amendment is effective on October 30, 1973.

Issued in Washington, D.C., on October 24, 1973.

CLAUDE S. BRINEGAR,
Secretary of Transportation.

[FR Doc.73-23054 Filed 10-29-73;8:45 am]

[OST Docket No. 1; Amdt. 1-81]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Editorial Changes

The purposes of these amendments are to :

(1) Reflect within the description of the sphere of primary responsibility of the General Counsel, appearing at 49 CFR 1.24(f), that the General Counsel makes the administratively final decision on an application for reconsideration of an initial decision not to disclose unclassified records of the Office of the Secretary.

(2) Reference in 49 CFR 1.41 the delegations of authority vested in the Secretary by Executive Order 11652, which appear at 49 CFR 8.11.

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

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

1. In § 1.24, paragraph (f) is revised to read as follows:

§ 1.24 Spheres of primary responsibility.

* * * * *

(f) *General Counsel.* Legal services as the chief legal officer of the Department, legal advisor to the Secretary and the Office of the Secretary, and final authority within the Department on questions of law; professional supervision, including coordination and review, over the legal work of the legal offices of the Department; drafting of legislation and review of legal aspects of legislative matters; exercise of functions, powers and duties as a Judge Advocate General under the Uniform Code of Military Justice (Chapter 47 of Title 10, United States Code) with respect to the United States Coast Guard; advice and assistance with respect to uniform time matters; review and final action on applications for reconsideration of initial decisions not to disclose unclassified records of the Office of the Secretary requested under 5 U.S.C. 552(a)(3); promotion and coordination of efficient use of Departmental resources; recommendation, in conjunction with the Assistant Secretary for Administration, of legal career development programs within the Department.

2. Section 1.41 is revised to read as follows:

§ 1.41 Purpose.

(a) Except as provided in paragraph (b) of this section, this subpart provides for the exercise of the powers and performance of the duties vested in the Secretary of Transportation by law.

(b) For delegations of authority vested in the Secretary by Executive Order 11652 originally to classify documents as secret or confidential, see § 8.11 of this Subtitle.

(Sec. 9(e), Department of Transportation Act (49 U.S.C. 1657(e)); § 1.59(m) of the Regulations of the Office of the Secretary of Transportation (49 CFR 1.59(m).)

Effective date. This amendment is effective on October 30, 1973.

Issued in Washington, D.C., on October 25, 1973.

J. THOMAS TIDD,
Acting General Counsel.

[FR Doc.73-23055 Filed 10-29-73;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Rev. S.O. 1119, Amdt. 2]

PART 1033—CAR SERVICE

Demurrage on Freight Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 19th day of October 1973.

Upon further consideration of Revised Service Order No. 1119 (38 FR 6881 and 38025), and good cause appearing therefor:

It is ordered, That: § 1033.1119 *Service Order No. 1119 (Demurrage on freight cars)* Revised Service Order No. 1119 be, and it is hereby, amended by substituting the following paragraph (i) for paragraph (i) thereof:

(i) *Expiration date.* The provisions of this order shall expire at 6:59 a.m., April 1, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., October 31, 1973.

(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 a copy of this amendment 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 notice of this amendment 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.73-23083 Filed 10-29-73;8:45 am]

[S.O. 1112, Amdt. 4]

PART 1033—CAR SERVICE

Railroad Operating Regulations for Freight Car Movement

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 19th day of October 1973.

Upon further consideration of Service Order No. 1112 (37 FR 21153, 23728, 23840; 38 FR 7332), and good cause appearing therefor:

It is ordered, That § 1033.1112 *Service Order No. 1112* (Railroad operating regulations for freight car movement) be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *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.

Effective date. This amendment shall become effective at 11:59 p.m., October 31, 1973.

(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 a copy of this amendment 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 notice of this amendment 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.73-23084 Filed 10-29-73;8:45 am]

[S. O. 1149, Amdt. 1]

PART 1033—CAR SERVICE

Fort Worth and Denver Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 19th day of October 1973.

Upon further consideration of Service Order No. 1149 (38 FR 23793), and good cause appearing therefor:

It is ordered, That: § 1033.1149 *Service Order No. 1149* (Fort Worth and Denver Railway Company authorized to operate over tracks of Quanah, Acme & Pacific Railway Company and over tracks of the Atchison, Topeka and Santa Fe Railway Company) Service Order No. 1149 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(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.

Effective date. This amendment shall become effective at 11:59 p.m., October 31, 1973.

(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 a copy of this amendment 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 notice of this amendment 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—23085 Filed 10-29-73;8:45 am]

Title 9—Animals and Animal Products

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

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

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

Relief of Restrictions on Importation of Birds

Statement of considerations. On January 26, 1973, there were published in the FEDERAL REGISTER (38 FR 2463-2464) proposed amendments of the regulations in 9 CFR Part 92 which would allow the importation of commercial birds under specified conditions, including a requirement of quarantine in facilities approved by an inspector of Veterinary Services and a requirement that the birds be handled during quarantine in accordance with procedures prescribed by the Deputy Administrator, Veterinary Services. A period of 30 days was allowed for submission of comments by interested persons. On March 2, 1973, there were published in the FEDERAL REGISTER (38 FR 5641-5642) proposed amendments of the regulations in 9 CFR Part 92 which would prescribe facilities, standards and handling procedures to implement the amendments as proposed January 26, 1973 (38 FR 2463-2464). A period of 30 days was allowed for submission of comments by the March 2, 1973, notice and the period for comments on the proposal published January 26, 1973 (38 FR 2463-2464) was extended to coincide with the expiration of the comment period on the March 2, 1973, notice.

In response to the proposed amendments published January 26, 1973 (38 FR 2463-2464), nearly 200 comments were received from various sources including representatives of State government agencies, zoological parks, and pet shops, individual aviculturists, bird importers, researchers, and various segments of the poultry industry. Thirty percent of comments received favored the proposal and requested publication without change, 55 percent supported the proposal but suggested revisions or exceptions, and 15 percent opposed the proposal, requesting that the prohibition against importation of commercial birds be permanently maintained or that such importations be allowed without restrictions.

Among comments received was a request that special procedures be provided for importation of birds by zoological parks and that such birds be quarantined at destination in such parks. Suggestions were made that additional ports of entry be provided; that birds be permitted to transit certain ports before being inspected; that veterinary inspection at ports of entry be eliminated; that a provision be made for the quarantine of the birds at any point in the United States; that health certification be limited to inspection made at the time of export; that exceptions to the requirements be made for certain avian species; and that birds from any part of the world be permitted entry at any port of entry designated for the importation of commercial birds.

Twenty-one written comments were received in response to the proposal published March 2, 1973 (38 FR 5641-5642), about half of which were favorable. Objections posed by the remaining comments received were: That standards as proposed were too stringent; that cost of providing facilities would be prohibitive; that handling procedures as proposed were not practical for certain avian species; that quarantine facilities should be established overseas in lieu of the United States; that the provision for quarantine on an "all-in, all-out" basis should be eliminated and that disposal of waste from quarantine facilities should be permitted in public facilities after birds held in facilities were released from quarantine.

After due consideration of all relevant material, including that submitted in

connection with such notices, the proposals are hereby adopted without substantive change, except that the following additional ports of entry have been added to the list of such ports in § 92.8 (b): Tampa, Florida; Chicago, Illinois; San Francisco, California; Boston, Massachusetts; and New Orleans, Louisiana; and the provision whereby birds imported from Canada and Mexico would enter through specific ports has been changed to permit entry of birds from those countries through any port designated for the importation of commercial birds. Various other changes are made to clarify and coordinate the provisions contained in the notices. It has been determined that the provisions adopted are necessary and adequate to prevent the introduction or dissemination of poultry diseases into the United States.

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

1. In § 92.1 paragraph (j)(2) is amended by adding new subdivisions (i) and (ii) to read as follows:

§ 92.1 Definitions.

* * * * *

(j) * * *

(2) * * *

(i) *Pet birds.* Birds which are imported for the personal pleasure of their individual owners and are not intended for resale, research, breeding, or public display.

(ii) *Commercial birds.* Birds which are imported for the purpose of resale, research, breeding, or public display.

* * * * *

2. In § 92.2, in paragraph (b) the last clause "except as provided in paragraph (c) or (d) of this section." is amended to read "except as provided in paragraph (c), (d), or (f) of this section."

3. In § 92.2, a new paragraph (f) is added to read as follows:

§ 92.2 General prohibitions; exceptions.

* * * * *

(f) Commercial birds may be imported into the United States if they meet the requirements of §§ 92.3(f), 92.4, 92.5(c), 92.8(b), and 92.11(e) which specifically apply to commercial birds and the requirement of all other sections in this part that are applicable to poultry or to animals generally.

4. In § 92.3, a new paragraph (f) is added to read:

§ 92.3 Ports designated for the importation of animals.

* * * * *

(f) Notwithstanding any other provisions of this section, all commercial birds shall be imported only at a port of entry specified in § 92.8(b).

§ 92.4 [Amended]

5. In § 92.4, a reference to a new footnote [6] is added after the section heading and a new footnote [6] is added to the regulations to read as follows:

6. In § 92.5, the section heading is amended and a new paragraph (c) is added to read:

§ 92.5 Certificate of ruminants, swine, poultry, and commercial birds.

* * * * *

(c) *Birds.* All commercial birds offered for importation from any country of the world shall be accompanied by a certificate issued by a full-time salaried veterinary officer of the National Government of the country from which the birds are to be exported, stating that all birds covered by the certificate have been inspected by him and that no evidence of Newcastle disease, ornithosis, or other communicable disease of poultry was found among the birds and insofar as has been possible to determine, they were not exposed to any such disease during the 90 days immediately preceding their exportation; that such birds were individually identified by serially numbered legbands (or by other suitable means of identification approved by the Deputy Administrator, Veterinary Services, upon request to him) and such birds were placed into new containers at the premises from which the birds are to be exported; that such birds have not been vaccinated with Newcastle disease vaccine; that Newcastle disease did not occur anywhere on the premises from which the birds are to be exported or on adjoining premises during the 90 days immediately preceding the exportation of such birds and that these premises are not located in any area under quarantine for poultry diseases at any time during such preceding 90 days.

7. In § 92.8, a new paragraph (b) is added to read:

§ 92.8 Inspection at port of entry.

* * * * *

(b) All commercial birds imported from any part of the world shall be subjected to inspection at the Customs port of entry by a veterinary inspector of Veterinary Services and such birds shall be permitted entry only at the following ports of entry: Boston, Massachusetts; New York, New York; Miami, Florida; Tampa, Florida; New Orleans, Louisiana; Brownsville, Texas; El Paso, Texas; San Ysidro, California; Los Angeles, California; San Francisco, California; Honolulu, Hawaii; Seattle, Washington; Chicago, Illinois, and Detroit, Michigan.

8. In § 92.11, in paragraph (c)(1) the reference to "§ 92.26(a)" is changed to "§ 92.26" and the phrase "and § 92.38 (a)" is deleted; and the section heading is changed and new paragraphs (e) and (f) are added to read:

§ 92.11 Quarantine requirements.

* * * * *

(e) *Birds.* Each lot of commercial birds imported from any part of the world shall be quarantined for a minimum of 30 days, and for such longer period as may be required by the Deputy Administrator, Veterinary Services, in any specific case, on an "all-in, all-out" basis, at one of the ports of entry specified in § 92.8(b) in facilities which are provided by the importer and which have been approved by the Deputy Administrator as provided in paragraph (f) of this section, prior to the issuance of the import permit described in § 92.4. During the quarantine period, the importer shall comply with handling procedures, (including inspection and testing) as provided in paragraph (f) of this section. If the birds are found free of evidence of communicable diseases of poultry during quarantine, then the port veterinarian shall issue an agriculture release for entry through U.S. Customs. If the birds are found during port of entry inspection or during quarantine, to be infected with or exposed to a communicable disease of poultry, such birds shall be refused entry or shall be held for an additional period in quarantine until determined to be free of evidence of any communicable disease, or shall be otherwise disposed of as directed by the Deputy Administrator, Veterinary Services, in accordance with the provisions of section 2 of the Act of July 2, 1962 (21 U.S.C. 134a). See also paragraph (f)(3)(ii)(E) of this section.

(f) *Standards for approved quarantine facilities and handling procedures for importation of birds.* To qualify for designation as an approved quarantine facility [7] and to retain such approval, the facility and its maintenance and operation must meet the minimum requirements of subparagraphs (1) through (6) of this paragraph (f). The cost of the facility and all costs associated with the maintenance and operation of such facility shall be borne by the importer.

(1) *Supervision of the facility.* The facility shall be maintained under the supervision of the Veterinary Services port veterinarian at one of the ports listed in § 92.8(b).

(2) *Physical plant requirements.* The facility shall comply with the following requirements:

(i) *Location.* The quarantine facility shall be located:

(A) Within the immediate area of the port of entry to curtail to a minimum the possibility of introduction and dissemination of poultry diseases by the imported birds, while in transit from the point of entry to the quarantine facility;

(B) At least one-half mile from any concentration of avian species, such as, but not limited to, poultry processing

[6] For other permit requirements for birds, the regulations issued by the U.S. Department of the Interior (Part 17, Title 50, Code of Federal Regulations) and the regulations issued by the U.S. Department of Health, Education, and Welfare (Subpart J-1 of Part 71, Title 42, Code of Federal Regulations) should be consulted.

[7] Information as to the identity of such facilities may be obtained from the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250.

plants, poultry or bird farms, pigeon lofts, or other approved quarantine facilities. Factors such as prevailing winds, possible exposure to poultry or birds moving in local traffic, etc., shall be taken into consideration. If the quarantine facility consists of multiple units for handling separate lots of birds, the individual units shall be located at least one-half mile from each other with separate personnel working as handlers in each unit.

(ii) *Construction.* The unit or units making up the quarantine facility shall each consist of a building or buildings which shall:

(A) Be constructed only with materials that can withstand continued cleaning and disinfection. (All solid walls, floors, and ceilings shall be constructed of impervious material; all screening shall be metal; all openings to the outside shall be double-screened.);

(B) Have a bird holding area of sufficient size to prevent overcrowding of the birds in quarantine. (All access into this holding area shall be from within the building and each entryway into such area shall be equipped with self-closing, double doors; *Provided*, That emergency exits to the outside may exist in the bird holding area if required by local fire ordinances. Such emergency exits shall be constructed so as to permit their opening from the inside of the facility only.);

(C) Have a ventilation capacity sufficient to control moisture and odor at levels that are not injurious to the health of the birds in quarantine;

(D) Have a vermin-proof feed storage area;

(E) Have office space for recordkeeping;

(F) Have a separate necropsy room which shall have refrigerated storage space for carcasses retained for laboratory examination and facilities adequate for specimen preparation and carcass disposal;

(G) Have a separate area for washing facility equipment;

(H) Have a shower at the entrance into the area comprised of the bird holding and necropsy rooms and a clothes storage and change area at each end of the shower area;

(I) Have a storage area for equipment necessary for quarantine operations;

(J) Have equipment necessary to maintain the facility in clean and sanitary condition, including insect and pest control equipment;

(K) Have a receptable for soiled and contaminated clothing in the clothes change area located nearest the entrance to the bird holding area.

(iii) *Sanitation and security.* Arrangements shall exist for:

(A) A supply of water adequate to meet all watering and cleaning needs.

(B) Disposal of wastes by incineration or a public sewer system which meets all applicable environmental quality control standards;

(C) Control of surface drainage onto or from the facility to prevent any disease agent from entering or escaping;

(D) Protective clothing and footwear adequate to insure that workers at the facility have clean clothing and footwear at the start of each workday and at any time such articles become soiled or contaminated;

(E) Power cleaning and disinfecting equipment with adequate capacity to disinfect the facility and equipment;

(F) Sufficient stocks of a disinfectant authorized in § 71.10(a)(5) of this chapter;

(G) A security system which prevents contact of birds in quarantine with persons not authorized entry to the facility and with other birds and animals. Such a system shall include a daily log to record the entry and exit of all persons entering the facility and controls at all doorways and other openings to the facility to prevent escape or accidental entry of birds.

(3) *Operational procedures.* To retain designation as an approved quarantine facility, the following procedures shall be observed at the facility at all times.

(i) *Personnel.* Access to the facility shall be granted only to persons working at the facility or to persons specifically granted such access by the Veterinary Services port veterinarian.

(A) All personnel granted access to the bird holding area shall:

(*1*) Wear clean protective clothing and footwear upon entering the bird holding area;

(2) Change protective clothing and footwear when they become soiled or contaminated;

(3) Shower when entering or leaving the bird holding and necropsy areas.

(B) The operator of the facility shall handle soiled clothing worn within the quarantine unit in a manner approved by the Veterinary Services port veterinarian as adequate to preclude transmission of a poultry disease agent from the facility.

(ii) *Handling of the birds in quarantine.* The birds shall be kept in the quarantine facility for a minimum of 30 days and while in quarantine shall be handled in compliance with the following requirements:

(A) Each lot of birds to be quarantined shall be placed in the facility on an "all-in, all-out" basis. No birds shall be taken out of the lot while it is in quarantine except for diagnostic purposes and if additional birds are added to a lot, the total quarantine period for that lot shall be extended so that all birds will have completed at least 30 consecutive days of quarantine before release for entry into the commerce of the United States. The quarantine period may be extended as provided in paragraph (e) of this section;

(B) The birds shall not be vaccinated prior to release from the quarantine;

(C) Birds of the psittacine family shall receive treatment as a precautionary measure against ornithosis (psittacosis), in accordance with the guidelines of the United States Public Health Service; *

(D) The facility operator shall immediately collect all birds which die in quarantine and hold them under refrigeration, within the facility, shall account for all birds in the shipment, and shall not dispose of any carcass or parts thereof unless authorized to do so by a Veterinary Medical Officer of Veterinary Services of the Department. Birds that die enroute to the United States or while in quarantine shall be made available at the port of entry for necropsy by a Department poultry disease diagnostician who may submit specimens from such birds for laboratory examination.

(E) During the period of quarantine, the birds shall be subjected to such tests and procedures as are required in specific cases by the Veterinary Services port veterinarian, to determine whether the birds are free from communicable diseases of poultry. Such procedures may include requiring that sentinel birds be placed in the facility to detect the presence of exotic Newcastle disease. Such sentinel birds shall be provided by the importer from a source approved by the Deputy Administrator as adequate to supply birds meeting the requirements of Part 90 of this chapter. If frank or clinical Newcastle disease occurs among any commercial or sentinel birds in quarantine, all birds in the facility shall be destroyed or refused entry and the entire facility shall be thoroughly cleaned and then disinfected as directed under the supervision of a Veterinary Services inspector.

(F) The quarantine facility from which a lot of birds has been released shall be thoroughly cleaned and disinfected with a disinfectant authorized in § 71.10(a)(5) of this chapter, under supervision of a Veterinary Services inspector before a new lot is placed in the facility.

(iii) *Records.* It shall be the responsibility of the operator of the facility to maintain a current daily log for each lot of birds, recording such information as the general condition of the birds each day, source of origin of the birds in the lot, total number of birds in the lot when imported, number of dead birds when lot arrived, date lot was placed into the facility, number of deaths each day in the lot during the quarantine period, necropsy results, and laboratory findings on birds that died during the quarantine, date of prescribed tests and results, Department import permit numbers of each lot, date lot was removed from the facility, and any other observations pertinent to the general health of the birds in the lot. The daily log shall be maintained for one calendar year following the date of release of the birds from quarantine and shall be made available to Veterinary Services personnel upon request.

* Such guidelines may be obtained from the Director, Center for Disease Control, U.S. Public Health Service, Atlanta, Georgia 30333, or the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(4) Additional requirements as to location, security, physical plant and facilities, sanitation, and other items may be imposed by the Deputy Administrator, Veterinary Services, in each specific case in order to assure that the quarantine of the birds in such facility will be adequate to enable determination of their health status, prevent spread of disease among birds in quarantine, and prevent escape of poultry disease agents from the facility.

(5) Requests for approval and plans for proposed facilities shall be submitted to the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Maryland 20782.

(6) Before a decision is made with respect to the eligibility of any facility for initial approval, a personal inspection of the facility shall be made by a Veterinary Medical Officer of Veterinary Services, to determine whether it complies with the standards outlined in this section. Approval of any facility may be refused and approval of any approved quarantine facility may be withdrawn at any time by the Deputy Administrator, Veterinary Services, upon his determination that any requirement of this section is not being met. Before such action is taken, the operator of the facility will be informed of the reasons for the proposed action and afforded opportunity to present his views thereon.

Requirements of other Federal laws and regulations, such as the Department's Animal Welfare Regulations in Subchapter A of this chapter shall also apply as applicable to the quarantine facilities.

9. Section 92.38 is deleted and § 92.26 is amended to read:

§ 92.26 Poultry from Canada.

Poultry imported from Canada is not required to meet the requirements of § 92.11(c) but shall meet all other requirements of this Part applicable to poultry or to animals generally.

§ 92.38 [Deleted]

(Sec. 2, 32 Stat. 792, as amended; secs. 2, 3, 4, and 11, 76 Stat. 129, 130, 132; 21 U.S.C. 111, 134a, 134b, 134c, 134f; 37 FR 28464, 28477; 38 FR 19141.)

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

Effective date. The foregoing amendments shall become effective October 30, 1973.

Insofar as the amendments impose restrictions necessary in order to prevent further introduction or dissemination of poultry diseases from foreign countries into the United States, and in order to protect the gains made in the exotic Newcastle disease eradication program they must be made effective as soon as possible in order to accomplish these objectives.

Insofar as the amendments relieve certain restrictions no longer deemed necessary to prevent the introduction and spread of poultry disease, they must be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that further public participation in rulemaking proceedings concerning the amendments would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 24th day of October 1973.

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

[FR Doc.73-23096 Filed 10-29-73;8:45 am]

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS: ORGANISMS AND VECTORS

PART 113—STANDARD REQUIREMENTS

Miscellaneous Amendments

On June 12, 1973, there was published in the FEDERAL REGISTER (FR Doc. 73-15450) a notice of proposed rulemaking with respect to proposed amendments to the regulations relating to viruses, serums, toxins, and analogous products in Part 113 of Title 9, Code of Federal Regulations, issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151-158).

These amendments shall make more readily available to the general public some of the requirements to be complied with when preparing biological products, including acceptable test methods and procedures by publishing such requirements, methods, and procedures in the regulations instead of administrative memorandums.

Nine basic tests, requirements for selection of cells for cell cultures and purity requirements for some ingredients of biological products would be codified in 12 new sections which would be added to Part 113. Section 113.2 is redesignated as § 113.50; § 113.33 as proposed is deleted; and 14 sections are reserved for future use.

The basic tests and the requirements included in these amendments have been developed over a period of years in cooperation with interested members of the scientific society and, for the most part, have been utilized by industry either as accepted requirements or as proposals under development. The test shall be conducted on samples of each serial produced when such tests are prescribed in a Standard Requirement or in a filed Outline of Production for the product. If the results of such tests are unsatisfactory, the serial will not be released for market.

After due consideration of all relevant matters, including the proposals set forth in the aforesaid notice of rulemaking, and the comments and views submitted by interested persons, and pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151-158), the amendments of Part 113 of Subchapter E, Chapter I, Title 9 of the Code of Federal Regulations, as contained in the aforesaid notice are hereby adopted and are set forth herein, subject to the following noted modifications:

Conforming changes have been made in the proposal to be consistent with the processing of Outlines of Production as prescribed in § 114.8 of this subchapter. The word "approved" has been changed to "filed" in the lead paragraphs of §§ 113.30, 113.32, 113.34, 113.35, 113.36, and 113.37.

"Standard Requirement" has been capitalized in the lead paragraphs of §§ 113.34, 113.35, 113.36, and 113.37.

In § 113.28, the M-96 test has been deleted at this time; minor adjustments and corrections have been made in the heart infusion test; paragraph (g) has been rewritten for clarity and redesignated as paragraph (e).

The lead paragraph in § 113.29 has been rewritten and § 113.29(d) deleted to conform with other tests.

Corrected spelling of "monometer" and "mg" in § 113.29(b)(2) and (3), respectively; corrected temperature in § 113.29 (c)(1) to "100° C or higher;" reworded § 113.29(c)(6), (7), (9), and (10) for clarity.

§ 113.30(a) has been rewritten to provide for tissue culture products; the choice of mediums has been changed in § 113.30(b); and "Salmonella" has been capitalized in two places in § 113.30(d) and (e).

The lead paragraph in § 113.31 has been rewritten to limit the test to virus products of chicken origin and provide for exemption of certain inactivated products. The word "if" has been deleted from the first line of § 113.31(a)(1) and "the same week" has been inserted in the tenth line for clarification. Grammar in § 113.31(b)(1) has been corrected by inserting "and."

§ 113.32 has been rewritten for clarification.

The proposed § 113.33 has been withheld at this time and § 113.33 has been reserved.

§ 113.34(a) has been reworded to provide for combination products containing Newcastle Disease Vaccine. In § 113.34 (c), "post-inoculation" has been hyphenated.

§ 113.34(e) is reworded for clarification.

§ 113.35 has been rewritten for clarification.

The words "at least" have been inserted in § 113.36(b) to make the test more flexible.

The phrase "up to" has been inserted in § 113.37(b) to make the test more flexible.

"Chorio-allantoic membrane (CAM)" has been inserted instead of "CAM" in § 113.37(c)(1) for completeness and § 113.37(c)(2) has been reworded for clarification; spelling of "embryos" has been corrected; and "post-inoculation" has been hyphenated. A comma has been inserted in § 113.37(d).

The lead paragraph of § 113.51, § 113.51(a), § 113.51(b), and the first sentence of § 113.51(c) have been reworded for clarification of intent. Reference to § 113.27 in § 113.51(b) has been corrected to read "§ 113.26." § 113.51(c)(2) has been reworded for clarity. The tenth line in § 113.51(c)(3) which was printed upside down in the proposal has been corrected.

The first sentence in the lead paragraph of § 113.51(d) is rewritten for clarification. The word "glass" is deleted from the second sentence as being unnecessarily restrictive and the word "deliberately" deleted from the fifth sentence as superfluous.

The phrase "any of" has been deleted from the first line of § 113.51(d)(1) and § 113.51(d)(2) has been rewritten for clarity.

§ 113.51 (e) and (f) have been rewritten for clarity.

§ 113.52(a)(2) "Master Cell Stock" has been capitalized.

§ 113.52(a)(5) "Veterinary Services" has been capitalized.

The lead paragraph of § 113.52(d) has been changed for accuracy of wording and to provide for 28 days instead of 14 days.

Grammatical correction has been made in § 113.52(d)(1).

Reference has been corrected in § 113.52(d)(2).

The word "methodically" has been deleted from § 113.52(d)(3) as superfluous. § 113.52(d)(4) (iv) and (v) has been reworded and (v) changed from (vi) for accuracy. Reference is corrected in § 113.52(d)(5). The word "of" has been inserted in the second sentence of § 113.52(d)(6) as a grammatical correction. Wrong reference has been corrected in § 113.52(e) and in two places in § 113.52(f). "Veterinary Services" has been capitalized in § 113.52(f) and the spelling of "positive" has been corrected.

The word "harmful" has been deleted from the third line and "consists" changed to "consist" in the sixth line of § 113.52(g) for clarity.

§ 113.52(g)(3)(i) has been reworded for accuracy and clarity. "Post-inoculation" has been hyphenated in § 113.52(g)(3)(ii). The word "foreign" has been deleted from § 113.52(g)(3)(iii) in two places for accuracy.

Punctuation has been corrected in § 113.52(g)(4)(i) by adding commas in two places. Also, the phrase "progressively proliferating" has been substituted for "progressive proliferation" as being a better choice of words. Spelling of "or" has been corrected.

The phrase "disrupted completely" has been substituted for "rendered free of intact cells" for accuracy in § 113.52(g)(4)(ii).

The word "glass" has been deleted from the lead paragraph of § 113.52(g)(5) as being unnecessarily restrictive and reworded to include the use of a specific conjugate for completion of the test. "Veterinary Services" has been capitalized in § 113.52(g)(5)(iii).

The lead paragraph of § 113.53 has been changed to exempt material which has been heat sterilized. Requirement for mycoplasma test in § 113.53(a)(1) has been reworded according to changes made in § 113.28.

§ 113.53(b)(2) has been reworded to correct references, for clarification, and permit use of all cells.

§ 113.53(b)(3) has been reworded to limit abnormalities to those that are virus induced.

§ 113.53(b)(4) has been reworded to permit subculturing and to use a test specified by reference. § 113.53(b)(6) has been corrected by inserting "and" in the last sentence.

§ 113.53(b)(7) has been corrected by substituting "into" for "onto a rack."

The word "additionally" has been inserted for clarity in § 113.53(b)(8).

§ 113.53(b)(8)(i) has been reworded for clarity and "post-inoculation" has been hyphenated in § 113.53(b)(8)(ii).

A statement has been added in a new § 113.53(b)(9) to be used in judging results of the tests.

Licensees and permittees have been operating under currently effective sample requirements which have been prescribed in administrative memorandums by the Deputy Administrator in accordance with § 113.3 in the number needed to conduct required tests. The revisions being made by these amendments merely codify in § 113.3 the basic sample requirements in such memorandums. The changes in § 113.4 are merely conforming and editorial in nature in that § 113.4 is amended to make the heading consistent with the content and further amended to conform with § 114.8 of this subchapter by substituting "filed Outline of Production for the product" for "approved outline" in § 113.4(a) and editorial changes in § 113.4(b).

Therefore, it is found upon good cause that notice and other public procedure concerning the sample requirements in § 113.3 and the conforming and editorial changes in § 113.4 are impractical and unnecessary.

1. §§ 113.3 and 113.4 are amended by revising the lead paragraph of § 113.3; by revising § 113.3(a); by revising § 113.3(b) and redesignating it as § 113.3(c); by adding a new § 113.3(b); and by revising § 113.4., §§ 113.3, and 113.4 are amended to read:

§ 113.3 Sampling of biological products.

Each licensee and permittee shall furnish representative samples of each serial or subserial of a biological product manufactured in the United States or imported into the United States as prescribed in this section. Additional samples may be purchased in the open market by a Veterinary Services representative.

(a) An employee of the Department, of the licensee, or of the permittee, as designated by the Deputy Administrator shall select prerelease samples of biological product to be tested by Veterinary Services. Such samples shall be forwarded to the place designated by the Deputy Administrator and in the number prescribed in paragraph (b) of this section.

(1) Selection shall be made as follows:

(i) Nonviable liquid biological products—either bulk or final container samples of completed product shall be selected for purity, safety, or potency tests. Biological product in final container shall be selected to test for viable bacteria and fungi.

(ii) Viable liquid biological products; samples shall be in final containers and shall be randomly selected at the end of the filling operation. Bulk containers of completed product may be sampled when authorized by the Deputy Administrator.

(iii) Desiccated biological products; samples shall be in final containers and shall be randomly selected if desiccated in the final container. Biological products desiccated in bulk shall be sampled at the end of the filling operation.

(iv) Representative samples of each serial or subserial in each shipment of imported biological products shall be selected.

(2) Comparable samples shall be used by Veterinary Services, the licensee, and the permittee for similar tests.

(b) Unless otherwise prescribed by the Deputy Administrator, the number of final container samples to be selected from each serial and subserial shall be:

(1) *Vaccines:*

(i) Twelve single-dose or six multiple-dose samples of live bacterial vaccines;

(ii) Thirty single-dose or 20 multiple-dose samples of equine encephalomyelitis vaccine (killed);

(iii) Eighteen samples of live virus rabies vaccine;

(iv) Six samples of coccidiosis vaccine;

(v) Sixteen samples of all other vaccines.

(2) *Bacterins:*

(i) Twelve samples of single-fraction bacterins;

(ii) Thirteen samples of double-fraction bacterins;

(iii) Fourteen samples of triple-fraction bacterins;

(iv) Fifteen samples of bacterins containing more than three fractions.

(3) *Antiserums:* Twelve samples of antiserum recommended for large animals or 14 samples of antiserum recommended for small animals or the number of reagent serum samples prescribed in the filed Outline of Production for the product.

(4) *Antitoxins:* Twelve samples of tetanus antitoxin or 11 samples of all other antitoxins.

(5) *Toxoids and Bacterin-Toxoids:* Sixteen single-dose samples or 13 multiple-dose samples of tetanus toxoid or 12 samples of all other toxoids or bacterin-toxoids.

(6) *Antigens:* Twelve samples of poultry antigens or 20 samples of tuberculin or four samples of all other diagnostic antigens.

(7) *Miscellaneous:* The number of samples from products not in the categories provided for in subparagraphs (1), (2), (3), (4), (5), or (6) of this paragraph shall be prescribed in the filed Outline of Production for the product.

(8) *Prelicensing:* The number of samples for prelicensing tests of a biological product shall be double the number prescribed in this section for such product.

(c) Reserve samples shall be selected from each serial and subserial of every biological product. Such samples shall be selected at random from finished product by an employee of the Department, of the licensee, or of the permittee, as designated by the Deputy Administrator.

Each sample shall:

(1) Consist of 5 single dose or 2 multiple dose packages as the case may be;

(2) Be adequate in quantity for appropriate examination and testing;

(3) Be truly representative and in final containers;

(4) Be held in a special compartment or equivalent set aside by the licensee or permittee, for holding these samples under refrigeration at the storage temperature recommended on the labels for 6 months after the expiration date stated on the labels. These samples shall be stored in this manner and shall be delivered to Veterinary Services upon request.

§ 113.4 Exemptions to tests.

(a) The test methods and procedures contained in all applicable Standard Requirements shall be complied with unless otherwise exempted by the Deputy Administrator and provided that such exemption is noted in the filed Outline of Production for the product.

(b) Test methods and procedures by which the biological products shall be evaluated shall be designated in the Outline of Production for such products.

2. "Part 113—Standard Requirements" is amended by deleting § 113.33 as proposed and adding nine new sections to read:

§ 113.28 Detection of mycoplasma contamination.

The heart infusion test, using heart infusion broth and heart infusion agar, provided in this section shall be conducted when a test for mycoplasma contamination is prescribed in an applicable Standard Requirement or in the filed Outline of Production for the product.

(a) Media additives provided in this paragraph shall be prepared as follows:

(1) DPN-Cysteine Solution:

(i) Use Nicotinamide adenine dinucleotide (oxidized) and L-Cysteine hydrochloride.

(ii) Prepare 1 gram/100 milliliters (ml) distilled water (1 percent solution) of each. Mix the solutions together; the cysteine reduces the DPN. Filter sterilize, dispense in appropriate amounts and store frozen at —20° C.

(2) Inactivated horse serum—horse serum which has been inactivated at 56° C for 30 minutes.

(b) Heart infusion broth shall be prepared as provided in this paragraph.

(1) Dissolve in 970 ml of distilled water the following:

Heart infusion broth	grams	25
Yeast autolysate	do	5
Proteose peptone No. 3	do	10

(2) Add the following:

1 percent tetrazolium chloride	ml	5.5
1 percent thallium acetate	ml	25
Penicillin	units	500,000
Inactivated horse serum	ml	100

(3) Adjust pH to 7.9 with NaOH, filter sterilize, and dispense 100 ml aliquots into 125 ml flasks and store until needed.

(4) Add 2 ml of DPN-Cysteine solution to each 100 ml of broth on day of use.

(c) Heart Infusion Agar shall be prepared as provided in this paragraph.

(1) Dissolve in 900 ml of distilled water by boiling the following:

Heart infusion agar	grams	25
Heart infusion broth	do	10
Proteose peptone No. 3	do	10
1 percent thallium acetate	ml	25

(2) Cool the medium and adjust pH to 7.9 with NaOH.

(3) Autoclave the medium.

(4) Cool the medium 30 minutes in a 56° C waterbath.

(5) Dissolve 5 grams of yeast autolysate in 100 ml of distilled water, filter sterilize, and add to the medium.

(6) Add to the medium:

126 ml of inactivated horse serum
21 ml of DPN-Cysteine solution
525,000 units of Penicillin.

Dispense 10 ml aliquots into 60×15 mm disposable culture dishes or petri dishes.

(d) The test procedure provided in this paragraph shall be followed when conducting the mycoplasma detection test.

(1) Preparation of inoculum. Immediately prior to starting the test, frozen liquid vaccine shall be thawed, and lyophilized vaccine shall be rehydrated to the volume recommended on the label with mycoplasma medium. In the case of a lyophilized biological product, e.g., 1,000 dose vial of poultry vaccine to be administered via the drinking water, the vaccine shall be rehydrated to 30 ml with mycoplasma medium. In the case of a cell line or a sample of primary cells, the inoculum shall consist of the resuspended cells. Control tests shall be established as provided in subparagraph (4) of this paragraph.

(2) Inoculation of plate. Plate 0.1 ml of inoculum on an agar plate and make a short, continuous streak across the plate with a pipet. Tilt the plate to allow the inoculum to flow over the surface.

(3) Inoculation of flask of medium. Transfer 1 ml of the inoculum into a flask containing 100 ml mycoplasma medium and mix thoroughly. Incubate the flask at 33 to 37° C for 14 days during which time, one of four agar plates shall be streaked with 0.1 ml of material from the incubating flask of inoculated medium on the 3d day, one on the 7th day, one on the 10th day, and one on the 14th day post-inoculation.

(4) Control tests shall be conducted simultaneously with the detection test using techniques provided in subparagraphs (2) and (3) of this paragraph, except the inoculum for the positive control test shall be selected mycoplasma cultures and the negative control test shall be uninoculated medium from the same lot used in the detection test.

(5) All plates shall be incubated in a high humidity, 4–6 percent CO_2 atmosphere at 33° to 37° C for 10–14 days and examined with a stereoscopic microscope at 35x to 100x or with a regular microscope at 100x.

(e) Interpretation of test results.

(1) If growth appears on at least one of the plates in the positive control test and does not appear on any of the plates in the negative control test, the test is valid.

(2) If mycoplasma colonies are found on any of the plates inoculated with material being tested, the results are positive for mycoplasma contamination.

§ 113.29 Determination of moisture content in desiccated biological products.

Methods provided in this section shall be used when a determination of moisture content in desiccated biological products is prescribed in an applicable Standard Requirement or in the filed Outline of Production for the product.

(a) Final container samples of completed product shall be tested. Individual samples having a low net weight shall be pooled at the time of testing in order to attain a minimum of 100 milligrams of dried product.

(b) The weight loss of the sample(s) due to drying to a constant weight in a vacuum oven shall be determined. The recommended equipment is as follows:

(1) Numbered, low-form, flat-bottom weighing dishes with tight-fitting lids.

(2) Vacuum oven equipped with a vacuum pump, accurate thermometer, vacuum gage, and thermostat. A suitable drying device shall be attached to the inlet valve of the oven. The vacuum system shall have a manometer and flowmeter for proper regulation of flow and pressure.

(3) Balance, accurate to 0.1 mg (rated precision ±0.01 mg.

(4) Dry box or hood equipped with a suitable drying device and hygrometer to assure a relative humidity of 0 to 10 percent. The box should be sufficient in size to allow for the convenient transfer of samples and, if possible, incorporation of the balance and vacuum oven.

(5) If needed, a desiccator jar equipped with P_2O_5 plus $CaSO_4$ or $CaCl_2$ drying agent with indicator.

(c) Test procedure:

(1) Thoroughly cleaned weighing dishes shall be dried approximately 3 hours at 60° C under vacuum or for 1 hour at 100° C or higher in a drying oven. Immediately upon removal, the dishes shall be placed in a dry atmosphere and allowed to cool to room temperature. The tare weight of each weighing dish shall be determined as rapidly as possible. All manipulations of weighing dishes shall be made with tongs or while wearing gloves.

(2) The relative humidity of the dry box shall be reduced to 0 to 10 percent to assure a low level of moisture in the box during the time of transfer of the sample to the weighing dish.

(3) After the sample container has equilibrated in the dry atmosphere, the vacuum shall be released slowly allowing dry air to enter the bottle.

(4) The stopper shall be removed and the sample plug broken up with a spatula.

(5) The sample shall be rapidly transferred to a previously weighed and marked weighing dish and covered with its lid.

(6) After transfer has been completed, the weighing dish with its contents shall be weighed immediately giving the gross weight of the dish and sample. This weight minus the tare weight of the weighing dish is the sample weight.

(7) The lids shall be removed and placed with their matched weighing dishes in the vacuum oven. The pressure in the oven shall be reduced to 1 millimeter of mercury or less and the thermostat set at 60° C. A small amount of dry air shall be allowed to bleed into the oven during the drying period and the reduced pressure maintained by continuous operation of the vacuum pump.

(8) After 24 hours of drying time, the vacuum pump shall be stopped and dry air allowed to continually bleed into the oven with an increased flow rate until the pressure inside of the oven has been equalized with the atmosphere.

(9) The lids shall be immediately replaced in the normal closed position and the dishes placed in an efficient desiccator and allowed to cool to room temperature.

(10) Immediately upon reaching ambient temperature, each weighing dish containing the sample shall be removed from the desiccator and weighed as rapidly as possible. This weight subtracted from the gross weight obtained in accordance with subparagraph (6) of this paragraph gives the equivalent weight of moisture lost upon drying.

(11) The steps prescribed in subparagraphs (8), (9), and (10) of this paragraph may be repeated if experience has indicated that the particular product will not dry to a constant weight in the first 24 hours.

(12) Refer to subparagraphs (6) and (10) of this paragraph. The equivalent weight of moisture divided by the sample weight times 100 equals the percentage of moisture in the original sample.

§ 113.30 Detection of Salmonella contamination.

The test for detection of Salmonella contamination provided in this section shall be conducted when such a test is prescribed in an applicable Standard Requirement or in the filed Outline of Production for the product.

(a) Samples shall be collected from the bulk suspension before bacteriostatic or bactericidal agents have been added. When tissue culture products are to be tested, 1 ml of tissue extract used as the source of cells or 1 ml of the minced tissue per se shall be tested.

(b) Five ml of the liquid vaccine suspension shall be used to inoculate each 100 ml of liquid broth medium (tryptose and either selenite F or tetrathionate). The inoculated media shall be incubated 18–24 hours at 35–37° C.

(c) Transfers shall be made to either MacConkey agar or Salmonella-Shigella agar, incubated for 18–24 hours and examined.

(d) If no growth typical of Salmonella is noted, the plates shall be incubated an additional 18–24 hours and again examined.

(e) If suspicious colonies are observed, further subculture on suitable media shall be made for positive identification. If Salmonella is found, the bulk suspension is unsatisfactory.

§ 113.31 Detection of avian lymphoid leukosis.

The complement-fixation test for detection of avian lymphoid leukosis provided in this section shall be conducted on all biological products containing virus which has been propagated in substrates of chicken origin: *Provided*, An inactivated viral product shall be exempt from this requirement if the licensee can demonstrate to Veterinary Services that the agent used to inactivate the vaccine virus would also inactivate lymphoid leukosis virus.

(a) Propagation of contaminating lymphoid leukosis viruses, if present, shall be done in chick embryo cell cultures.

(1) Each vaccine virus, cytopathic to chick embryo fibroblast cells, shall be effectively neutralized, inactivated, or separated so that minimal amounts of lymphoid leukosis virus can be propagated on cell culture during the 21-day growth period. If a vaccine virus cannot be effectively neutralized, inactivated, or separated, a sample of another vaccine prepared the same week from material harvested from each source flock (or other sampling procedure acceptable to Veterinary Services) used for the preparation of the questionable vaccine virus that cannot be neutralized, inactivated, or separated shall be tested each week during the preparation of such questionable vaccine.

(2) When cell cultures are tested, 5 ml of the final cell suspension as prepared for seeding of production cell cultures shall be used as inoculum. When desiccated vaccines are tested, 200 doses of Newcastle disease vaccine, or 500 doses of other vaccines for use in poultry, or the equivalent of one dose of vaccine for use in animals other than poultry shall be rehydrated with 5 ml of cell culture media and used as inoculum. Control cultures shall be prepared from the same cell suspension as the cultures for testing the vaccine.

(3) Uninoculated chick embryo fibroblast cell cultures shall act as negative controls. One set of chick fibroblast cultures inoculated with subgroup A virus and another set inoculated with subgroup B virus shall act as positive controls, A and B respectively.

(4) The cell cultures shall be propagated at 35–37° C for at least 21 days. They shall be passed when necessary to maintain viability and samples harvested from each passage shall be tested for group specific antigen.

(b) The microtiter complement-fixation test shall be performed using either the 50 percent or the 100 percent hemolytic end point technique to determine complement unitage. Five 50 percent hemolytic units or two 100 percent hemolytic units of complement shall be used for each test.

(1) All test materials, including positive and negative controls, shall be stored at −60° C or colder until used in the test. Before use, each sample shall be thawed and frozen three times to disrupt intact cells and release the group specific antigen.

(2) The antiserum used in the microtiter complement-fixation test shall be a standard reagent supplied or approved by the Veterinary Services. Four units of antiserum shall be used for each test.

(3) Presence of complement-fixing activity in the harvested samples (from passages) at the 1:4 or higher dilution, in the absence of antieomplementary activity, shall be considered a positive test unless the activity can definitely be established to be caused by something other than lymphoid leukosis virus, subgroups A and/or B. Activity at the 1:2 dilution shall be considered suspicious and the sample further subcultured to determine presence or absence of the group specific antigen.

(4) Biological products or primary cells which are found contaminated with lymphoid leukosis viruses are unsatisfactory. Source flocks from which contaminated material was obtained are also unsatisfactory.

§ 113.32 Detection of Brucella contamination.

The test for detection of Brucella contamination provided in this section shall be conducted when such a test is prescribed in an applicable Standard Requirement or in a filed Outline of Production for the product.

(a) One ml of the minced tissue used as the source of cells or 1 ml of the extract of the tissue prior to the addition of antibiotics, diluent and stabilizer, shall be inoculated onto each of three tryptose agar plates and incubated in a 10 percent CO_2 atmosphere at a temperature of 35–37° C for at least 7 days.

(b) If colonies are identified as Brucella, the biological product is unsatisfactory.

(c) If colonies suspicious of Brucella are observed but cannot be identified as a Brucella species, either

(1) The biological product shall be regarded as unsatisfactory and destroyed; or

(2) Further subculture or other procedures shall be carried out until a positive identification can be made.

§ 113.33 [Reserved]

§ 113.34 Detection of hemagglutinating viruses.

The test for detection of hemagglutinating viruses provided in this section shall be conducted when such a test is prescribed in an applicable Standard Requirement or in the filed Outline of Production for the product.

(a) Final container samples of completed product rehydrated as recommended on the label shall be used as inoculum: *Provided*, That poultry vaccines distributed without diluent shall be rehydrated with 30 ml of sterile distilled water per 1,000 doses and used as inoculum. When one or more fractions are to be used in combination with Newcastle Disease Vaccine, test samples shall be collected from bulk suspensions of each prior to mixing with the Newcastle Disease Vaccine.

(b) Each of ten 9- to 10-day-old embryonating eggs from Newcastle disease susceptible flocks shall be inoculated into the allantoic cavity with 0.2 ml of the undiluted inoculum.

(1) Test five uninoculated embryos of the same age and from the same flock as those used for the test as negative controls.

(2) Test an allantoic fluid sample of Newcastle disease virus as a positive control.

(c) Three to five days post-inoculation, a sample of allantoic fluid from each egg shall be tested separately by a rapid plate test for hemagglutinating activity using a 0.5 percent suspension of fresh chicken red blood cells.

(d) If the results are inconclusive, one or two blind passages shall be made using fluids from each of the original test eggs. Fluids from dead and live embryos may be pooled separately for inoculum in these passages.

(e) If hemagglutinating activity attributable to the product is observed, the serial is unsatisfactory.

§ 113.35 Detection of viricidal activity.

The test for detection of viricidal activity provided in this section shall be conducted when such a test is prescribed in an applicable Standard Requirement or in the filed Outline of Production for the product for a liquid fraction used as a diluent for a desiccated live virus fraction in a combination package.

(a) Rehydrate two vials of vaccine with the liquid fraction under test according to the labeled dosage and pool contents.

(b) Rehydrate two vials of vaccine with sterile distilled water according to the label dosage and pool contents.

(c) Hold the two pools of vaccine at room temperature for 2 hours. This is 0 hour; *Provided*, That, in the case of biological products containing more than one virus component and one or more has to be neutralized for determination of the virus titer, 0 hour begins after the period of neutralization.

(d) Titrate the virus(es) in each pool. Titrations shall be conducted using 0.5 $\log_{10}$ dilution steps and a minimum of 10 substrate units per dilution. Compare titers.

(e) The diluent under test is satisfactory if the titer of virus rehydrated with that diluent is no more than 0.7 $\log_{10}$ below the titer of virus rehydrated with sterile distilled water and both titers are sufficient to satisfy minimum release titers specified in the appropriate Standard Requirement or in the filed Outline of Production for the product, or both.

(f) A retest may be conducted if the difference in titers is not greater than 1.0 $\log_{10}$.

§ 113.36 Detection of extraneous pathogens by the chicken inoculation test.

The test for detection of extraneous pathogens provided in this section shall be conducted when such a test is prescribed in an applicable Standard Requirement or in the filed Outline of Production for the product.

(a) The biological product to be tested shall be prepared for use as recommended on the label, or in the case of desiccated vaccine to be used in poultry, rehydrated with sterile distilled water at the rate of 30 ml per 1,000 doses.

(b) At least 25 healthy susceptible young chickens, properly identified and obtained from the same source and hatch, shall be immunized at least 14 days prior to being put on test. The immunizing agent shall be the same as the product to be tested but from a serial previously tested and found satisfactory.

(c) At least 20 of the previously immunized birds shall be inoculated with 10 label doses of the vaccine being tested by each of the following routes: Subcutaneous, intratracheal, eye-drop, and comb scarification (1 cm^2). Twenty birds may be used for each route or combination of routes.

(d) At least five birds shall be isolated as control birds.

(e) All birds shall be observed for 21 days for signs of septicemic diseases, respiratory diseases, or other pathologic conditions.

(f) If the controls sicken or die, the test is inconclusive. If the controls remain healthy and sickness or deaths occur in the vaccinates, the serial is unsatisfactory.

§ 113.37 Detection of extraneous pathogens by the chick embryo inoculation test.

The test for detection of extraneous pathogens provided in this section shall be conducted when such a test is prescribed in an applicable Standard Requirement or in the filed Outline of Production for the product.

(a) The biological product to be tested shall be prepared for use as recommended on the label, or in the case of desiccated vaccine to be used in poultry, rehydrated with sterile distilled water at the rate of 30 ml per 1,000 doses.

(b) One volume of the prepared vaccine shall be mixed with up to nine volumes of sterile heat-inactivated specific antiserum to neutralize the vaccine virus in the product. Each lot of antiserum shall be demonstrated by virus neutralization tests not to inhibit other viruses known to be possible contaminants.

(c) After neutralization, 0.2 ml of the vaccine-serum mixture shall be inoculated into each of at least 20 fully susceptible chicken embryos.

(1) Twenty embryos, 9 to 11 days old, shall be inoculated on the chorio-allantoic membrane (CAM) with 0.1 ml, and in the allantoic sac with 0.1 ml.

(2) Eggs shall be candled daily for 7 days. Deaths occurring during the first 24 hours shall be disregarded but at least 18 viable embryos shall survive 24 hours post-inoculation for a valid test. Examine all embryos and CAM's from embryos which die after the first day. When necessary, embryo subcultures shall be made to determine the cause of a death. The test shall be concluded on the seventh day post-inoculation and the surviving embryos (including CAM's) examined.

(d) If death and/or abnormality attributable to the inoculum occur, the serial is unsatisfactory: *Provided*, That, if there is a vaccine virus override, the test may be repeated, using a higher titered antiserum.

3. Part 113 is further amended by redesignating the current provisions of § 113.2 as § 113.50, and reserving § 113.2 and 12 new sections designated as § 113.38–§ 113.49, and adding three new sections 113.51–113.53, to read as follows:

§ 113.2 [Reserved]

§ 113.38–§ 113.49 [Reserved]

INGREDIENT REQUIREMENTS

§ 113.50 Ingredients of biological products.

All ingredients used in a licensed biological product shall meet accepted standards of purity and quality; shall be sufficiently nontoxic so that the amount present in the recommended dose of the product shall not be toxic to the recipient; and in the combinations used shall not denature the specific substances in the product below the minimum acceptable potency within the dating period when stored at the recommended temperature.

§ 113.51 Requirements for primary cells used in biological product production.

Prior to release of any serial of biological product prepared from primary cells, samples from each batch of primary cells or samples from one subculture used in the preparation of such product shall be tested for contaminating microorganisms as provided in this section.

(a) Final container samples of completed product or samples of the final pool of harvested material or samples of each subculture of cells used to prepare the biological product shall be shown free of mycoplasma by the method provided in § 113.28. The sample for testing cells shall consist of at least 75 cm^2 of actively-growing cells or the equivalent in harvest fluids: *Provided*, That all sources of cells in the batch of primary cells are represented.

(b) Final container samples of completed product or samples of the final pool of harvested material or samples of each subculture of cells used to prepare the biological product shall be shown free of bacteria and fungi by methods provided in §§ 113.25 and 113.26.

(c) Each batch of primary cells or each subculture of such cells used to prepare a biological product shall be shown free of adventitious agents as provided in this paragraph. The samples for testing shall consist of at least two separate monolayers of cells, each at least 75 cm^2 in area. The monolayers shall be maintained for at least 28 days using the media (with additives) intended for growth and maintenance and under conditions similar to those used to prepare biological products. Subculturing of the cells is permitted, if necessary, to maintain the cells throughout the required period.

(1) The monolayers shall be examined regularly throughout the required period for evidences of cytopathology attributable to adventitious agents.

(2) At least one monolayer, at the conclusion of the required observation period, shall be washed with several changes of phosphate buffered saline. A mixed suspension of 0.2 percent guinea pig, chicken, and human "O" erythrocytes shall be added, and the cells incubated at 45° C for an appropriate incubation period and the monolayer examined for evidences of hemadsorption in the cell culture.

(3) At least one monolayer, at the conclusion of the required observation period, shall be alternately frozen and thawed three times. A 1.0 ml aliquot of disrupted cells with fluids shall be dispensed onto at least one monolayer of Vero (African green monkey) or other appropriate cell monolayer with a total area of at least 75 cm^2. The monolayer of Vero (or other appropriate) cells shall then be examined regularly throughout an additional observation period of at least 14 days for evidences of cytopathology attributable to adventitious agents.

(4) If specific cytopathology or hemadsorption attributable to adventitious agents are found, the subculture or batch of primary cells is unsatisfactory and shall not be used to prepare biological products. If adventitious agents are suspected because of cytopathology or hemadsorption and cannot be eliminated as a possibility by additional testing, the batch of primary cells is unsatisfactory.

(d) Each batch of primary cells of bovine origin of each subculture of such cells used to prepare a biological product shall be shown free of Bovine Virus Diarrhea (BVD) virus. The samples for testing shall consist of at least 10 monolayers of cells, each with an area at least as large as a 10.5 x 22 mm coverslip. The samples for testing shall be obtained from at least the second subpassage from intact tissue. The monolayers shall be grown to at least 80 percent confluency using the media (with additives) intended for growth and maintenance and under conditions similar to those used to prepare the product. At least five of the monolayers shall be inoculated with BVD virus as positive controls. All monolayers shall be further incubated at 35–37° C for an additional 4 to 6 days. All monolayers shall then be removed from their media, processed, and stained with anti-BVD fluorescein-tagged antibody conjugate, and examined for presence of specific fluorescence attributable to BVD virus.

(1) If the uninoculated monolayers show evidences of specific BVD fluorescence, the batch of primary cells is unsatisfactory: *Provided*, That if specific fluorescence attributable to BVD virus is absent in more than one of the monolayers deliberately inoculated as positive controls, the test is inconclusive.

(2) If the fluorescence of the monolayers inoculated with BVD virus as positive controls is equivocal or if the uninoculated monolayers show equivocal fluorescence suspicious of BVD contamination or both, the test shall be declared inconclusive and may be repeated; *Provided*, That, if the test is not repeated, the cells shall be regarded as unsatisfactory and not used for production. When a test is repeated, use:

(i) At least 10 additional monolayers prepared from at least one subpassage from that used as a test sample, or

(ii) Fluids from the uninoculated monolayers which shall be added to 10 monolayers or cells known to be free of BVD virus and essentially equivalent in BVD sensitivity to primary bovine kidney cells.

(e) Each batch of primary cells or each subculture of cells used to prepare a biological product shall be shown free of other specific viruses using applicable fluorescent antibody tests.

(f) Each batch of primary cells of chicken origin or each subculture of such cells used to prepare a biological product shall be tested for lymphoid leukosis virus as provided in § 113.31. Cells found to contain lymphoid leukosis virus are unsatisfactory.

§ 113.52 Requirements for selection of cell lines.

All cell lines used to prepare biological products shall be tested as provided in this section. Cell lines which are unsatisfactory by any of the tests provided shall not be used.

(a) General requirements.

(1) Cell lines shall be derived from normal tissues of healthy animals. A complete record shall be kept, such as, but not limited to the source, passage history, and media used.

(2) Not more than 20 passages from the Master Cell Stock (MCS) shall be permitted.

(3) Each lot of cells shall be monitored for the characteristics determined to be normal for the cell line, such as, but not limited to microscopic appearance, growth rate, acid production, or other observable features.

(4) A minimum of 50 mitotic cells shall be examined at both the MCS level and the highest passage permitted. The modal number in the highest passage shall not exceed plus or minus 15 percent of the MCS. Marker chromosomes, if any, shall persist over the useful passage level. If the modal number exceeds the limits and/or the marker chromosomes do not persist over the useful passage level, the cell line shall not be used for vaccine production.

(5) Sufficient 1.0 ml or larger aliquots of MCS and the highest passage of cells permitted shall be prepared, kept in a frozen state, and made available to Veterinary Services upon request for performing the tests prescribed in this section.

(b) The MCS and either each subculture of cells used to prepare a biological product or the final pool of harvested material (with or without the stabilizer) for each serial of such product shall be shown to be free of mycoplasma by methods prescribed in § 113.28. The sample for testing shall consist of at least 75 cm^2 of actively growing cells or the equivalent in harvest fluids. The cells shall represent all sources of cells in the batch.

(c) The MCS and each subculture used to prepare a biological product or the final pool of harvested material for each serial of such product shall be tested for bacteria and fungi as provided in § 113.26. If bacteria or fungi are found in the MCS, the MCS shall not be used. If bacteria or fungi are found in a subculture, the subculture shall not be used.

(d) The MCS shall be shown to be free of adventitious agents by methods prescribed in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph. The samples for testing shall be at least 75 cm^2 in area. The monolayers shall be maintained for at least 28 days using the media (with additions) intended for growth and maintenance and under conditions similar to those used in the preparation of biological products. Subculturing the cells is permitted, if necessary, to maintain the cells throughout the required period.

(1) The monolayers shall be examined regularly throughout the required period for evidence of cytopathology attributable to adventitious agents.

(2) At least one monolayer, at the conclusion of the required observation period, shall be shown to be free of hemadsorbing agents by methods provided in § 113.51(c)(2).

(3) At least one monolayer, at the conclusion of the required observation period, shall be stained with a suitable cytological stain and the entire monolayer examined for evidences of inclusion bodies, abnormal number of giant

cells, or other cytopathology indicative of cell abnormalities attributable to adventitious agents.

(4) At least one monolayer, at the conclusion of the required observation period, shall be alternately frozen and thawed three times. A 1.0 ml aliquot of disrupted cells shall be dispensed onto at least one monolayer (at least 75 cm^2 in area) of each of the following cells:

(i) Vero African green monkey kidney cells,

(ii) BHK_{21} baby hamster kidney cells,

(iii) Embryonic or neonatal bovine kidney cells,

(iv) Embryonic or neonatal kidney cells, of the species for which the biological product is intended (if not bovine or hamster), and

(v) Embryonic or neonatal kidney cells of the species of origin of the cell line (if not bovine or hamster).

(iv) Neonatal canine kidney cells, of the species for which the biological product is intended (if not bovine or canine), and

(vi) Embryonic or neonatal kidney cells of the species of origin of the cell line (if not bovine or canine).

(5) The monolayers of cells specified in subparagraph (4) of this paragraph shall be examined regularly throughout an additional period of at least 14 days for evidences of cytopathology attributable to adventitious agents. At the conclusion of the observation period, each monolayer of the specified cells shall be shown to be free of hemadsorbing agents by methods provided in § 113.51(c)(2).

(6) If specific cytopathology or hemadsorption attributable to adventitious agents are found, the MCS is unsatisfactory. If adventitious agents are suspected because of cytopathology or hemadsorption and cannot be eliminated as a possibility by additional testing, the MCS shall be regarded as unsatisfactory.

(e) Each MCS either derived from or intended for use in bovine species shall be shown to be free of BVD virus using the procedure provided in § 113.51(d).

(f) Each MCS shall be shown to be free of other specified viruses using the procedure provided in § 113.51(d), but substituting the antiviral fluorescein-tagged antibody conjugate specific for each of the other specified viruses. The viruses specified and the tests conducted will depend upon the species from which the MCS tissues and additives of animal origin were obtained. When available, reagents for the tests may be furnished by Veterinary Services. Test conditions or periods, or both, may be varied from those in § 113.51(d) if positive control monolayers grown in known clean cells indicate fluorescence is enhanced in the positive controls by so doing.

(g) Tumorigenicity and oncogenicity requirements. The MCS shall be shown to be free of tumorigenicity and oncogenicity by methods provided in this paragraph. The samples for testing shall consist of cells from a 50 percent mixture of the MCS and the highest passage used to prepare a biological product.

(1) Cell lines found to be tumorigenic in conditioned laboratory animals or by hamster cheek pouch inoculation shall be considered satisfactory if no oncogenicity occurs using disrupted cells in laboratory animals and if intact cells do not produce tumors when inoculated into the species for which the product is recommended. Also, a cell line which produces only benign, nonproliferating or regressing tumors in laboratory animals limited to the site of inoculation shall be considered satisfactory.

(2) Cell lines shall be considered unsatisfactory to prepare a biological product if evidence of oncogenicity or malignant tumorigenicity is demonstrated. A cell line which produces a malignant or progressively proliferating tumor shall be unsatisfactory.

(3) One of the test procedures provided in this paragraph shall be used to test the tumorigenicity of the cell line. No cell line shall be used which does not pass one of these tests: *Provided*, That if the cell line is tested according to the test procedure in subdivision (iii) of this subparagraph and meets the requirements, the cell line may be used regardless of results obtained from other tests, but if it fails to meet these requirements, the cell line shall not be used.

(i) To condition laboratory animals, treat them with cortisone, or X-ray, or lymphocyte antiserum, or thymocyte antiserum, or a combination of these agents. Inoculate each animal by a suitable route with 10^7 viable cells suspended into 0.1 ml of medium so that at least 20 animals shall survive a post-inoculation period of 60 days. At least 10 positive control animals shall be inoculated with a cell line known to be tumorigenic. At least 10 negative control animals shall be inoculated with new medium of the same formulation used to grow the cells. The test is valid if progressively proliferating tumors are found in approximately 50 percent of the positive controls and no tumors are found in the negative controls. In a valid test, if progressive tumors are found in test animals inoculated with the cell line to be used for vaccine, the cell line is unsatisfactory. Microscopic examination shall be required to establish any suspected tumor as benign.

(ii) When cheek pouch inoculation of unconditioned hamsters is used, 10^4 viable cells suspended in 0.1 ml of medium shall be inoculated into the cheek pouch of each test animal. At least 20 animals shall be used for the unknown cell line and at least 20 positive controls shall be inoculated with a cell line known to be tumorigenic. After 60 days post-inoculation, all test animals shall be necropsied and examined. The test shall be valid if progressive tumors are found in 50 percent or more of the positive controls. In a valid test, if progressive tumors are found in test animals inoculated with the cell line to be used to prepare a biological product, the cell line is unsatisfactory. Microscopic examination shall be required to establish that any suspected tumor is benign.

(iii) When unconditioned domestic animals of each species for which the final biological product shall be recommended are used, 10^7 viable cells suspended in 0.5 to 1.0 ml of medium shall be inoculated subcutaneously into the inguinal region of each of not less than 20 animals. Twenty negative control animals shall each be inoculated with 0.5 to 1.0 of the suspending medium. Sixty days post-inoculation, the test animals shall be necropsied. The inoculation site shall be examined microscopically. If there is no evidence of proliferating cells at site of inoculation in the controls, the test is valid. If proliferating cells are detected at the inoculation site of any of the 20 cell-inoculated test animals in a valid test, the cell line is unsatisfactory.

(4) One of the test procedures provided in this paragraph shall be used to test the oncogenicity of the cell line. No cell line shall be used to prepare a biological product if a 50 percent mixture of the MCS and the highest passage to be used fails to meet the requirements in the test procedure used.

(i) When conditioned laboratory animals are used, the test shall be conducted simultaneously with the tumorigenicity test prescribed in subparagraph (3)(i) of this paragraph. Common positive and negative control animals shall be used for both tests. At least 10^6 cells, disrupted by freeze-thaw cycles or minimal sonication, in 0.1 ml of medium shall be inoculated into each of at least 20 animals. Sixty days post-inoculation, all test animals shall be necropsied and the inoculation site examined microscopically. The test shall be valid if progressively proliferating tumors are found in approximately 50 percent of the positive controls and no tumors or proliferating tumor cells are found at the site of inoculation in the negative controls. In a valid test, if proliferating tumor cells are found at the inoculation site in the test animals receiving the cell line, the cell line is unsatisfactory.

(ii) When unconditioned laboratory animals are used, each of at least 20 newborn hamsters and each of at least 20 newborn mice shall be inoculated subcutaneously in the scapular region with 0.1 ml of a suspension containing 10^7 cells per ml which have been disrupted completely by alternate freeze-thaw cycles or sonication. At least 20 negative controls for each species shall be inoculated in the same manner as the test animals with cell suspension medium that has been treated in the same manner as the cell suspension. For a test to be valid, a minimum of 20 hamsters and 20 mice shall survive a post-inoculation period of 6 months. All survivors shall be necropsied. In a valid test, if any of the survivors or any inoculated animals which died earlier show a malignancy related to the inoculum, the cell line is unsatisfactory.

(5) The MCS shall be shown to be of the same species of origin as that reported in § 113.52(a)(1) by the following method. The samples for testing shall consist of at least four monolayers of

cells, each with an area at least as large as a 10.5 x 22 mm coverslip. The monolayers shall be grown to at least 80 percent confluency using media that does not contain any additives whose species of origin match the species of origin of the MCS. The monolayers shall then be removed from their media, processed, and stained in the following fashion. At least two monolayers shall be stained with an antispecies fluorescein-tagged antibody conjugate unrelated to the species of origin of the MCS and with an antispecies fluorescence tagged antibody conjugate specific to the species of origin of the MCS. All monolayers shall then be examined for evidences of specific fluorescence.

(i) If specific fluorescence is not found in the monolayers stained with the conjugate specific to the species of origin of the MCS, the cell line is unsatisfactory and shall not be used for vaccine production.

(ii) If nonspecific fluorescence is found in the monolayers stained with conjugate from an unrelated species of origin, or other results make the test results equivocal, the procedure shall be repeated until either specific fluorescence is found only in the monolayers stained with conjugate specific to the species of origin of the MCS and not in the control monolayers, or, alternately, specific fluorescence cannot be identified and the MCS is declared unsatisfactory.

(iii) Alternate tests to determine the species of origin of the MCS may be used if approved by Veterinary Services.

§ 113.53 Requirements for ingredients of animal origin.

Each lot of ingredient of animal origin, which is not subjected to heat sterilization, such as, but not limited to serum and albumin, used in the preparation of biological products shall be tested as prescribed in this section. Each lot found unsatisfactory shall not be used.

(a) General requirements.

(1) *Mycoplasma contamination.*—Samples shall be tested for mycoplasma in accordance with the test provided in § 113.28.

(2) *Bacteria and fungi.*—Samples shall be tested for bacteria and fungi in accordance with the test provided in § 113.26.

(b) Nutrient serums shall be tested according to the tests provided in this paragraph.

(1) Serum of equine origin shall be negative to the Coggins test for equine infectious anemia antibodies.

(2) Samples of the serum shall be tested in cells of the same animal origin as the serum sample using cells found satisfactory by appropriate tests in either § 113.51 or § 113.52. The growth medium shall contain 15 percent of the serum being tested. When subculturing, the serum under test shall also be used as the nutrient serum and the same medium and additives of animal origin shall be used. Monolayer cultures of test cells equal to four 75 cm^2 flasks (total area 300 cm^2) shall be used for testing, and the growth medium for the 300 cm^2 shall be 100 ml.

(3) One flask prepared as provided in subparagraph (2) of this paragraph shall be maintained for 28 days to observe for virus effects, such as cytopathogenic effect (CPE), vacuolization or giant cell formation. Between subculturings, the growth medium may be changed to maintenance medium with a lower percentage of test serum. If no evidence of viruses is observed, the flask shall be stained with a suitable stain and observed for virus induced abnormalities, such as inclusion bodies.

(4) One flask prepared as provided in subparagraph (2) of this paragraph shall be maintained for 28 days to observe for hemadsorbing and hemagglutinating viruses. Subculturing the cells may be done to maintain such cells throughout the required period. After 28 days incubation, the maintenance medium shall be decanted aseptically into a sterile container and saved for the hemagglutination test in subparagraph (5) of this paragraph. The cells shall be tested for hemadsorption as prescribed in § 113.51(c)(2).

(5) The hemagglutination test on the medium saved, as provided in subparagraph (4) of this paragraph, shall be conducted against human "O," guinea pig, and chicken erythrocytes respectively over at least 1:2 through 1:64 dilutions. Negative controls consisting of uninoculated growth medium without test serum shall be run in parallel with this test.

(6) One flask prepared as provided in subparagraph (2) of this paragraph shall be maintained for 28 days. If the cells have remained normal, they shall be disrupted by freezing and thawing. A 1.0 ml sample of disrupted cells and fluids shall be dispensed onto a monolayer of Vero cells (green monkey) or other appropriate cells and observed for an additional 14 days for virus effect.

(7) One flask prepared as provided in subparagraph (2) of this paragraph shall be maintained for 21 days and if the cells remain normal, they shall be subcultured into Leighton tubes containing coverslips. Applicable fluorescent antibody tests shall be conducted on these cells when confluent. The specific conjugates used shall include potential viral contaminants from the species from which the serum was obtained.

(8) Each lot of serum of bovine origin shall be additionally tested for the presence of adventitious BVD virus using subcultures from the flask used in subparagraph (7) of this paragraph.

(i) After two subcultures of not less than 5 days growth for each subculture, a third subculture is seeded into at least 10 Leighton tubes containing coverslips. When the cell layers are at least 80 percent confluent, five tubes of cell cultures shall be inoculated with a known strain of BVD virus as a positive control.

(ii) Five to seven days post-inoculation, all the coverslips shall be removed from the tubes, identified, processed, and stained with anti-BVD conjugate and examined for specific BVD fluorescence.

(iii) The bovine serum is satisfactory if at least four of the five inoculated cell cultures show fluorescence and none of the five uninoculated cell cultures show evidence of BVD specific fluorescence.

(iv) Specific fluorescence in cells from tubes of cell cultures not inoculated with BVD virus indicates adventitious BVD virus contamination and the lot of bovine serum tested is unsatisfactory for vaccine production.

(9) If test results disclose the presence of an adventitious agent, the material being tested shall not be used as an ingredient for biological products.

Effective date. This amendment takes effect November 29, 1973.

Done at Washington, D.C., this 24th day of October 1973.

J. M. HEJL,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.73-22965 Filed 10-29-73;8:45 am]

Proposed Rules

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 987]

DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIF.

Proposed Free and Restricted Percentages and Withholding Factors for 1973–74 Crop Year

Notice is hereby given of a proposal to establish, for the 1973–74 crop year, free and restricted percentages and withholding factors of 100 percent, 0 percent, and 0 percent, respectively, applicable to marketable Deglet Noor, Zahidi, Halawy, and Khadrawy dates. That crop year began October 1, 1973. The proposed percentages and withholding factors would be established in accordance with the provisions 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 free percentages, restricted percentages, and withholding factors, for the 1973–74 crop year, applicable to marketable dates, are pursuant to §§ 987.44 and 987.45. These percentages and factors are based on the California Date Administrative Committee's estimates of supply and trade demand adjusted for handler carryover. Trade demand means the aggregate quantity of whole or pitted dates which the trade will acquire from all handlers during the crop year for distribution in the continental United States, Canada, and such other countries as the Committee finds will acquire dates at prices reasonably comparable with prices received from the continental United States.

In determining the percentages, for each of the four varieties, the Committee considered the following data and estimates for the crop year beginning October 1, 1973:

	Deglet Noor	Zahidi	Halawy	Khadrawy
		(1,000 pounds)		
1. Production of marketable dates (1973–74 crop)	31,960	1,656	153	522
2. Plus: Noncertified handler carryover as of September 30, 1973, of marketable dates	347	66	16	69
3. Total marketable supply	32,307	1,722	169	591
4. Trade demand for free whole and pitted dates (continental United States and Canada)	17,500	1,600	150	450
5. Plus: Desirable handler carryover as of September 30, 1974, to assure date supplies for early demand	8,500	500	75	225
6. Less: Certified handler carryover as of September 30, 1973, of free dates	585	4	4	34
7. Need for free dates	25,415	2,096	221	641

With respect to dates of the Deglet Noor variety, it is expected that a strong overseas demand, and grade and size regulations effective during the 1973–74 crop year, will cause a portion of the total marketable supply to be exported or sold in the form of products. This quantity is expected to exceed the apparent excess of 6.9 million pounds.

All persons who desire to file written data, views, or arguments in connection with the aforesaid proposal should file the same in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, to be received not later than November 10, 1973. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular hours of business (7 CFR 1.27(b)).

The proposal is as follows:

§ 987.221 Free and restricted percentages and withholding factors.

The various free percentages, restricted percentages, and withholding factors applicable to marketable dates of each variety shall be, for the crop year beginning October 1, 1973, and ending September 30, 1974, as follows: (a) Deglet Noor variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent; (b) Zahidi variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent; (c) Halawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent; (d) Khadrawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent.

Dated October 24, 1973.

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

[FR Doc.73-23093 Filed 10-29-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

Review of Indirect Sources

On June 18, 1973 (38 FR 15834), the Administrator of the Environmental Protection Agency (EPA) promulgated amendments to 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans, under section 110 of the Clean Air Act, as amended. Those amendments were designed primarily to provide for long-term maintenance of the national ambient air quality standards. Among other requirements, States were directed to expand their present procedures for review of buildings or other facilities prior to construction or modification in order to include consideration of the air quality impact not only of pollutants emitted directly from stationary sources, but also of pollution arising from mobile source activity associated with such buildings or facilities (termed indirect sources).

Pursuant to an order of the U.S. Court of Appeals for the District of Columbia Circuit in the case of Natural Resources Defense Council, Inc. et al v. EPA, 475 F. 2d 968 (D.C. Cir. 1973) entered on January 31, 1973, and modified March 12 and July 27, 1973, States were required to submit plan revisions to comply with the new requirements involving indirect source review by August 15, 1973 (38 FR 12920). Thus far, EPA has received plan revisions from Alabama, Florida, Puerto Rico, Guam, Maine, New York, and Oregon; they will be made available for public comment before EPA acts to approve or disapprove them. Since EPA will not take action on these revisions until the 30-day public comment period has expired, and since the Court order requires the Administrator to approve or disapprove such plan revisions by October 15, 1973, the disapproval of all State implementation plans with respect to maintenance of the national standards, as published March 8, 1973 (38 FR 6279), and amended May 17, 1973 (38 FR 12920), remains in effect.

The Court further requires the Administrator to promulgate regulations by December 15, 1973, where a State fails to submit indirect source review regulations or the regulations submitted are unapprovable. The Administrator is now proposing such regulations. Based on a preliminary review of the plan revisions submitted to date, the Administrator has

determined that the regulations submitted by Alabama, Florida, and Guam appear to satisfy the requirements of 40 CFR Part 51: Accordingly, the regulations proposed below would not be applicable to these three States unless further review should reveal deficiencies in their submittals. Preliminary indications are that a number of other States will be submitting plans prior to December 15, 1973, which may, in these cases, eliminate the need to promulgate the regulations proposed below. Should any State submit plan revisions for indirect source review which are approvable after December 15, 1973, the Administrator will revoke his promulgation.

The regulations proposed below provide that the review procedures will be carried out by State or local agencies designated by the Governor. It is recognized that many States do not yet have adequate legal authority to approve or disapprove construction or modification of indirect sources. EPA regulations in 40 CFR 52.02(d), published May 31, 1972, (37 FR 10842) provide that any regulatory provisions of a State implementation plan approved or promulgated by EPA are enforceable by EPA and the State and by local agencies in accordance with their assigned responsibilities under the State plan. Thus, these proposed regulations would be enforceable by State local agencies designated by a Governor to be responsible for indirect source review. Since the decisions which will have to be made pursuant to these proposed regulations are pertinent to local situations, the Administrator encourages and strongly supports the exercise of this authority at the State and local level. Where States are unwilling or unable to implement these procedures, however, it will be necessary for EPA to assume the responsibility. States are particularly invited to indicate, in their comments on these proposed regulations, whether they can and will implement these regulations. It should be noted that these proposed regulations do not in any way affect previously approved or promulgated regulations applicable to review of stationary sources. The regulations proposed below specify the use of various analytical techniques which are considered reasonable and appropriate for determining the impact of an indirect source on air quality. The type of analysis specified varies with types of indirect sources and is dependent on the capabilities and limitations of existing analytical techniques.

For example, analysis of carbon monoxide emissions, using a diffusion model, is considered appropriate for analyzing the air quality impact of roads, highways, and parking areas. Existing diffusion modeling techniques do not permit such an analysis of the impact of hydrocarbon or nitrogen oxides emissions. The impact of these pollutants is most adequately evaluated on an area-wide basis, using the proportional modeling technique previously utilized for demonstrating the adequacy of control strategies. This technique yields meaningful results primarily in cases where the additional emissions resulting from an indirect source are significant in relation to existing area-wide emissions. Accordingly, this technique is considered most appropriate for analyzing the air quality impact of airports, including associated commercial and industrial growth, and major highway projects. Depending on the existing emissions in the area under consideration and the size of the area, the proportional model may still yield inconclusive results and thus may not be applicable in all situations. As improved analytical techniques become available, the types of analyses specified below should be augmented or replaced by such techniques.

The regulations proposed below include criteria for determining which sources will be subject to the review procedures. These criteria are based on the following parameters: For roads and highways, the expected traffic volume; for airports, the number of aircraft operations by regularly scheduled air carriers; and for other indirect sources, the size of the parking facility or the number of induced vehicle trips. Although other indicators of induced mobile source activity could be used, these parameters are considered to be most directly related to the air pollution potential of these sources.

The size of a source which, under the proposed regulations, would be exempt from review varies, depending on whether it is located in an area where there may be a potential for exceeding a national ambient air quality standard within the next 10 years. The Administrator considers it necessary to devote more attention to such areas by reviewing smaller sources than are reviewed in non-problem areas. A list of these areas will be published by the Administrator by June 18, 1974, in accordance with the June 18, 1973, amendments (38 FR 15834) to 40 CFR Part 51. Until this list becomes available, all Standard Metropolitan Statistical Areas will, for the purposes of this regulation, be considered to have a potential for exceeding the national standards.

The size of an indirect source subject to review has been determined in a nationwide context and therefore does not necessarily reflect special local conditions which may cause more comprehensive review procedures to be desirable. The Administrator strongly encourages States to analyze their own local situations concerning the desirability of reviewing smaller sources than those specified below. In this regard, States which have submitted plans or are in the process of adopting plans for indirect source review should not construe the regulations proposed below as being optimal for all situations.

It is particularly important that States and other interested parties recognize that much more comprehensive requirements are necessary in areas where transportation control measures will be needed to meet national ambient air quality standards. In such areas, preconstruction review of even relatively small indirect sources clearly is justified. Toward this end, parking supply management regulations will be included in many of the transportation control plans. To the extent that transportation control plans do not include such regulations, they will be included in final regulations for indirect source review and they generally will be more comprehensive than this proposal, in terms of the facility sizes which will be subject to review.

The preceding factors indicate why an individual State may find it desirable to develop regulations which differ from those proposed below, and why a State should make every effort to submit its own indirect source review regulations designed to fit into its strategy for long-term maintenance of air quality standards. States may also wish to broaden such review to consider other environmental or social considerations.

It is the Administrator's intent to hold hearings on these proposed regulations in each State where no State hearing has previously been held on this subject. These hearings will be held no sooner than November 29, 1973. The time and location of such hearings will be announced in a subsequent FEDERAL REGISTER.

Interested persons may also participate in this rule making by submitting written comments in triplicate to the appropriate Regional Administrator. All comments received by November 29, 1973 will be considered. Receipt of comments will be acknowledged, but the Regional Administrators will not provide substantive responses to individual comments. All comments will be available for public inspection during normal business hours at each Regional Office and at the Freedom of Information Center, EPA, Room 329, 401 M Street SW., Washington, D.C. 20460.

Following consideration of public comments, these regulations, with any modifications which may be appropriate, are to be promulgated by December 15, 1973, pursuant to the order of the Court of Appeals. The regulations will be effective 180 days after promulgation. This deferral of the effective date is considered necessary to give State and local agencies an adequate opportunity to make preparations for implementing the procedures prescribed by these proposed regulations. Since the proposed regulations are intended primarily to ensure long-term maintenance of the national ambient air quality standards, and since the Clean Air Act emphasizes that it is State and local governments that have the primary responsibility for developing and carrying out implementation plans, this deferral of the effective date is considered consistent with the purposes of the Act.

This notice of proposed rule making is issued under the authority of section 110(c) of the Clean Air Act, as amended [42 U.S.C. 1857c-5(c)].

Dated: October 25, 1973.

RUSSELL E. TRAIN,
Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

In § 52.22, the first paragraph is designated as paragraph (a) and paragraph (b) is added. As amended, § 52.22 reads as follows:

§ 52.22 Maintenance of national standards.

(a) Subsequent to January 31, 1973, the Administrator reviewed again State implementation plan provisions for insuring the maintenance of the national standards. The review indicates that State plans generally do not contain regulations or procedures which adequately address this problem. Accordingly, all State plans are disapproved with respect to maintenance because such plans lack enforceable procedures or regulations for reviewing and preventing construction or modification of facilities which will result in an increase of emissions from other sources of pollutants for which there are national standards. The disapproval applies to all States listed in Subparts B through DDD of this part. Nothing in this section shall invalidate or otherwise affect the obligations of States, emission sources, or other persons with respect to all portions of plans approved or promulgated under this part. Pursuant to an order of the U.S. Court of Appeals for the District of Columbia Circuit entered on January 31, 1973, and modified on March 12, 1973, State plans providing for maintenance of the national standards must be submitted to the Administrator no later than August 15, 1973.

(b) *Regulation for review of new or modified indirect sources.* (1) All terms used in this paragraph but not specifically defined below shall have the meaning given them in § 52.01 of this chapter.

(i) The term "indirect source" means a facility, building, structure, or installation, or combination thereof, which causes or may cause mobile source activity that results in emissions of a pollutant for which there is a national standard. Such indirect sources shall include, but not be limited to:

(*a*) Highways and roads.

(*b*) Parking lots and garages.

(*c*) Shopping centers.

(*d*) Recreational centers and amusement parks.

(*e*) Sports stadiums.

(*f*) Airports.

(*g*) Commercial or industrial developments.

(ii) The term "vehicle trip" means a single movement by a motor vehicle which originates or terminates at an indirect source.

(iii) The term "Director" means the director of the State or local agency designated by the Governor of the State to carry out this paragraph.

(iv) The term "associated parking area" means a parking lot or garage owned and/or operated in conjunction with an indirect source.

(v) The term "aircraft operation" means an aircraft take-off or landing.

(vi) The term "modification" means any physical change to an indirect source which increases or may increase the mobile source activity associated with such indirect source.

(vii) The term "Standard Metropolitan Statistical Area" means such areas as designated by the U.S. Bureau of the Budget in the following publication: "Standard Metropolitan Statistical Areas," issued in 1967, with subsequent amendments.

(viii) The term "designated area" means any area designated pursuant to § 51.12(f) of this chapter as having the potential for exceeding any national standard within the subsequent 10 year period.

(ix) The term "area-wide air quality analysis" means a macroscale analysis utilizing the techniques specified in § 51.14(c) of this chapter.

(x) The term "commenced" means that an owner or operator has undertaken a continuous program of construction or modification or that a binding general construction contract has been entered into which obligates one party to such contract to perform the physical work involved in such program of construction or modification.

(2) The requirements of this paragraph are made part of Subparts B through DDD, except Subparts B, K, and AAA, and are applicable to the following indirect sources, the construction or modification of which is commenced after the effective date of this paragraph:

(i) Any indirect source which is located in a designated area and which:

(*a*) Is a new parking lot or garage with a parking capacity of 1,000 cars or more, or has a new associated parking area with a parking capacity of 1,000 cars or more; or

(*b*) Is a parking lot or garage being modified to increase parking capacity by more than 500 cars, or has an associated parking area being modified to increase parking capacity by more than 500 cars; or

(*c*) Induces 1,000 or more vehicle trips in any one-hour period or 5,000 or more vehicle trips in any eight-hour period.

(ii) Any indirect source located outside a designated area which:

(*a*) Is a new parking lot or garage with a parking capacity of 2,000 cars or more, or has a new associated parking area with a parking capacity of 2,000 cars or more; or

(*b*) Is a parking lot or garage being modified to increase parking capacity by more than 1,000 cars, or has an associated parking area being modified to increase parking capacity by more than 1,000 cars;

(*c*) Induces 2,000 or more vehicle trips in any one-hour period or 10,000 or more vehicle trips in any eight-hour period.

(iii) Any road or highway located in a designated area with following anticipated average annual daily traffic volumes within ten years of construction or modification:

(*a*) New road or highway: 20,000 or more vehicles per day.

(*b*) Modified road or highway: Increase of 10,000 vehicles per day or more over existing traffic volume on such road or highway.

(iv) Any airport with the following expected aircraft operations within ten years of construction or modification:

(*a*) New airports: 50,000 or more operations per year by regularly scheduled air carriers.

(*b*) Modified airport: Increase of 50,000 operations per year by regularly scheduled air carriers over the existing volume of operations.

(v) Where an indirect source is constructed or modified in increments which individually are not subject to review under this paragraph, all such increments occurring since the effective date of this regulation shall be added together for determining the applicability of this paragraph.

(vi) Until the Administrator disignates, pursuant to § 51.12(f) of this chapter, areas which may have the potential for exceeding a national standard within the subsequent 10-year period, "Standard Metropolitan Statistical Area" shall be used in place of "designated area" for the purposes of this paragraph.

(3) No owner or operator of an indirect source subject to this paragraph shall commence construction or modification of such source after the effective date of this paragraph without first obtaining approval from the Director. Application for approval to construct or modify shall be by means prescribed by the Director, and shall include but not be limited to the following information:

(i) For airports, a description of average and maximum number of aircraft operations per day by type of aircraft. The description shall also include new commercial, industrial, and transportation-related development expected to occur within three miles of the airport for the 10-year period following construction or modification. (ii) For roads and highways, a description of the average and maximum traffic volume for one, eight and 24-hour time periods expected within 10 years of construction or modification. Such description shall include an estimate of vehicle speeds for average and maximum traffic volume conditions.

(iii) For indirect sources other than airports and highways, a description of the location and design of such source, including its relation to surrounding roadways and highways and an estimate of the average and maximum number of vehicle trips generated by such indirect source for one and eight-hour time periods.

(iv) Upon request of the Director, the owner or operator shall also provide:

(*a*) Estimates of the effect of the construction or modification of the indirect source on traffic patterns and flow in the vicinity of the source.

(*b*) Measured or estimated air quality data at the site of the indirect source prior to construction or modification.

(c) An estimate of air quality after construction or modification of the indirect source.

(d) An estimate of the effect of the construction or modification of the indirect source on total vehicle miles of travel (VMT) and additional residential, commercial and industrial development which may occur as a result of such construction or modification.

(e) Any additional information, plans, specifications, evidence or documentation that the Director may require.

(4) (i) No approval to construct or modify shall be granted unless the applicant shows that:

(a) The indirect source will not cause a violation of the control strategy which is part of the applicable plan, and

(b) The indirect source will not prevent or interfere with the attainment or maintenance of a national ambient air quality standard.

(ii) In connection with the determination required by paragraph (b) (4) (i) of this section, the showing required of the applicant shall be limited to the impact on air quality from the indirect source proposed to be constructed or modified, and shall reflect consideration of existing emissions from other sources. It shall be the responsibility of the Director to determine the impact on air quality of future growth and development or other factors affecting emissions and air quality over which the applicant has no control.

(iii) The Director shall, prior to making any determination not to approve the construction or modification of an indirect source pursuant to paragraph (b) (4) (i) of this section consider any alteration of the proposed construction or modification which would permit approval. The Director shall condition any approval on such alteration being incorporated in the construction or modification. In choosing among possible alterations, the Director shall give appropriate consideration to any expenditures of time or money made by the owner or operator of the indirect source prior to the effective date of this paragraph.

(5) For roads and highways subject to this paragraph, the determination required under paragraph (b) (4) (ii) of this section shall be made as follows:

(i) The impact of a road or highway on the total VMT in an appropriate area selected for an area-wide air quality analysis shall be used to determine the change in emissions for such area. Such area-wide air quality analysis shall then be used to determine expected ambient concentrations of carbon monoxide, photochemical oxidants, and nitrogen oxides following construction or modification.

(ii) Using an appropriate diffusion model, the air quality impact of carbon monoxide emissions resulting from the expected maximum traffic volume on a road or highway shall be evaluated at reasonable receptor or exposure sites in the vicinity of such road.

(6) For airports subject to this paragraph, the determination required under paragraph (b) (4) (ii) of this section shall be made as follows:

(i) All emissions from stationary and mobile sources at the airport, along with emissions from all new commercial, industrial, and transportation-related development expected to occur within three miles of the airport, shall be added together in order to determine the aggregate impact on air quality.

(ii) An area-wide quality analysis shall be used to determine the expected ambient concentrations of carbon monoxide, photochemical oxidants, and nitrogen oxides following construction or modification.

(7) For indirect sources other than roads and airports, the determination required under paragraph (b) (4) (ii) of this section shall be made using an appropriate diffusion model to evaluate the impact of carbon monoxide emissions resulting from expected maximum vehicle trips to or from such source. Such impact shall be evaluated at reasonable receptor or exposure sites in the vicinity of such indirect source.

(8) Within 30 days after receipt of an application, the Director will notify the public, by prominent advertisement in the region affected, of the opportunity for public comment on the information submitted by the owner or operator.

(i) Such information, as well as the Director's analysis of the effect of the indirect source on air quality and the Director's proposed approval or disapproval, shall be available in at least one location in the region affected.

(ii) A copy of the notice required pursuant to this subparagraph shall be sent to the Administrator through the appropriate regional office; to all other State and local air pollution control agencies having jurisdiction in the region where the indirect source will be located; and to any other agency in the region having responsibility for implementing the procedures required under this paragraph.

(iii) Public comments submitted within 30 days of the date such information is made available shall be considered by the Director in making his final decision on the application.

(iv) The Director shall take final action on an application within 30 days after the close of the public comment period. The Director shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial.

(9) The Director may impose any reasonable conditions on an approval, including conditions requiring the indirect source owner or operator to conduct ambient air quality monitoring in the vicinity of the site of the source for a reasonable period prior to commencement of construction or modification, and/or for any specified period after the source has commenced operation.

(10) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable plans.

(11) The Governor of the State shall designate the State or local agency which will carry out this regulation in each area of the State within 30 days from the date of final promulgation. The Governor shall notify the Administrator which agency or agencies he has designated through the appropriate Regional Administrator. Where the agency designated is not an air pollution control agency, such agency shall consult with the appropriate State or local air pollution control agency prior to making any determination required by paragraph (b) (4) of this section.

[FR Doc.73-23174 Filed 10-29-73;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 141]

[Docket No. R-432-(A) etc.]

MONTHLY REPORT OF COST AND QUALITY OF FUELS

Amended Notice of Staff Conference

OCTOBER 23, 1973.

Monthly Report of Cost and Quality of Fuels for Electric Plants, Docket No. R-432-(A); and Report of Cost and Quality of Fuels for Nuclear Plants, Docket No. RM74-1; and Monthly Report of Fuel Storage Capacity and Fuel Storage, Docket No. RM74-2.

On July 19, 1973, the Commission issued its notice of proposed rulemaking in Docket Nos. R-432-(A) and RM74-1. Docket No. R-432-(A) proposes to amend FPC Form No. 423, Monthly Report of Cost and Quality of Fuel for Steam Plant. Docket No. RM74-1 proposes to amend FPC Form No. 423 to include reporting of fuel costs and quality determinants of fuel received at nuclear generating plants.

In addition, on August 6, 1973, the Commission issued its notice of proposed rulemaking in Docket No. RM-74-2, proposing to issue a new FPC Form No. 423—Storage, Monthly Report of Fuel Storage, Capacity and Fuel Stored. The new form proposes the collection of data on fuel storage capacity and the actual amount of fuel stored on a monthly basis from each steam gas turbine and internal combustion engine plant.

It appears that it would be in the public interest for the Staff of the Federal Power Commission to call a conference for the purpose of allowing all persons who have filed comments concerning Docket Nos. R-432-(A), RM74-1, and RM74-2, to discuss the issues raised in their comments. Other interested parties are invited to participate.

On October 10, 1973 notice was issued providing for a conference in the above dockets on October 25, 1973. The present amended notice is being issued for the purpose of publication in the FEDERAL REGISTER to insure all interested parties appropriate notice in order that they may participate in the conference.

The conference will be held at 10:00 a.m., e.s.t., November 8, 1973, in Hearing

Room A, at 825 North Capitol Street Northeast, Washington, D.C.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23053 Filed 10-29-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 135]

[Docket No. 12768; Notice 73-27]

AIR TAXI OPERATIONS WITH CERTAIN TURBOJET POWERED AIRPLANES

Proposed Extension of Compliance Date

The Federal Aviation Administration is considering amending § 135.2(e) of the Federal Aviation Regulations to extend the compliance date as to certain Part 121 equipment requirements applicable to Part 135 certificate holders operating turbojet powered airplanes having maximum certificated takeoff weights over 12,500 pounds but under 27,000 pounds, and used only for planeload charter flights.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before December 14, 1973, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

On September 8, 1969, the FAA adopted Amendment 135-9, which was published in the FEDERAL REGISTER on September 16, 1969 (34 FR 14423), and became effective November 15, 1969. That amendment required Part 135 certificate holders to conduct their operations with large aircraft in compliance with the Part 121 rules applicable to supplemental air carriers (§ 135.2(a)).

On December 1, 1970, the FAA adopted Amendment 135-23 which added paragraph (e) to § 135.2. Section 135.2(e) provided that operators of turbojet powered airplanes with maximum certificated takeoff weights of over 12,500 pounds but under 27,000 pounds, with passenger-carrying capacities of not more than 12 persons, used only in planeload charter flights, need not comply until November 15, 1973, with §§ 121.313 (f)—a lockable door between the pilot and passenger compartments; 121.343 (a)—flight recorder; 121.359—cockpit voice recorder; 121.587—closing and locking of door between the pilot and passenger compartments; and 121.581 (a)—forward observer's seat, provided that if the forward observer's seat is not installed, a forward passenger seat with appropriate communications equipment nearby is provided for use by the Administrator while conducting en route inspections.

Amendment 135-23 was adopted in response to the petitions of a number of air taxi operators who asserted that compliance with certain equipment requirements would be uniquely difficult as to certain airplanes being operated. The FAA determined that, because of anticipated difficulties in achieving compliance, operators of the airplanes specified in § 135.2(e) should be given until November 15, 1973, to achieve compliance with those provisions of Part 121 listed in § 135.2(e).

The National Air Transportation Conferences, Inc. (NATC), and Executive Air Fleet Corporation have now petitioned the FAA to amend § 135.2(e) by deleting the phrase "until November 15, 1973" or, in the alternative, NATC requests that the compliance date be extended for another three years. In support of its petition, NATC asserts that the same conditions which justified the adoption by the FAA of § 135.2(e) in 1970 still exist, and that there is no evidence that safety is derogated by this provision. Executive Air Fleet Corporation asserts that the provisions of Part 121 listed in § 135.2(e) should not be applied to business jet aircraft because of: (1) The small size of the aircraft; (2) the small passenger load (presently averaging about four persons per flight); (3) the limited useful load capacity of business jets; (4) the more narrow weight and balance envelope; and (5) the lack of evidence that safety has been compromised by § 135.2(e).

In light of the information provided by the petitioners and additional information provided by other operators of the subject aircraft, the FAA has determined that further study of the matter is necessary and believes that an extension of the compliance date for one year would be sufficient for this purpose.

In order to provide an adequate period of time for public comment in response to this notice, the FAA has amended § 135.2(e) to extend the compliance date from November 15, 1973, to January 1, 1974.

These amendments are proposed under sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1424) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 135.2(e) of the Federal Aviation Regulations by deleting the phrase "January 1, 1974" and substituting the phrase "November 15, 1974" therefor.

Issued in Washington, D.C., on October 19, 1973.

C. R. MELUGIN, Jr.,
Acting Director,
Flight Standards Service.

[FR Doc.73-22981 Filed 10-29-73;8:45 am]

Federal Railroad Administration

[49 CFR Part 231]

[Docket No. SA-2; Notice No. 2]

LOCOMOTIVES USED IN SWITCHING SERVICE; RAILROAD SAFETY APPLIANCE STANDARDS

Rescheduled Hearing, Extension of Comment Period, and Amendment of Proposed Rule

On October 2, 1973, the Federal Railroad Administration (FRA) published a notice of proposed rulemaking at 38 FR 27302 stating that it was considering an amendment to Part 231, Railroad Safety Appliance Standards, to prescribe safety appliance standards for locomotives engaged in switching service. The notice set this matter for hearing on November 1, 1973 and established an October 31, 1973 deadline for filing of written comments.

FRA has received several requests for postponement of the hearing and extension of time in which to file comments and has decided to grant these requests. The public hearing has been rescheduled to commence at 10:00 a.m. on January 8, 1974 in Room 6332, Nassif Building, 400 Seventh Street, SW., Washington, D.C. and the deadline for filing of written comments has been extended to December 31, 1973. Any person who wishes to make an oral statement at the hearing should notify the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590, before January 1, 1974, stating the amount of time required for his initial statement.

Amendments to proposed rule. FRA has received numerous inquiries as to whether horizontal end handholds are required on locomotives used in switching service. The rule proposed in the previous notice did not mention this safety appliance. FRA believes that end handholds are necessary for the safety of persons coupling and uncoupling cars from the locomotive and is, therefore, amending the rule proposed in the initial notice by adding paragraph (g) prescribing requirements for horizontal end handholds. FRA is also adding a new paragraph (h) to require that locomotives used in switching service otherwise conform as closely as practicable to the requirements of § 231.16.

In addition, an error in the text of § 231.30(c) has been corrected by substituting "vertical" for the word "lateral" which appeared in the previous notice.

Since a final rule will not be issued and become effective before December 31, 1973, the dates in § 231.30(a)(1) and § 231.30(d)(1) have been changed to December 31, 1974.

This notice is issued under the authority of the Safety Appliance Acts (secs. 2, 4 and 6, 27 Stat. 531, as amended, secs. 1 and 3, 32 Stat. 943, as amended, secs. 1-6, 36 Stat. 298-299, as amended, sec. 6 (e) and (f), 80 Stat. 939; (45 U.S.C. 2, 4, 6, 8, 10, 11-16, 49 U.S.C. 1655)).

Issued in Washington, D.C. on October 29, 1973.

DONALD W. BENNETT,
Chief Counsel.

1. It is proposed to amend Part 231 by adding a new § 231.30 as follows:

§ 231.30 Locomotives used in switching service.

(a) *General requirements.*

(1) Each locomotive (except steam) used in switching service which is built after December 31, 1974 must be equipped as provided in this section.

(2) After December 31, 1976, each locomotive (except steam) used in switching service, which was built before January 1, 1975, must be equipped as provided in this section.

(3) Each steam locomotive used in switching service must be equipped as is provided in § 231.16.

(4) Before (90 days after effective date) each railroad that is in operation on (the effective date) and has in service locomotives to which this section applies shall submit to the Federal Railroad Administrator for approval three copies of a program to bring all those locomotives (except steam) into compliance with this section by January 1, 1977. Each railroad that commences operations after (the effective date) shall submit three copies of such a program to the Federal Railroad Administrator for approval at least 90 days prior to the date on which it commences operations.

(b) *Definitions.*

(1) Switching service means the classification of cars according to commodity and destination; the assembling of cars for train movements; changing the position of cars for purposes of loading, unloading, and weighing; the placing of locomotives and cars for repair and storage; and the moving of rail equipment in connection with work service not constituting a road movement.

(2) The safety tread surface is that portion of nonskid surface of a switching step that actually contacts shoe or boot.

(3) The uncoupling mechanism is the arrangement for operating the coupler lock lift, including the uncoupling lever and all other appurtenances that facilitate operation of the coupler.

(c) *Switching steps.*

(1) *Number.* Each locomotive used in switching service must have four (4) switching steps.

(2) *Dimensions.* Each switching step must have:

(i) A minimum width of twenty-four (24) inches.

(ii) A minimum depth of tread of ten (10) inches.

(iii) A minimum height of back stop of four (4) inches above the tread surface.

(iv) A height of not more than fifteen (15) inches or less than twelve (12) inches measured from the top of the rail to the top of the tread surface.

(3) *Location.* Switching steps must be located at each corner of locomotives used in switching service. The bottom step of the stairways at these locations may also serve as a switching step provided it meets all the requirements of this section.

(4) *Manner of application.*

(i) Switching steps must be supported by a bracket at each end and fastened to the brack by two bolts of at least one half (½) inch diameter or by a weldment of at least twice the strength of a bolted attachment.

(ii) Vertical clearance over the full depth of the tread surface of the switching step must be unobstructed and free for use for a vertical distance of not less than seven (7) feet.

(5) *Material.*

(i) Steel anti-skid, safety design, having not less than fifty percent (50%) of the tread surface as open space.

(ii) When the step material creates a second level safety tread surface, the maximum difference in surface levels may not exceed three-eighths (⅜) of an inch.

(iii) The safety tread surface shall be not more than one-half (½) inch from the edge of the step.

(d) *End footboards and pilot steps prohibited.*

(1) Each locomotive (except steam) used in switching service which is built after December 31, 1974, may not be equipped with end footboards and pilot steps.

(2) After December 31, 1976, each locomotive (except steam) used in switching service which was built before January 1, 1975, may not be equipped with end footboards and pilot steps.

(e) *Vertical handholds.* Each switching step must be provided with two (2) vertical handholds or handrails. Each handhold or handrail must have not less than four (4) inches or clear, usable hand clearance beginning not less than twenty-four (24) nor more than thirty (30) inches above the tread surface, and extending upward a distance of not less than thirty-six (36) inches.

(f) *Uncoupling mechanisms.* Each locomotive (except steam) used in switching service must have means for operating the uncoupling mechanism in safety from switching step, ground level, and end platform. No part of the uncoupling mechanism may extend into the switching step or stairway opening or into the end platform area when the mechanism is in its normal position or when it is operated.

(g) *Horizontal end handholds*

(1) Each locomotive (except steam) used in switching service must have four (4) horizontal end handholds.

(2) *Dimensions.* Each horizontal end handhold must have a minimum:

(i) Diameter of five-eighths (⅝) of an inch.

(ii) Clear length of fourteen (14) inches.

(iii) Clearance of two (2) inches.

(3) *Location.* Two (2) horizontal end handholds must be placed on each end of a locomotive, one near each side. Each handhold must be not less than thirty (30) nor more than thirty-six (36) inches above the top of the rail. The outer end of each handhold may not be more than sixteen (16) inches from the nearer side of the locomotive.

(4) *Manner of application.* Horizontal end handholds must be securely fastened to the locomotive with one-half inch or larger bolts or rivets.

(5) *Material.* Horizontal end handholds must be wrought iron or steel.

(h) Except as provided in this section, locomotives (except steam) used in switching service must be equipped with safety appliances which conform as closely as practicable to the requirements of § 231.16.

[FR Doc.73-23272 Filed 10-29-73;12:34 pm]

Notices

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

DEPARTMENT OF STATE

[Public Notice 403]

CAMERON COUNTY

Notice of Application for a Presidential Permit for a Bridge Near San Benito, Texas

The Department of State has received an application dated October 17, 1973, from the San Benito International Bridge Company at San Benito, Texas, for a permit to construct a highway bridge between the unincorporated areas of Los Indios, Texas, and Soliceno, *Tamaulipas, Mexico*. Under the terms of a contract with the bridge company, upon completion the bridge will become the property of Cameron County and the Republic of Mexico which will operate, maintain and set a schedule of tolls for the bridge.

Notice is hereby given pursuant to section 2(a) of Executive Order 11423 of August 16, 1968, that copies of this application are available to the public from the Bureau of Economic and Business Affairs, Room 5830, Department of State, Washington, D.C. 20520, and that written comments thereon will be received by the Department of State until November 30, 1973.

For the Secretary of State.

RAYMOND J. WALDMANN,
Deputy Assistant Secretary, Bureau of Economic and Business Affairs.

[FR Doc.73-23012 Filed 10-29-73;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

MILITARY AIRLIFT COMMITTEE OF THE NATIONAL DEFENSE TRANSPORTATION ASSOCIATION

Correction of Agenda

OCTOBER 24, 1973.

Reference FR Doc. 73-22090, as published in the FEDERAL REGISTER, 38 FR 28852, October 17, 1973. The following is a revised schedule for the meeting on Friday, November 9, 1973. The effect of this revision is to cancel the presentation entitled "Airlines Operations Management Systems" and to reschedule other presentations. There is no change in the schedule for Thursday, November 8, 1973.

Summary of agenda:

FRIDAY, NOVEMBER 9, 1973

8:30 Opening Remarks.
8:35 Systems Support Concepts and Management Ad Hoc Study Report.
8:50 Avis Wizard System.
9:35 Management Reports/Planning.
10:10 Break.
10:20 Inventory Control Systems.
10:55 Financial Management.
11:30 Adjournment.

STANLEY L. ROBERTS,
Colonel, USAF Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.73-23057 Filed 10-29-73;8:45 am]

Department of the Navy

CHIEF OF NAVAL OPERATIONS EXECUTIVE PANEL ADVISORY COMMITTEE

Notice of Meetings

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-436 (1972)), notice is hereby given that the Chief of Naval Operations Executive Panel Advisory Committee will hold closed meetings on November 15 and 16, 1973, at Headquarters, Commander-in-Chief, United States Naval Forces, Europe, London, England. The meetings will commence at 9:00 a.m. and are scheduled to terminate at 5:00 p.m. daily. The agenda includes United States strategy with respect to the North Atlantic Treaty Organization, the Soviet naval threat, defense planning methodology, and the effect of pending negotiations on naval planning.

H. B. ROBERTSON, Jr.,
Rear Admiral, JAGC, U.S. Navy, Acting Judge Advocate General.

OCTOBER 24, 1973.

[FR Doc.73-22996 Filed 10-29-73;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

NATIONAL REGISTRY OF NATURAL LANDMARKS

Revision of List; Correction

By notice in the FEDERAL REGISTER of September 5, 1973 (pp. 23982-23985), there was published a list of sites eligible for inclusion in the National Registry of Natural Landmarks. Through an oversight in printing, a registered eligible site was omitted from the listing for Arizona. That listing is hereby corrected to include the following:

"ARIZONA

**Ramsey Canyon, Cochise County*—7 miles south of Sierra Vista."*

* * * * *

The same notice of September 5 is further amended to include the following omitted paragraph under "D Implementation" immediately before the listing of the eligible sites:

All Federal agencies should take cognizance of the sites included in the National Registry of Natural Landmarks to fulfill the intent of section 102 of the National Environmental Policy Act of 1969 (83 Stat. 852 (42 U.S.C. 4332)).

Dated: October 24, 1973.

JOSEPH C. RUMBERG, Jr.
Assistant Director, National Park Service.

[FR Doc.73-23008 Filed 10-29-73;8:45 am]

Office of the Secretary

[INT DES 73-64]

PEABODY COAL COMPANY'S BIG SKY MINE, ROSEBUD COUNTY, MONT.

Strip Mining Proposal

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental impact statement on a proposed extension of coal mining operations at Peabody Coal Company's Big Sky Mine, Rosebud County, Montana. The draft, which includes a plan for the strip mining of federally owned coal and the concurrent reclamation and revegetation of surface lands, describes comprehensively the environmental impacts. The proposed action is an extension of present mining operations in the Big Sky Mine which would result in an extension thereof onto Federal coal lease Montana 15965, section 22, T. 1 N., R. 41 E, MPM.

The draft environmental statement is available for public review in the U.S. Geological Survey Public Inquiries Office, Room 1012, Federal Building, Denver, Colorado 80202; the U.S. Geological Survey Library, Building 25, Denver Federal Center, Denver, Colorado 80225; the U.S. Geological Survey Library, Room 1033, GSA Building, 18th and F Streets NW., Washington, D.C. 20244; the Billings Public Library, 510 N. Broadway, Billings, Montana 59101; the Helena Public Library, 325 North Park Avenue, Helena, Montana 59601.

Copies of the statement are available for purchase at $4.00 per copy from the U.S. Geological Survey Public Inquiries Office, Room 1012, Federal Building, Denver, Colorado 80202; and the Map Information Office, Room 1028, GSA Building, 18th and F Streets NW., Washington, D.C. 20244. Prepayment is required.

A public hearing will be held beginning at 9:00 a.m., m.s.t. on December 4, 1973, in the Ramada Inn, Billings, Montana, for the purpose of receiving comments

and suggestions on the draft environmental impact statement. The hearing has been scheduled for December 4 and 5 and will extend through December 6, if necessary. Interested individuals, representatives of organizations, and public officials who wish to testify at the hearing are requested to so inform, in writing, the Chief, Conservation Division, U.S. Geological Survey National Center, Mail Drop 620, Reston, Virginia 22092, by 4:00 p.m., e.s.t., November 20, 1973.

Time limitations make it necessary to limit the length of oral presentations to 10 minutes. Exceptions to this time limitation may be authorized for the lessee to discuss the mining and reclamation plan and to those persons who represent more than one group or organization. Such exceptions should be requested from the Chief, Conservation Division, U.S. Geological Survey National Center, Mail Drop 620, Reston, Virginia 22092, prior to 4:00 p.m., e.s.t., November 20 ,1973. Oral testimony may be supplemented by a written statement submitted to the hearing officer at the time of oral presentation. Written statements presented in person at the hearing or other pertinent data submitted by December 21, 1973, to the Chief, Conservation Division, at the above address will be considered for inclusion in the hearing record. If time is available after presentation of oral testimony by those who have given advance notice, the hearing officer will give others present an opportunity to be heard.

Written comments from those unable to attend the hearings should be addressed to the Chief, Conservation Division, at the above address. The Department will accept written comments on the draft environmental impact statement until December 21, 1973. This will allow those unable to testify at the hearing to make their views known. Written comments on the draft environmental impact statement will be considered for inclusion in the final statement.

The hearing will provide the Department with additional information from both the public and private sectors to help evaluate fully the potential effects of the proposed development on the total environmental resources, aesthetics, recreation and other resources in the Big Sky Mine Area. The hearing will also provide the Department, under section 102 (2)(C) of the National Environmental Policy Act of 1969, the opportunity to receive additional comments and views of interested State and local agencies.

After all testimony and comments have been received and analyzed, a final environmental statement will be prepared.

Dated: October 25, 1973.

JOHN M. SEIDL,
Deputy Assistant Secretary.

[FR Doc.73-23001 Filed 10-29-73;8:45 am]

Office of Oil and Gas

FOREIGN PETROLEUM SUPPLY COMMITTEE

Notice of Meeting

Pursuant to Executive Order 11686, notice is hereby given of the following meeting:

The Foreign Petroleum Supply Committee will meet at 2:00 p.m. on October 30, 1973, in Room 5160 at the Department of the Interior in Washington, D.C. The agenda will include discussions of worldwide petroleum supply and demand.

The purpose of the Foreign Petroleum Supply Committee is to provide advice and information on foreign petroleum operations and to consider and make recommendations with respect to shortages of petroleum supplies.

The meeting will not be open to the public because the discussions will deal with matters listed in section 552(b) of title 5, United States Code. Specifically, these matters are related to matters that are specifically required by Executive Order to be kept secret in the interest of national defense or foreign policy. The short notice is due to emergency developments.

Dated October 29, 1973.

DUKE R. LIGON,
Director.

[FR Doc.73-23254 Filed 10-29-73;11:48 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation No. A031]

SOUTH CAROLINA

Designation of Emergency Areas

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

DARLINGTON

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 excessive rainfall May 1 to July 1, 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 Pub. L. 93-24, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor John C. West that such designation be made.

Applications for Emergency loans must be received by this Department prior to December 17 ,1973, for physical losses and prior to July 19, 1974, for production losses, except that qualified borrowers who receive 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 25th day of October 1973.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.73-23094 Filed 10-29-73;8:45 am]

Forest Service

AQUARIUS LAND USE PLAN

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for Aquarius Land Use Plan, Dixie National Forest, Utah. The Forest Service report number is USDA-FS-FES (Adm) 74-11.

The environmental statement applies to the management of 252,000 acres of National Forest lands. Proposed management includes timber harvesting, construction of temporary and permanent roads, range management improvements (fencing, water developments, and chaining of pinyon-juniper trees), controlling off-road vehicle use, protection of wilderness resource, protection of the Utah prairie dog, and watershed improvement practices.

The final environmental statement was filed with CEQ on October 16, 1973.

Copies are available for inspection during regular working hours at the following locations:

Supervisor's Office
Dixie National Forest
500 South Main
Cedar City, Utah 84720

District Forest Ranger
Dixie National Forest
270 West Main
Escalante, Utah 84726

District Forest Ranger
Dixie National Forest
Teasdale, Utah 84773

Forest Service
Federal Office Building
324 25th Street
Ogden, Utah 84401

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave. SW.
Washington, D.C. 20250

A limited number of single copies are available upon request to Forest Supervisor, Dixie National Forest, 500 South Main, Cedar City, Utah 84720.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

OCTOBER 19, 1973.

[FR Doc.73-23003 Filed 10-29-73;8:45 am]

SOUTH BOISE-WOOD RIVER PLANNING UNIT LAND USE PLAN

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the South Boise-Wood River Land Use Plan, USDA-FS-FES (Adm). 74-10.

The final environmental statement identifies and evaluates the probable effects of the land use plan for the South Boise-Wood River area, on the Sawtooth National Forest in south-central Idaho. The plan sets forth the allocation of land to resource uses and activities; establishes objectives; documents management direction, decisions, and necessary coordination between resource uses; and provides for the protection, use, and development of the various resources within the unit. The mix of uses provided for includes moderate levels of consumptive resource uses, a moderate but growing level of recreation use, and significant areas to remain undeveloped with the options for future management remaining open.

The final environmental statement was filed with CEQ on October 16, 1973.

Copies are available for inspection during regular working hours at the following locations:

Regional Planning Office
USDA, Forest Service
Federal Building, Room 2025
324—25th Street
Ogden, Utah 84401

District Forest Ranger
Fairfield Ranger District
Sawtooth National Forest
Fairfield, Idaho 83327

Forest Supervisor
Sawtooth National Forest
1525 Addison Avenue East
Twin Falls, Idaho 83301

District Forest Ranger
Ketchum Ranger District
Sawtooth National Forest
Ketchum, Idaho 83340

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave. SW.
Washington, D.C. 20250

A limited number of single copies are available upon request from the Forest Supervisor E. A. Fournier, Sawtooth National Forest, 1525 Addison Avenue East, Twin Falls, Idaho 83301.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

OCTOBER 19, 1973.

[FR Doc.73-23004 Filed 10-29-73;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

ATMOSPHERIC PHYSICS & CHEMISTRY LABORATORY

Notice of Decision On Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 73-00354-53-44630. Applicant: Atmospheric Physics & Chemistry Laboratory, Boulder NOAA, 3100 Marine Street, Boulder, CO 80302. Article: Thermal diffusion ice-nuclei counter, Model 100. Manufacturer: Meeda Scientific Instrumentation, Ltd., Israel. Intended use of article: The article is intended to be used for identifying and determining the atmospheric concentration of the ice-nuclei collected by the field monitor of the Benchmark Network for Ice Nuclei Counts. The purpose of the network will be to establish a climatological mean and variation for the ice nuclei concentration throughout the 17 westernmost States and the North Pacific Ocean.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is capable of making counts of ice nuclei. The National Bureau of Standards (NBS) advised in its memorandum dated October 2, 1973 that the capability described above is pertinent to the purposes for which the article is intended to be used. NBS also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.73-22976 Filed 10-29-73;8:45 am]

COLORADO STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 73-00043-50-16095. Applicant: Colorado State University, Fort Collins, Colo. 80521. Article: Thermal diffusion ice-nuclei counter Model No. 100, including stereomicroscope and microscope-mounted camera. Manufacturer: Meeda Scientific Instrumentation, Ltd., Israel. Intended use of article: The article is intended to be used for field and laboratory sampling of aerosols with membrane filters for purposes including determination of:

(1) Effects of cloud seeding in areas downwind of seeding operations.

(2) Inadvertent weather modification from various pollutant sources.

(3) Activation spectrum of various ice nuclei produced both in laboratory experiments and found in the free atmosphere. Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is capable of determining the activation spectrum of ice nuclei and of activating exposed membrane filters under controlled conditions of humidity and temperature. The National Bureau of Standards (NBS) advised in its memorandum dated October 2, 1973 that the capabilities described above are pertinent to the purposes for which the article is intended to be used. NBS also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of

equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.73-22975 Filed 10-29-73;8:45 am]

IDAHO STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00001-33-02300. Applicant: Idaho State University, Purchasing Services, P.O. Box 219, Pocatello, Idaho 83201. Article: Longworth Small Mammal Trap. Manufacturer: Longworth Scientific Instrument Co., Ltd., United Kingdom. Intended use of article: The foreign article is intended to be used to capture rodents for analysis in studies of population ecology of microtine rodents in semidesert habitat. The studies involve successive capture and release of these rodents which allows assessment of population size, survival rates, dilution rates, growth rates, reproductive changes on a seasonal basis and movement and home range patterns.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is a small mammal trap which has the capabilities for trapping small mammals weighing 10 grams or less and for providing a nesting box to minimize loss during cold weather. The most closely comparable domestic apparatus is manufactured by Sherman Live Traps, (Sherman) Deland, Florida. The domestic apparatus does not provide a nesting box and the capability of trapping small mammals weighing ten grams or less. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated October 4, 1973 that the capabilities of the foreign article described above are pertinent to the purposes for which the article is intended to be used.

We, therefore, find that the domestic mammal trap is not of equivalent scientific value to the article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.73-22977 Filed 10-29-73;8:45 am]

LONG ISLAND JEWISH-HILLSIDE MEDICAL CENTER, ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00006-33-46500. Applicant: Long Island, Jewish-Hillside Medical Center, 270-05 76 Avenue, New Hyde Park, N.Y. 11040. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in the ultrastructural investigation of a variety of normal and pathological cells of both animals and human tissues, especially those changes involving the fine structural enzymatic localization and biochemical interrelationships between cellular organelles. The tissues studied will range from tough human bone tumors and brittle structure (melanin granules of human melanomas) to extremely soft and delicate tissue (soft tissue tumors). Application received by Commissioner of Customs: July 2, 1973. Advice submitted by Department of Health, Education, and Welfare on: October 4, 1973.

Docket Number: 74-00007-33-46500. Applicant: McGuire Veterans Administration Hospital, 1201 Broad Rock Road, Richmond, Virginia 23249. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in research to trace the pathway from biliary ducts into the lymphatic system. The tissue to be examined will be primarily rat liver in attempting to establish the fine lymphatic connections to the portal areas. Application received by Commissioner of Customs: July 2, 1973. Advice submitted by Department of Health, Education, and Welfare on: October 4, 1973.

Docket Number: 74-00008-33-46500. Applicant: University of Texas Medical Branch, 8th and Mechanic, Galveston, Texas 77550. Article: Ultramicrotome, Model LKB 8800 A-NM. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in studies of tissues derived from both normal and pathologic structure to reveal at the ultrastructural level the structural basis of impaired renal function. Application received by Commissioner of Customs: July 2, 1973. Advice submitted by Department of Health, Education, and Welfare on: October 4, 1973.

Docket Number: 74-00009-33-46500. Applicant: Veterans Administration Hospital, 13000 North 30th Street, Tampa, Florida 33612. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in research on plastic-embedded tissues from various sources including human and animal skin and monolayer cultures of fibroblasts and chondrocytes. Specific experiments include:

(a) Demonstration of the site of antibody binding to human keratinocytes in pemphigus as well as histochemical staining of the cell surface coat using ferritin-conjugated agglutinins.

(b) Study of ultrastructural alterations in certain human tumors and genetically inherited diseases.

(c) Study the effects of various drugs, including anti-cancer agents on tissue cultures of human and animal tissues.

(d) Identification of the site of localization of intercellular viruses in infected chondrocytes in vivo and in vitro.

(e) Examination of skin biopsies from patients with collagen-vascular diseases for the presence of virus-like inclusions. The article will also be used in advance research training courses for dermatology and rheumatology residents and fellows. Application received by Commissioner of Customs: July 2, 1973. Advice submitted by Department of Health, Education, and Welfare on: October 4, 1973.

Docket number: 74-00019-33-46500. Applicant: New York State Institute for Basic Research in Mental Retardation, 1050 Forest Hill Road, Staten Island, New York 10314. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werke, Austria. Intended use of article: The article will be used to examine through serial sectioning, the nuclear and cytoplasmic ultrastructural characteristics of human blast-like cells derived from short-term leucocyte cultures with the objective of screening large populations of individuals as well as cells, which have been exposed to different in vivo or in vitro environmental conditions with the hope of delineating striking and/or subtle differences between various individuals or groups of individuals and perhaps, further defining mentally retarded populations. The article will also be used for

training research scientists as well as assistants in specimen preparation for electron microscopy and to make available demonstrations for students and professionals touring the laboratory. Application received by Commissioner of Customs: July 5, 1973. Advice submitted by Department of Health, Education, and Welfare on: October 5, 1973.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each of the foreign articles provides a range of cutting speeds from equal to or less than 0.5 millimeters/second (mm/sec) to equal to or greater than 10 mm/sec. The most closely comparable domestic instrument is the Model MT-2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT-2B has a range of cutting speeds from 0.09 to 3.2mm/sec. The conditions for obtaining high quality sections that are uniform in thickness depend to a large extent on the hardness, consistency, toughness and other properties of the specimen materials, the properties of the embedding materials and the geometry of the block.

In connection with a prior application (Docket No. 69-00118-33-46500) which relates to the duty-free entry of an article in the category of instruments to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such (other) obvious factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned." In connection with another prior case (Docket No. 69-00665-33-46500) relating to the duty-free entry of an article in the same category as those described above, HEW advised that "The range of cutting speeds and a capability for the higher cutting speeds is * * * a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with still another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an article similar to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." Accordingly, HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 MM/sec are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments.

For these reasons, we find that the Sorvall Model MT-2B ultramicrotom is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.73-22979 Filed 10-29-73;8:45 am]

UNIVERSITY OF FLORIDA AND MEDICAL UNIVERSITY OF SOUTH CAROLINA

Notice of Consolidated Decision on Applications for Duty-Free Entry of Microcalorimeters

The following is a consolidated decision on applications for duty-free entry of microcalorimeters pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00022-01-07500. Applicant: University of Florida, Department of Materials Science and Engineering, Gainesville, Florida 32611. Article: LKB Batch Microcalorimeter, Model 10700-2. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for teaching and research in the general area of surface reactions between liquids and various solid substrates. In particular, it will be used to determine the heats of reaction between polyelectrolytes and phosphate slimes and to measure the energy evolved when collagen-like polypeptides interact with powdered glasses. Application received by Commissioner of Customs: July 11, 1973. Advice submitted by Department of Health, Education, and Welfare on: October 5, 1973.

Docket Number: 74-00043-01-07500. Applicant: Medical University of South Carolina, Biochemistry Department, 80 Barre Street, Charleston, South Carolina 29401. Article: LKB Batch Microcalorimeter, Model 10700-2. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for the study of proteins and other biologically important molecules. The protein systems include the enzymes: xanthine oxidase, synthetase, dihydrofolate reductase, serine tranhydroxymethylase, uricase, and ATPase. Whole cell studies will also be conducted. Thermal changes associated with biological reactions undergone by the above both in vitro will be investigated. Application received by Commissioner of Customs: July 23, 1973. Advice submitted by Department of Health, Education, and Welfare on: October 5, 1973.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each foreign article provides the capability for operation in a differential mode. The Department of Health, Education, and Welfare (HEW) advised in its respectively dated memoranda that the capability described above is pertinent to the purposes for which each article is intended to be used. HEW further advised that it knows of no domestic instrument which is scientifically equivalent to any of the articles cited above for each applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.73-22980 Filed 10-29-73;8:45 am]

UNIVERSITY OF WASHINGTON, ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00004-33-46040. Applicant: University of Washington, Department of Microbiology, F304 Health Science Bldg., Seattle, Washington 98195. Article: Electron Microscope, Model JEM 100B. Manufacturer: JEOL Ltd., Japan. Intended use of article: The

foreign article will be used in research studies on biological specimens ranging from viruses to human tissue. Specific uses will involve the morphology of aquatic bacteria, tumor allograft rejection, cytophagocytosis of viable Sal Cells by immune macrophages, direct phase counting procedures for enumerating microorganisms in lacustrine habitats, host parasite relationships in syphilis, molecular structure of Polyoma DNA and the evaluation Bacterial Plasmids. Application received by Commissioner of Customs: July 2, 1973. Advice submitted by Department of Health, Education, and Welfare on: October 4, 1973.

Docket Number: 74-00005-33-46040. Applicant: University of Southern California, School of Medicine, 2025 Zonal Avenue, Los Angeles, California 90033. Article: Electron Microscope, model HU-12A. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The foreign article will be used in research studies of human and animal pituitary glands that have been treated with various chemical agents to reveal cellular location of divalent cations (calcium). The studies will also require high resolution observation of thin sectioned tissue. Application received by Commissioner of Customs: July 2, 1973. Advice submitted by Department of Health, Education, and Welfare on: October 4, 1973.

Docket Number: 74-00010-33-46040. Applicant: Health Research Inc., 666 Elm Street, Buffalo, New York 14203. Article: Electron Microscope, Model Elmiskop 101B. Manufacturer: Siemens AG, West Germany. Intended use of article: The foreign article will be utilized in a laboratory established to provide both a service and research function of a wide scope dealing mainly with ultrastructural changes produced in tissues including tumors following their exposure to various drugs and antitumor therapies, including hormones, new compounds, immunotherapy, dietary and pathological manipulations. Representative studies include localization of pathological changes in organelles (e.g., mitochondrion, lysosomes) of specific tissues following acute and chronic treatment of several animal species with antitumor agents, the effects of certain drugs, including carcinogenic agents, on the structure of ribosomes, mitochondrion, lysosomes and cell membrane, and localization of certain hormones and drugs in the cell by combination of histochemistry or radioautography with electron microscopy. The article is also expected to be used for training graduate students for a PH. D. in experimental Pathology. Application received by Commissioner of Customs: June 28, 1973. Advice submitted by Department of Health, Education, and Welfare on: October 4, 1973.

Docket Number: 74-00013-33-46040. Applicant: Montefiore Hospital and Medical Center, 111 East 210th Street, Bronx, New York 104677. Article: Electron Microscope, Model Elmiskop 101. Manufacturer Siemens AG, West Germany. Intended use of article: The foreign article will be used to study the structural changes that occur in specific biological tissues accompanying either, disease processes, experimental manipulation or normal development. Some of the studies planned involve (1) examination of the development of synaptic contacts in the brains of several mutant mice which show neurological symptoms to further understanding of human disease in which similar changes are observed, (2) study of the effects of various antibodies on the aggregation of human red cells to obtain an understanding of the mechanism of antibody action and as an aid in the design of laboratory methods for the detection of antibodies, (3) examination of surgically removed disease processes, and as an aid in the diagnosis of certain conditions, and (4) continued investigation of the effect of various environmental pollutants on the central nervous system in the developing as well as the adult animal in the hope that these investigations will not only elucidate the effects of the pollutants but will also offer clues toward methods most suited to reverse or prevent these effects. Application received by Commissioner of Customs: June 14, 1973. Advice submitted by Department of Health, Education, and Welfare on: October 4, 1973.

Docket Number: 74-00016-33-46040. Applicant: Marine Biomedical Institute, 200 University Boulevard, Galveston, Texas 77550. Article: Electron Microscope, Model EM 301. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is to be used in the study of the mammalian ventral root, a tissue consisting primarily of myelinated and unmyelinated axons, in which previously unsuspected unmyelinated fibers undoubtedly important in human disease have been found. The study will be conducted by performing selective surgical ablations in model mammals such as the cat or monkey and examining the ventral root in the electron microscope to see where the fibers are coming from. Application received by Commissioner of Customs: July 5, 1973. Advice submitted by Department of Health, Education, and Welfare on: October 5, 1973.

Docket Number: 74-00017-33-46040. Applicant: Tulane University, Delta Regional Primate Research Center, Covington, Louisiana, 70433. Article: Electron Microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used to examine neoplastic and other pathological tissues of nonhuman primates for evidence of viruses that can be correlated with the disease. Particular emphasis will be placed on the recognition of viral particles in tumor tissues arising spontaneously or by experimental induction in nonhuman primates. Viral particles as small as 20 nm in diameter lying with the ultrastructure of infected cells will be examined. In addition quantitative ultrastructural determinations of the effects of environmental insults on presynaptic and post synaptic dense material or specializations, types of synaptic vesicles and on differentiation of various types of synapses will be performed. Subtle alterations in cytoplasmic and pre- and post-synaptic membrane structure and relationships, synaptic clefts, and glia/neuron relationships will be under investigation. The objectives pursued in the course of these investigations are: (1) Recognition and description of viral pathogens for diagnosis of clinical disease, (2) determination of viral etiology in naturally occurring and experimentally induced neoplastic diseases, (3) a better understanding of tumor induction by viruses and viral replication or latency in infected primates, (4) to determine the effects of ionizing irradiation on growth of the brain and ultrastructural maturation of the cerebral cortex in the squirrel monkey, (5) to determine the effects of postnatal malnutrition on the ultrastructural maturation of brain and on learning, neurochemistry and general growth of the brain in infant squirrel monkeys, and (6) to evaluate the effects of chronic radiation on aging changes including ultrastructural alterations in the brain of the rat and rhesus monkey. The article will also be used in a Freshman neuroscience (neuroanatomy) course in which electron micrographs of brain tissues from normal and experimental subjects will be employed in lectures and other instructional programs to provide instruction in principles of neuroscience as applied to the practice of medicine. Application received by Commissioner of Customs: July 9, 1973. Advice submitted by Department of Health, Education, and Welfare on October 5, 1973.

Docket Number: 74-00024-33-46040. Applicant: University of Virginia School of Medicine, Department of Neurological Surgery, Charlottesville, Virginia 22901. Article: Electron Microscope, Model HU 12A. and accessories. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for an ultrastructural analysis of central nervous system tissue. The following problems will be under investigation:

1. Examination of the ultrastructure of normal and abnormal synaptic types in the visual cortex of the rat and tree shrew, especially the investigation of the lower laminae of visual cortex after laminar lesions have been made on the surface of the cortex. In this study the degenerating boutons will be examined at different survival times in the attempt to determine if there is a selective loss of certain types of synapses on particular areas of the neuron or its processes with the hope of correlating the behavioral changes induced by this lesion with the morphological changes seen with the electron microscope.

2. Examination of the morphology of normal and abnormal synaptic complexes. This involves determining whether the synapses fall into symmetrical or asymmetrical categories as determined by differences in the synaptic cleft and vesicle size and shape. The capability for a high degree of tilt at high resolution is also of high priority

for examining the region of the synaptic cleft and more importantly the postsynaptic density. In addition, this analysis will include serial section composites of normal and abnormal neurons, processes and synaptic complexes in different laminae under investigation. Application received by Commissioner of Customs: July 5, 1973. Advice submitted by Department of Health, Education, and Welfare on: October 5, 1973.

Comments: No comments have been received in regard to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States. Reasons: Each foreign article has a specified resolving capability equal to or better than 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU–4C electron microscope which is manufactured by the Forgflo Corporation (Forgflo). The Model EMU–4C has a specified resolving capability of five angstroms. (Resolving capability bears an inverse relationship to its numerical rating in angstrom units, i.e., the lower the rating, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda, that the additional resolving capability of the foreign articles is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. We, therefore, find that the Forgflo Model EMU–4C is not of equivalent scientific value to any of the articles to which the foregoing applications relate, for such purposes as these articles are intended to be used. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.73-22978 Filed 10-29-73;8:45 am]

Maritime Administration

[Docket No. S–397]

AMERICAN TRADING TRANSPORTATION CO., INC.

Notice of Application

Notice is hereby given that American Trading Transportation Company Inc. has filed an application for operating-differential subsidy on four (4) tankers (to be constructed) of aproximately 89,000 deadweight tons each. Said vessels will operate generally from ports in Africa to United States Atlantic and Gulf ports, and may be operated in other worldwide service in the carriage of liquid bulk cargoes and dry bulk cargoes not subject to the cargo preference statutes including 10 U.S.C. 2631, 46 U.S.C. 1241, and 15 U.S.C. 616a.

Any party having an interest in such application and who would contest a finding of the Board that the service now provided by vessels of United States registry for the worldwide carriage of liquid and dry bulk cargoes, not subject to the cargo preference statutes, moving in the foreign commerce of the United States or in any particular trade in the foreign commerce of the United States is inadequate, must, on or before November 13, 1973, notify the Secretary in writing of his interest and of his position and file a petition for leave to intervene in accordance with the Boards Rules of Practice and Procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Merchant Marine Act, 1936, as amended, and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing.

In the event that a section 605(c) hearing is ordered to be held, the purpose of such hearing will be to receive evidence relevant to whether the service already provided by vessels of U.S. registry for the worldwide movement of liquid and dry bulk cargoes in the foreign oceanborne commerce of the United States is inadequate and whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated in such service.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing the Maritime Subsidy Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS).)

Dated: October 26, 1973.

By Order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-23225 Filed 10-29-73;8:45 am]

[Docket No. S–396]

LUCKENBACH INTERNATIONAL CORP.

Notice of Application

Notice is hereby given that Luckenbach International Corporation has filed an application for operating-differential subsidy on two new dry bulk carriers (to be constructed) of approximately 56,110 deadweight tons each. Said vessels will be time chartered and will operate eastbound from the west coast of Canada to eastern and Gulf Coast U.S. ports and westbound from Florida and/or the Caribbean to the west coast of Canada. The vessels will carry cargoes consisting entirely of bundled lumber eastbound and phosphates and/or other bulk or neo-bulk commodities westbound. These vessels will not carry cargo subject to the cargo preference statutes, including 10 U.S.C. 2631, 46 U.S.C. 1241, and 15 U.S.C. 616a.

Any party having an interest in such application and who would contest a finding of the Board that the service now provided by vessels of United States registry for the worldwide carriage of liquid and dry bulk cargoes, not subject to the cargo preference statutes, moving in the foreign commerce of the United States or in any particular trade in the foreign commerce of the United States is inadequate, must, on or before November 13, 1973, notify the Secretary in writing of his interest and of his position and file a petition for leave to intervene in accordance with the Board's rules of Practice and procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Merchant Marine Act, 1936, as amended, and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing.

In the event that a section 605(c) hearing is ordered to be held, the purpose of such hearing will be to receive evidence relevant to whether the service already provided by vessels of U.S. registry for the worldwide movement of liquid and dry bulk cargoes in the foreign oceanborne commerce of the United States is inadequate and whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing the Maritime Subsidy Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS).)

Dated: October 25, 1973.

By Order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-23224 Filed 10-29-73;8:45 am]

[Docket No. S–395]

SUWANNEE RIVER LINES, INC.

Notice of Application

Notice is hereby given that Suwannee River Lines, Inc. has filed an application for operating-differential subsidy on three (3) combination heated and refrigerated bulk liquid chemical carriers

and three (3) refrigerated bulk liquid chemical carriers (to be constructed) of approximately 67,000 deadweight tons each. The combination heated and refrigerated carriers will operate generally in the carriage of super phosphoric acid from the United States to the U.S.S.R. and ammonia from the U.S.S.R. to the U.S., and the refrigerated carriers will operate generally in the carriage of ammonia from the U.S.S.R. to the U.S. The vessels may at times be operated in other worldwide service, but will not carry cargoes subject to the cargo preference statutes including 10 U.S.C. 2631, 46 U.S.C. 1241, and 15 U.S.C. 616a.

Any party having an interest in such application and who would contest a finding of the Board that the service now provided by vessels of United States registry for the worldwide carriage of liquid and dry bulk cargoes, not subject to the cargo preference statutes, moving in the foreign commerce of the United States or in any particular trade in the foreign commerce of the United States is inadequate, must, on or before November 13, 1973, notify the Secretary in writing of his interest and of his position and file a petition for leave to intervene in accordance with the Board's Rules of Practice and Procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605 (c) of the Merchant Marine Act, 1936, as amended, and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing.

In the event that a section 605(c) hearing is ordered to be held, the purpose of such hearing will be to receive evidence relevant to whether the service already provided by vessels of U.S. registry for the worldwide movement of liquid and dry bulk cargoes in the foreign oceanborne commerce of the United States is inadequate and whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated in such service.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing the Maritime Subsidy Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504, Operating-Differential Subsidies (ODS).)

Dated: October 25, 1973.

By Order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-23223 Filed 10-29-73;10:46 am]

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS COORDINATING AND ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463 and Executive Order 11686, notice is hereby given that the Federal Information Processing Standards Coordinating and Advisory Committee (FIPSCAC) will hold a meeting from 10:00 a.m. to 1:00 p.m. on Tuesday, October 30, 1973, in Room B-255, Building 225, of the National Bureau of Standards in Gaithersburg, Maryland.

The purpose of the meeting is to review the actions of the Federal Information Processing Standards (FIPS) Task Groups and to consider other matters relating to Federal information processing standards.

The public will be permitted to attend, to file written statements, and, to the extent that time permits, to present oral statements. Persons planning to attend should notify the Office of Information Processing Standards, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234 (Phone 301-921-3551).

Dated: October 24, 1973.

RICHARD W. ROBERTS,
Director.

[FR Doc.73-22971 Filed 10-29-73;8:45 am]

NATIONAL INVENTORS COUNCIL

Notice of Meeting

Pursuant to Executive Orders 11671 and 11686, notice is hereby given of a meeting of the National Inventors Council to be held in Room 4833 at the Department of Commerce, Washington, D.C., from 10:00 a.m. to 5:00 p.m. on November 9, 1973.

The purpose of the Council is to advise the Secretary of Commerce on policies affecting the processes of technological change.

The Council is composed of approximately 15 members from the industrial, legal and academic communities, and 10 observers from Federal agencies in the Washington, D.C. area.

The agenda for the meeting will include a discussion of patent legislation currently being considered by Congress. Future studies of the patent system and related matters will also be discussed.

The meeting will be open to public observation; applications for admission will be accepted and granted on a first-come-first-served basis up to the capacity of the conference room. These applications should be sent by first-class mail to Mrs. Florence Essers, Executive Secretary, National Inventors Council, National Bureau of Standards, Washington, D.C. 20234, telephone (301) 921-3612.

Dated October 24, 1973.

RICHARD W. ROBERTS,
Director.

[FR Doc.73-23000 Filed 10-29-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT, COLLEGE WORK STUDY AND NATIONAL DIRECT STUDENT LOAN PROGRAMS

Notice of Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section 413D (b), 442, and 462(b) of the Higher Education Act of 1965 ((20 U.S.C. 1070b-3 (b)), 42 U.S.C. 2752 and 20 U.S.C. 1087bb (b)) applications are being accepted from institutions of higher education under the Supplemental Educational Opportunity Grant, College Work-Study and National Direct Student Loan Programs (Part A Subpart 2, Part C and Part E of Title IV of the Higher Education Act, respectively). In order to receive consideration such applications must be received on or before November 28, 1973, for funds requested for the fiscal year beginning July 1, 1974 and ending June 30, 1975. Institutions that were notified by letter of an earlier cutoff date are hereby advised of the extension of that date to November 28.

Such applications shall be submitted to the Regional Office of the Office of Education serving the area in which the institution is located. Application forms have been mailed to institutions which have previously received funds under any of the three programs. Copies of such application forms may be obtained from the various Regional Offices of the Office of Education. The addresses of the Regional Offices are as follows:

Office of Education, Region I, John Fitzgerald Kennedy Federal Building, Government Center, Boston, Mass. 02203.

Office of Education, Region II, Federal Building, 26 Federal Plaza, New York, N.Y. 10007.

Office of Education, Region III, 3535 Market Street, New Gateway Building, Philadelphia, Pa. 19101.

Office of Education, Region IV, Peachtree-Seventh Building, 50 7th Street NE., Atlanta, Ga. 30323.

Office of Education, Region V, 300 South Wacker Drive, Chicago, Ill. 60607.

Office of Education, Region VI, 1114 Commerce Street, Dallas, Tex. 75202.

Office of Education, Region VII, Federal Office Building, 601 East 12th Street, Kansas City, Mo. 64106.

Office of Education, Region VIII, Federal Office Building, 19th and Stout Streets, Denver Colo. 80202.

Office of Education, Region IX, Federal Office Building, 50 Fulton Street, San Francisco, Calif. 94102.

Office of Education, Region X, Arcade Building, 1321 Second Avenue, Seattle, Wash. 98101.

Dated October 25, 1973.

(Catalog of Federal Domestic Assistance No. 13.463, College Work-Study Program and

13.471, National Direct Student Loan Program)

PETER P. MUIRHEAD,
Acting U.S. Commissioner of Education.

[FR Doc.73-23175 Filed 10-29-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

TENNESSEE

Notice of Proposed Action Plan

The Tennessee Department of Transportation has submitted to the Federal Highway Administration of the U.S. Department of Transportation a proposed Action Plan as required by Policy and Procedure Memorandum 90-4 issued on June 1, 1973. The Action Plan outlines the organizational relationships, the assignments of responsibility, and the procedures to be used by the State to assure that economic, social and environmental effects are fully considered in developing highway projects and that final decisions on highway projects are made in the best overall public interest, taking into consideration: (1) Needs for fast, safe and efficient transportation; (2) public services; and (3) costs of eliminating or minimizing adverse effects.

The proposed Action Plan is available for public review at the following locations:

1. Tennessee Department of Transportation
   Highway Building
   6th Avenue, North and Deaderick Street
   Nashville, Tennessee 37219
2. Tennessee Division Office—FHWA
   4004 Hillsboro Road
   Suite 236
   Nashville, Tennessee 37215
3. FHWA Regional Office—Region 4
   Office of Environment and Design
   Room 208
   1720 Peachtree Road NW.
   Atlanta, Georgia 30309
4. U.S. Department of Transportation
   Federal Highway Administration
   Environmental Development Division
   Nassif Building—Room 3246
   400 7th Street SW.
   Washington, D.C. 20590

Comments from interested groups and the public on the proposed Action Plan are invited. Comments should be sent to the FHWA Regional Office shown above before November 26, 1973.

Issued on October 25, 1973.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.73-23011 Filed 10-29-73;8:45 am]

Urban Mass Transportation Administration

URBAN TRANSPORTATION ADVISORY COUNCIL

Cancellation of Public Meeting

On October 23, 1973, the FEDERAL REGISTER published notice of a meeting of the Urban Transportation Advisory Council at Dallas, Texas, October 30, 1973. That meeting has been postponed until January 18, 1974.

A notice of public meeting will be published in the FEDERAL REGISTER prior to the next meeting of the Urban Transportation Advisory Council.

This notice is given pursuant to section 10 of Pub. L. 92-463.

Issued on October 24, 1973.

JOHN E. HIRTEN,
Deputy Administrator, Urban Mass Transportation Administration.

[FR Doc.73-23056 Filed 10-29-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-348; 50-364]

ALABAMA POWER CO.

Receipt of Application for Facility Operating Licenses; Consideration of Issuance of Facility Operating Licenses; Availability of Applicant's Environmental Report; and Opportunity for Hearing

Notice is hereby given that the Atomic Energy Commission (the Commission) has received an application for facility operating licenses from Alabama Power Company (the applicant) which would authorize the applicant to possess, use, and operate Joseph M. Farley Nuclear Plant, Units 1 and 2, two pressurized water nuclear reactors (the facilities), located on the applicant's site in Houston County, Alabama. Each unit would operate at steady-state power levels not to exceed 2,652 megawatts thermal.

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. The report, which discusses environmental considerations related to the proposed operation of the facility, is being made available at the Alabama Development Office, State Office Building, Montgomery, Alabama 36104, and the Southeast Alabama Regional Planning and Development Commission, P.O. Box 1460, Dothan, Alabama 36301.

After the Environmental Report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's regulatory staff. 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. The draft statement will focus on any matters which differ from those previously discussed in the final environmental statement prepared in connection with the issuance of the construction permit. 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.

The Commission will consider the issuance of facility operating licenses to Alabama Power Company which would authorize the applicant to possess, use, and operate the Joseph M. Farley Nuclear Plant, Units 1 and 2, in accordance with the provisions of the license and the technical specifications appended thereto, upon the completion of a favorable safety evaluation on the application by the Commission's Directorate of Licensing, the completion of the environmental review required by the Commission's regulations in 10 CFR Part 50, Appendix D, the receipt of a report on the applicant's application for facility operating licenses by the Advisory Committee on Reactor Safeguards, and a finding by the Commission that the application for the facility licenses, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (Act), and the Commission's regulations in 10 CFR Ch. 1. Construction of the facilities was authorized by Construction Permit Nos. CPPR-85 and CPPR-86, issued by the Commission on August 16, 1972. Construction of Unit 1 is anticipated to be completed by June 1, 1976 and Unit 2 by July 1, 1977.

Prior to issuance of any operating licenses, the Commission will inspect each facility to determine whether it has been constructed in accordance with the application, as amended, and the provisions of the above noted Construction Permit. In addition, the licenses will not be issued until the Commission has made the findings, reflecting its review of the application under the Act which will be set forth in the proposed licenses, and has concluded that the issuance of the licenses will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of the licenses, the applicant will be required to execute an indemnity agreement as required by section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

The facilities are subject to the provisions in 10 CFR Part 50, Appendix D, for notice of opportunity for filing petitions for leave to intervene and requests for a hearing on environmental considerations related to issuance of the facility operating license.

On or before November 29, 1973, the applicant may file a request for a hearing with respect to issuance of the facility operating licenses and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission or an atomic safety and licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition and the Secretary or the designated atomic safety

and licensing board will issue a notice of hearing or an appropriate order.

A petition for leave to intervene must be filed under oath or affirmation in accordance with the provisions of 10 CFR 2.714. As required by 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 request for a hearing or 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 29, 1973. A copy of the petition and/or request should also be sent to the Chief Hearing Counsel, Office of the General Counsel, U.S. Atomic Energy Commission, Washington, D.C. 20545, and to George F. Trowbridge, Esq., Shaw, Pittman, Potts & Trowbridge, 910 17th Street NW., Washington, D.C. 20006, attorney for the applicant.

A petition for leave to intervene which is not timely will not be granted unless the Commission, the presiding officer, or the atomic safety and licensing board designated to rule on the petition and/or request determines that the petitioner has made a substantial showing of good cause for failure to file on time and after considering those factors specified in 10 CFR 2.714(a)(1)–(4) and § 2.714(d).

For further details pertinent to the matters under consideration, see the application for the facility operating licenses dated August 29, 1973, as amended, and the applicant's Environmental Report dated August 29, 1973, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the George S. Houston Memorial Library, 212 W. Vurdeshaw Street, Dothan, Alabama 36301. As they become available, the following documents may be inspected at the above locations: (1) The safety evaluation prepared by the Directorate of Licensing; (2) the Commission's draft detailed statement on environmental considerations pursuant to 10 CFR Part 50, Appendix D; (3) the Commission's final detailed statement on environmental considerations; (4) the report of the Advisory Committee on Reactor Safeguards on the application for facility operating licenses; (5) the proposed facility operating licenses; and (6) the technical specifications, which will be attached to the proposed facility operating licenses.

Copies of items (1), (3), (4), and (5), when available, may be obtained by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 23d day of October 1973.

For the Atomic Energy Commission.

KARL KNIEL,
Chief, Pressurized Water Reactors Branch No. 2, Directorate of Licensing Regulation

[FR Doc.73-22921 Filed 10-29-73;8:45 am]

[Docket Nos. 50-452 and 50-453]

DETROIT EDISON 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 Detroit Edison Company (the applicant), for construction permits for two pressurized water nuclear reactors designated as the Greenwood Energy Center, Units 2 and 3 (the facilities), each of which is designed for initial operation at approximately 3,429 megawatts thermal and a net electrical output of 1,160 megawatts. The proposed facilities are to be located on the applicant's site in Greenwood Township, St. Clair County, Michigan. 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. Richard F. Cole, Dr. Walter H. Jordan, and Frederic T. Suss, Esquire, Chairman. Dr. Jane H. Hall has been designated as a technically qualified alternate, and James R. Yore, Esquire, 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 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 and the Environmental Report, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., between the hours of 8:30 a.m. and 5:00 p.m. on weekdays. Copies of those documents will also be made available at the St. Clair County Library, 210 McMorron Boulevard, Port Huron, Michigan 48060, for inspection by members of the public between the hours of 9 a.m. and 9 p.m. Monday through Friday, and 9 a.m. to 5 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, 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 30, 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 30, 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 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 20, 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, Washington, D.C. 20545, and to Peter A. Marquardt, Esquire, Detroit Edison Company, 2000 Second Avenue, Detroit, Michigan 48226, 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.73-23006 Filed 10-29-73;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]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entry or Withdrawal From Warehouse for Consumption

OCTOBER 24, 1973.

On October 4, 1973, there was published in the FEDERAL REGISTER (38 FR 27547) a letter dated September 28, 1973 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs implementing those provisions of the Bilateral Wool and Man-Made Fiber Textile Agreement of January 4, 1972, as amended, between the Governments of the United States and the Republic of Korea which establish specific export limitations, among other categories, on Categories 221 and 229, produced or manufactured in the Republic of Korea and exported to the United States during the twelve-month period beginning October 1, 1973 and extending through September 30, 1974. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraph 7 of the Bilateral Wood and Man-Made Fiber Textile Agreement of January 4, 1972, as amended, which provides that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent.

Accordingly, at the request of the Government of the Republic of Korea and pursuant to the provision of the bilateral agreement referred to above, there is published below a letter of October 24, 1973 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the levels of restraint applicable to man-made fiber textile products in Categories 221 and 229 for the twelve-month period which began on October 1, 1973.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

OCTOBER 24, 1973.

DEAR MR. COMMISSIONER: On September 28, 1973, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning October 1, 1973 of wool and man-made fiber textile products in certain specified categories, produced or manufactured in the Republic of Korea, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Pursuant to paragraph 7 of the Bilateral Wool and Man-Made Fiber Textile Agreement of January 4, 1972, as amended, between the Governments of the United States and the Republic of Korea, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to amend, effective as soon as possible, the levels of restraint established in the aforesaid directive of September 28, 1973, for man-made fiber textile products in Categories 221 and 229 to the following:

Category		*levels of restraint*[2] *Amended twelve-month*
221	dozen	2,693,358
229	do	740,120

The actions taken with respect to the Government of the Republic of Korea and with respect to imports to wool and man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73-23203 Filed 10-29-73;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

PROVISION OF PROPOSED CHILDREN'S SLEEPWEAR FLAMMABILITY STANDARD, SIZES 7 THROUGH 14

Notice of Meeting

At the request of the National Wool Growers Association, a meeting will be

[1] The term "adjustment" refers to those provisions of the Bilateral Wool and Man-Made Fiber Textile Agreement of January 4, 1972 between the Governments of the United States and the Republic of Korea which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; for limited inter-fiber flexibility between cotton textiles and man-made fiber textile products of the comparable category; and for administrative arrangements.

[2] These amended levels of restraint have not been adjusted to reflect any entries made on or after October 1, 1973.

held on Wednesday, November 28, 1973, at 1:00 p.m., in the Conference Room, second floor, Westwood Towers Building, 5401 Westbard Avenue, Bethesda, Maryland, to discuss the requirements of section .5(b) of the proposed flammability standard for children's sleepwear, sizes 7 through 14. (The proposal was published in the FEDERAL REGISTER of March 12, 1973; 38 FR 6700). Specifically, the conditioning level of ±65 percent relative humidity specified in the test procedure is to be discussed.

The meeting will be attended by representatives of the National Wool Growers Association, the Consumer Product Safety Commission, and the National Bureau of Standards.

Any other parties who wish to attend should notify Margaret Freeston, Office of the General Counsel, Consumer Product Safety Commission, Washington, D.C. 20207 (telephone 301-427-6373). In the event that the space available for the meeting will not accommodate all the parties who wish to attend, attendance will be determined on the basis of the earliest requests for attendance.

Dated: October 23, 1973.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.73-23061 Filed 10-29-73;8:45 am]

FEDERAL MARITIME COMMISSION

AUSTRALIA/U.S. ATLANTIC AND GULF CONFERENCE

Notice of a Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762 (46 U.S.C. 814)).

Interested parties may inspect a copy of the proposed contract form and of the petition at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015, or at the field offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments with reference to the proposed contract form and the petition including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, on or before November 9, 1973. Any person desiring a hearing on the proposed contract system 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 proposed contract form and the petition (as indicated hereinafter), and the statement should indicate that this has been done.

Notice of agreement filed by:

Stanley O. Sher, Esq.
Billig, Sher & Jones, P.C.
Suite 300
1126 Sixteenth Street NW.
Washington, D.C. 20036

Agreement No. 9450 DR-6 is an application on behalf of the member lines of the Australia/U.S. Atlantic and Gulf Conference, for permission under Section 14b to modify the presently approved dual rate system and form of contract by changing the name of the conference to the "Australia-Eastern U.S.A. Shipping Conference", and immediately after such name adding the words "serving U.S.A. through Gulf and East Coast Ports", in the Preamble, Article 2 and other appropriate provisions.

Dated: October 25, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-23100 Filed 10-29-73;8:45 am]

[No. 73-56]

NONVESSEL OPERATING COMMON CARRIERS IN DOMESTIC OFFSHORE TRADES

Order To Show Cause; Correction

OCTOBER 24, 1973.

In the Commission's order to show cause in this proceeding served September 7, 1973, the following parties were inadvertently included in the list of respondents and are hereby deleted therefrom.

El Sol De Mayo Express Furniture
937 East Tremont Avenue
Bronx, New York 10460

Sea Freight Express, Inc.
720 Tonnele Avenue
Jersey City, New Jersey 07307

Additionally, El Seis De Mayo Express, 765 East 149th Street, Bronx, New York 10455, was inadvertently omitted from the list of respondents and is hereby added thereto. Affidavits of fact and memoranda of law in response to the show cause order shall be filed by respondent El Seis De Mayo Express on or before November 9, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-23101 Filed 10-29-73;8:45 am]

PORT OF SEATTLE AND AMERICAN MAIL LINE, LTD.

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 1202; 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 19, 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. George Sutter
Manager, Real Estate Services
Port of Seattle
P.O. Box 1209
Seattle, Washington 98111

Agreement No. T-2640-4, between the Port of Seattle (Port) and American Mail Line, Ltd. (AML), modifies the basic agreement between the parties providing for the 5-year lease to AML of Terminal 25, Seattle, Washington. (Effective October 1, 1973, AML was merged into American President Lines and ceased to exist as an independent corporation.) The purpose of Agreement No. T-2640-4 is to provide for AML's lease of an additional area of 162,187 square feet of land otherwise known as Young Iron Works, plus the cost of preparing the area for use, including an additional gate house in the north section of Terminal 25. Rental for the land area itself shall be based on a value of $2.50 per square foot. The construction cost is to be provided by the Port, with AML amortizing the cost over a 40-year period. Upon completion of the construction and when final costs are made available, the adjusted rental payments will be in accordance with the actual construction costs.

Dated: October 25, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-23102 Filed 10-29-73;8:45 am]

LESCO PACKING CO., INC., ET AL.

Applicants for Independent Ocean Freight Forwarder License

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight

forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Lesco Packing Co., Inc.
463 Broome Street
New York, New York 10013

OFFICER

Irving Bethell, President

Jose Astengo, Jr.
1300 S. Beacon Street
San Pedro, California

Gerhard F. Carl
437 Chestnut Street
Philadelphia, Pennsylvania 19106

Valley Transportation & Warehouse Co., Inc.
1825 S. Black Canyon Hwy.
Phoenix, Arizona 85009

OFFICERS

Thomas W. Moffitt, President
Willis A. Jorgenson, Scretary/Treasurer
Harry J. Wrede, Vice President

J. D. Express Co., Inc.
P.O. Box 5123
Newark, New Jersey 07105

OFFICERS

Jozef Domaniecki, President
Christine Domaniecki, Secretary/Treasurer
George J. Domaniecki, Vice President

Division M, Inc.
4139 George
Schiller Park, Illinois 60176

OFFICERS

Hermilo Mendoza, President
Judith K. Matta, Vice President
Henry E. Kloch, Secretary/Treasurer

Edward Brown Adams d/b/a
A. E. C.
P.O. Box 42535
Houston, Texas 77042

Alfred Ramirez
1603 Willowby Drive
Houston, Texas

Fred O. Pautz d/b/a
Midwest Overseas
772 White Birch Lane
Lake Zurich, Illinois 60047

Dated: October 25, 1973.

By the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-23098 Filed 10-29-73;8:45 am]

GULF-MEDITERRANEAN PORTS CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y.; New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 6, 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:

Leon M. Paine, Jr., Secretary
Gulf-Mediterranean Ports Conference
Suite 927—Whitney Building
New Orleans, Louisiana 70130

Agreement No. 134-36 among the member lines of the Gulf-Mediterranean Ports Conference modifies the basic agreement by adding a further exception to the prohibition against member lines or their agents acting as agents for nonmember lines operating in the same trade. The exception provides that a member line or its agent may represent a nonmember line as general agents provided the nonmember agrees to abide by the rates, rules, and regulations of the conference and the representing member line certifies that it has control over the rate activities of the nonmember and guarantees that the nonmember will adhere to all contract rates, rules and regulations of the conference.

By Order of the Federal Maritime Commission.

Dated: October 26, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-23229 Filed 10-29-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RI74-15]

AMERADA HESS CORP., ET AL.

Order Concluding Show Cause Proceeding and Authorizing Examination of Certain Records

OCTOBER 15, 1973.

In May of 1973, the Commission released the National Gas Reserves Study (1973), which contains an independent and comprehensive analysis of the nation's proven natural gas reserves as of December 31, 1970. To a large extent, that study was made possible through the cooperation of natural gas companies who voluntarily furnished proprietary reserve information to the Commission's staff with the understanding that it would be afforded confidential treatment in accordance with Paragraph (B) of our order of December 21, 1971:[1]

> Any nonpublic commercial information concerning an individual natural gas company's reserves obtained during the course of this survey and analysis shall be treated as confidential without public disclosure by the staff of the Commission and its agents, including any accounting firm selected by the Commission to assist in this survey and analysis, unless otherwise directed by the Commission. The provisions of section 8(b) of the Natural Gas Act [15 U.S.C. 717g(b)] and 5 U.S.C. 552(b (4) and (9) [Freedom of Information Act] shall apply.

In order to assure that confidentiality would be maintained in fact, our order of December 21, 1971, as amended on March 9, 1972,[2] established detailed procedures for the compilation and analysis of individual company reserve data. In summary, these procedures required independent reserve teams, under the supervision of the Commission's staff, to visit various natural gas companies and examine data relating to certain fields which had been randomly selected by an independent accounting agent. The companies visited were requested to furnish the reserve teams with such information as (1) field area maps showing the location and completion of all wells drilled prior to December 31, 1970, (2) electrical well surveys, (3) core analyses, (4) reservior production histories, (5) specific gravities of gas, (6) formation temperatures, (7) original reservoir pressures, (8) isopach maps, (9) records and backup data on reservoir pressure measurements, and (10) other pertinent data requested by the reserve teams. After analyzing such data, the independent reserve teams were required to transmit the estimations on a confidential basis to the reserve team supervisor who, in turn, was to furnish the accounting agent with a final reserve estimate for each field after comparing the reserve team data with A.G.A. reserve estimates[3] or any other source. The worksheets which were prepared by the reserve teams were required to be returned to the Commission's offices in Washington and placed in the custody of the Technical Director of the National Gas Survey who was to have the responsibility of protecting their confidentiality.

Once all sampling had been made and all final estimates submitted, the independent accounting agent was to provide

[1] Order Directing Study and Analysis of Natural Gas Reserves and Prescribing Procedures for the National Gas Survey (December 21, 1971).

[2] Order Amending Order Prescribing Procedures for the National Gas Survey (March 9, 1972).

[3] Industry representatives who provide A.G.A. reserves submitted those reserves by fields on a confidential basis to the independent accounting agent.

a report to the National Gas Survey on United States gas reserves as they existed as of December 31, 1970. When the report was accepted by the National Gas Survey, the accounting agent and the reserve team supervisor were to return all A.G.A. records to the member of the A.G.A. Committee of Natural Gas Reserves assigned to the area involved.

With the completion of the National Gas Reserves Study, in substantial compliance with the procedures outlined above, it becomes the responsibility of this Commission to determine what disclosure, if any, should be made of the reserve data now being held on a confidential basis. Our task is particularly difficult in view of the interest in reserves data that has been expressed by certain committees and subcommittees of Congress which are independently investigating the energy crisis. Already, the Chairman of the Commission has been compelled by subpoena duces tecum to furnish the Senate Judiciary Committee's Subcommittee on Antitrust and Monopoly with uncommitted gas reserve data which was collected in Docket No. 405. Under compulsion of process, we authorized the Chairman to comply with the subcommittee's demands, but expressly noted that such practice was in derogation of the procedural and substantive due process rights of the persons whose proprietary data was involved.[4]

In addition to the manifest interest of certain committees and subcommittees of Congress, the Federal Trade Commission has noted its interest in the reserves underlying the National Gas Reserves Study. In particular, on July 30, 1973, James T. Halverson, Director of the Federal Trade Commission's Bureau of Competition, filed an application with this Commission requesting that Theodore L. Lytle, Jr., an attorney for the Bureau of Competition, be given permission "to examine and copy the natural gas reserve estimates developed by the Federal Power Commission on fields in Offshore Louisiana."

In an effort to resolve these complex problems in a manner consistent with our responsibilities to both Congress and to the natural gas companies which have relied upon our assurances of confidentiality, we initiated the immedfate proceeding on July 31, 1973, by ordering all natural gas companies involved, as well as any other interested party, to show cause why the gas reserves data in question should either be (1) retained on a fidential treatment, (5) disclosed to other (3) disclosed to any committee or subcommittee of Congress without restriction, (4) disclosed to any committee or subcommittee of Congress subject to confidential treatment, (5) disclosed to other Federal agencies without restriction, or (6) disclosed to other Federal agencies subject to confidentiality. On August 1, 1973, we treated Mr. Halverson's application as a petition to intervene in this proceeding and invited his comments to be filed with others on or before August 15, 1973.

Upon review of the comments received from twenty-six natural gas companies and the Federal Trade Commission, we are convinced that no justification exists for modifying our order of December 21, 1971, as amended, which assures confidential treatment of the data submitted "unless otherwise directed by the Commission." Indeed, the majority of comments demonstrate that public disclosure of the data at this juncture would severely harm the public interest.

To begin with, it must be recognized that a natural gas company's reserve data, much like a patent or trade secret, constitutes a valuable and closely guarded asset. Making this asset available to competitors, without due compensation, would most certainly be inimical to competition, especially in highly competitive areas, as the comments of Ashland Oil, Inc., illustrate:

> * * * Ashland Oil, Inc. has obtained leases in Federal offshore areas by payments to the United States Government of large bonuses. Unleased acreage adjoins and offsets certain of these leases. If significant reserves are discovered and if the reservoirs extend into unleased areas, Ashland would not disclose the results of such exploration until an opportunity is available to bid in a drainage sale of the offsetting acreage. The information developed on such leases is highly confidential and proprietary in nature and disclosure of such information prior to the drainage sale would destroy Ashland's competitive advantage in bidding at such sale by making available to other companies the results of Ashland's exploration efforts made at great expense of it.

We agree. Those who are willing to expend large sums toward the development of reserves data should not, through disclosure, be ironically placed in an inferior position to bargain against competitors who are willing to do little more than exploit the efforts of others.[5]

> * * * [D]isclosure of the seismic reports and other exploratory findings of oil companies would give speculators an unfair advantage over the companies which spent millions of dollars in exploration.
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> 1966 *U.S. Cong. and Ad. News*, p. 2418 at 2428.

In addition to the competitive problems, the general disclosure of proprietary reserves data would have an inhibiting effect on future exploration of natural gas reserves since speculators could equally benefit with those producers willing to make geological and geophysical expenditures. Exploration and development of new gas reserves is already a highly risky enterprise. To add to the geological and financial uncertainty involved the additional risk that a successful explorer may be deprived of a valuable property right, would only exacerbate the critical gas supply shortage.

While we intend to maintain the data in question on a confidential basis to the fullest extent possible, we recognize, as do many of the producers whose data is involved, that our discretion is limited by the demands of certain authorized committees and subcommittees of Congress which may desire to examine such data in connection with pending legislative proposals. Accordingly, upon formal demand of an authorized committee or subcommittee of Congress which may desire to examine such data in connection with pending legislative proposals. Accordingly, upon formal demand of an authorized committee or subcommittee of Congress, we will make available to such committee or subcommittee any data received in connection with the National Gas Reserves Study. Any such disclosure to a Congressional committee or subcommittee will not, however, be unrestricted on our part, but will be expressly subject to the requirements of confidentiality and protection against public disclosure as set forth in all related orders of this Commission.

We turn now from the merits of the show cause proceeding to the application of Mr. Halverson for authorization to permit Theodore L. Lytle, Jr., an attorney with the Federal Trade Commission's Bureau of Competition, "to examine and copy the natural gas reserve estimates developed by the Federal Power Commission on fields in Offshore Louisiana." As specifically identified by Mr. Lytle in his letter of June 5, 1973, to Mr. Edward Minor of our Office of General Counsel, these fields are:

MAJOR OFFSHORE FIELDS

Cameron, East Block 64–63–48–49.
Cameron, West Block 180–173–174–179–181–144.
Cameron, West Blocks 17–18–47–48.
Coon Point & Ship Shoal Blocks 39–26.
Delta, West Block 25–27–24–23–22.
Eugene Island Block 266–246.
Eugene Island Block 292–293.
Grand Isle Block 43–68–71.
Main Pass Blocks 40–41–42–37–57–43.
Marsh Island, South—Mound Point—
Marsh Island, South Block 23–22–34–35.
Marsh Island, Southwest—Mound Point—
Rabbit Island.
Ship Shoal Block 176–177–198–199.
Ship Shoal Block 208–209–214–215–233.
Ship Shoal Blocks 28–19–27.
Timbalier, South Block 172–164–165–173–166–171.
Vermilion Block 14.
Vermilion Block 39–38–42.
Vermilion Block 66–76–57.

SMALLER OFFSHORE FIELDS

Cameron, East Block 24–23.
Eugene Island Blocks 231–214–230.
Ship Shoal Block 222.
Vermilion Block 16.

In his memorandum filed in support of the application, Mr. Halverson makes it clear that the FTC seeks only "estimates, not the detailed records and worksheets

[4] Order of June 22, 1973, Docket No. 405.

[5] Significantly, the Freedom of Information Act, 15 U.S.C. Section 552(b)(9), recognizes that agencies should not be required to make available to the public such information as "geological and geophysical information and data, including maps, concerning wells." Moreover, the legislative history of that Act reflects testimony to the effect that:

on which the estimates are based, relating to 24 fields only."[6]

At the outset, it should be noted that not all of the estimates for the twenty-four fields in question were "developed by the Federal Power Commission", as assumed by Halverson's application. As Dr. Paul J. Root, Technical Director of the National Gas Survey, advised Mr. Lytle by letter of June 29, 1973, the Commission's staff participated in making the reserve estimates for only ten of the twenty-four fields involved.[7] Reserve estimates for the other fourteen fields were made exclusively by the United States Geological Survey (USGS).

Nevertheless, we have concluded that permitting Mr. Lytle to examine and copy the estimates for all twenty-four fields would not be inconsistent with the public interest, provided that certain conditions of confidentiality are scrupulously observed.

First, Mr. Lytle, and any other employee of the FTC staff, shall be subject to all prohibitions against disclosure as set forth in our order of December 21, 1971, as amended by order of March 9, 1972, and all relevant provisions of the Natural Gas Act and the Freedom of Information Act. In particular, Mr. Lytle, and such other FTC employees, shall be bound, like any member of this Commission's staff, to comply with section 8(b) of the Natural Gas Act, 15 U.S.C. section 717g, which prohibits divulgence of "any fact or information which may come to his knowledge during the course of examination of books, records, data, or accounts, except insofar as he may be directed by the Commission or by a court." Moreover, the Freedom of Information Act is applicable to the extent it limits disclosure of confidential financial or commercial information and geological and geophysical information concerning wells. 5 U.S.C. 557(b) (4) and (9).

Secondly, Mr. Lytle's examination of the estimates in question shall be conditioned upon strict adherence to the FTC's rules of practice and section 10 of the Federal Trade Commission Act, to the full extent assured by Mr. Halverson's memorandum in support of the application:

> The estimates requested from the Power Commission are for use in the Federal Trade Commission's nonpublic investigation of the American Gas Association et al. and will be accorded the confidential treatment provided for in the Commission's Rules of Practice, § 4.10. Under Section 10 of the Federal Trade Commission Act, any officer or employee who makes these estimates public, without authority of the Commission or direction by a court, shall be deemed guilty of a misdemeanor. Additionally, the Commission has extended a separate commitment of confidentiality for these estimates (attachment 4).[8] This commitment does not prevent the Commission from providing the estimates upon request to any authorized congressional committee or subcommittee, or to a court pursuant to compulsory process. Nor does it encompass disclosures of conclusions based on the estimates. This commitment provides that the Commission will not disclose the estimates without first giving the Federal Power Commission ten days advance notice. Prior notice, but not necessarily ten days notice, is guaranteed if the estimates are requested by a congressional committee, subcommittee or a court.
>
> * * * * *

On the other hand, the confidentiality that would be extended to these estimates by the Federal Trade Commission is in fact farther reaching than that given by the Federal Power Commission. Our commitment prohibits any type of disclosure, public or otherwise, without advance notice to the parties involved.

Finally, while we will permit examination of the estimates in question and copying by handwriting, we will not permit any reproduction and duplication of the documents in question.

We must emphasize that our willingness to make a limited disclosure to the Federal Trade Commission is based upon a sincere belief that the Federal Trade Commission will scrupulously abide by its assurance of confidentiality. Fulfillment of that commitment is absolutely imperative if we are to protect competition within the industry, encourage exploration and development for new reserves, and protect the proprietary rights of those whose reserves are involved.

The Commission finds

(1) All natural gas reserves data received in connection with the National Gas Reserves Study should, unless otherwise ordered by this Commission, be maintained on a confidential basis, subject to the formal demands or process of Congress or any authorized committee or subcommittee thereof.

(2) Upon expiration of 10 days from the date of this order, the Technical Director of the National Gas Survey should be authorized to permit Theodore L. Lytle, Jr., an attorney for the FTC's Bureau of Competition, to examine and copy by hand the reserve estimates for the 24 fields heretofore listed, subject to the conditions imposed above.

The Commission orders

(A) All natural gas reserves data received in connection with the National Gas Reserves Study will, unless otherwise ordered by this Commission, be maintained on a confidential basis, subject to the formal demands or process of Congress or any authorized committee or subcommittee thereof.

(B) Within 10 days from the date of this order, the Technical Director of the National Gas Survey is authorized to permit Theodore L. Lytle, Jr., an attorney for the FTC's Bureau of Competition, to examine and copy by hand the reserves estimates for the 24 fields heretofore listed, subject to the conditions imposed above.

By the Commission.[9]

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

[FR Doc.73-23051 Filed 10-29-73;8:45 am]

[Docket No. CI74-251]

AMOCO PRODUCTION CO.

Notice of Application

OCTOBER 23, 1973.

Take notice that on October 15, 1973, Amoco Production Co. (Applicant), 200 East Randolph Drive, Chicago, Illinois 60601, filed in Docket No. CI74-251 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Northern Natural Gas Company (Northern) from the Gomez Field, Pecos County Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell to Northern from the Gomez Field an average daily volume up to 20,000 Mcf of gas-well-gas for two years at 45.0 cents per Mcf at 14.65 p.s.i.a. subject to upward and downward Btu adjustment within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant estimates monthly sales of gas at 4,320 Mcf.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before November 2, 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

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[6] Memorandum of the Director, Bureau of Competition, Federal Trade Commission, In Support of Petition for Access to Certain Records of the Federal Power Commission, filed on August 15, 1973, in this docket.

[7] Independent reserve teams, composed of members of the Commission's staff and other professional personnel, made reserve estimates for the following major offshore fields:

Coon Point and Ship Shoal Blocks 39-26
Marsh Island—Mound Point
Rabbit Island
Ship Shoal Blocks 28-19-27

Independent reserve teams also made reserve estimates for the following smaller offshore fields:

Cameron, East Block 24-23
Eugene Island Blocks 231-214-230
Ship Shoal Block 222
Vermilion Block 16

Reserve estimates for Marsh Island, South-Mound Point were made jointly by the independent reserve teams and the USGS. Estimates for the state portion of Vermilion Block 14 were made by the independent reserve teams, while the federal portion of that field was estimated by the USGS.

[8] Attachment 4, a letter from Charles A. Tobin, Secretary of the Federal Trade Commission, to Mary B. Kidd, Acting Secretary of the Federal Power Commission, was filed with the original.

[9] Commissioner Moody, dissenting, filed a separate statement filed with the original document.

or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to 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 Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 73-22986 Filed 10-29-73;8:45 am]

[Docket No. E-7476]

BALTIMORE GAS AND ELECTRIC CO.

Notice of Application

OCTOBER 23, 1973.

Take notice that on October 12, 1973, Baltimore Gas and Electric Company (Applicant), filed a Supplemental Application with the Federal Power Commission seeking authority to increase to $110 million the amount of short-term unsecured promissory notes, including commercial paper notes, which it may have outstanding at any one time and to extend to December 31, 1975, the latest maturity date of notes to be issued pursuant thereto.

The Commission authorized the issuance of short-term unsecured promissory notes by the Applicant in its order dated June 13, 1969, and supplemental orders dated September 24, 1970, and December 22, 1972. In the supplemental order dated December 22, 1972, the Commission authorized the Applicant to issue short-term unsecured promissory notes in face amounts of up to a maximum of $100 million with maturities not later than December 31, 1974.

Applicant is incorporated under the laws of the State of Maryland with its principal business office at Baltimore, Maryland, and is engaged in the electric, gas and steam utility businesses within the State of Maryland. The Applicant has qualified to do business also in the Commonwealth of Pennsylvania where it is participating in the ownership and operation of two mine-mouth electric generating plants.

Short-term unsecured promissory notes are to be issued from time to time to banking institutions and/or sold to or through dealers in commercial paper of which the aggregate amount to be outstanding at any one time as commercial paper is not to exceed 25 percent of the Applicant's gross revenues during the preceding twelve months. Short-term unsecured promissory notes in the form of commercial paper will mature in no more than 270 days and all other such notes will have maturities of up to one year from the date of issuance.

The proceeds from the issuance of short-term unsecured promissory notes will be used to provide funds for current corporate transactions, including interim financing of the Applicant's construction expenditures expected to total approximately $215 million in 1973 and between $275 million and $300 million in each of the years 1974 and 1975.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 10, 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 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.73-23026 Filed 10-29-73;8:45 am]

[Project No. 553-Washington (Skagit River)]

CITY OF SEATTLE, WASHINGTON

Notice of Availability of Draft Environmental Impact Statement

Notice is hereby given in the captioned Project, that on October 24, 1973, as required by § 2.81(b) of Commission Order No. 415-C, a draft environmental statement prepared by the Staff of the Federal Power Commission was made available for comments. This statement deals with the environmental impact of an application for amendment of license which would permit the applicant to raise the height of Ross Dam by about 121 feet and to raise the normal full pool elevation of Ross Reservoir to elevation 1,725 feet M.s.l., which would increase the reservoir area from 11,680 acres to 20,000 acres.

This statement has been circulated for comments to Federal, State and local agencies, has been placed in the public files of the Commission, and is available for public inspection both in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426, and at its Regional Office located at San Francisco, California. Copies may be ordered from the National Technical Information Service, Department of Commerce, Springfield, Virginia 22151.

The raising of Ross Reservoir to an elevation of 1,725 feet M.s.l. represents the final stage in development of this dam as part of the Skagit River Project as contemplated when the original license was issued in 1927, and would provide the applicant an additional 333,000,000 kwh of electric energy annually, on the average, and 272 megawatts of dependable generating capacity.

At the new reservoir level, approximately 5,200 acres of Canadian lands within the Province of British Columbia would be flooded. The 1,725 feet M.s.l. elevation of Ross Reservoir was authorized by the International Joint Commission on January 27, 1942, subject to a compensatory indemnification agreement between the City of Seattle and the Province of British Columbia. Said agreement was reached in January of 1967 for a term of 99 years. Applicant now seeks Commission approval as required by License Article No. 6.

Any person who wishes to do so may file comments on the staff draft statement for the Commission's consideration. All comments must be filed on or before December 10, 1973.

Any person who wishes to present evidence regarding environmental matters in this proceeding must file with the Commission a petition to intervene pursuant to § 1.8 of the Commission's rules of practice and procedure. Petitioners must also file timely comments on the draft statement in accordance with § 2.81 (c) of Order No. 415-C.

All petitions to intervene must be filed on or before December 8, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23028 Filed 10-29-73;8:45 am]

COLORADO INTERSTATE GAS CO. AND COLORADO INTERSTATE CORP.

Notice of Proposed Changes in FPC Gas Tariff

OCTOBER 18, 1973.

Take notice that Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), on October 1, 1973, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 2. CIG proposes to cancel Rate Schedule X-38 which provides for a short-term exchange of gas between CIG and Mountain Fuel Supply Company (Mountain Fuel).

CIG asserts that the short-term gas exchange performed under Rate Schedule X-38 was authorized by the Commission on November 16, 1970, as amended November 2, 1971, in Docket Nos CP71-29 and CP71-49. On November 1, 1973, Rate Schedule X-38 will terminate by its own terms and there is no further need

for it. Therefore, CIG proposes to cancel the rate schedule effective November 5, 1973.

CIG states that Mountain Fuel was mailed a copy of the cancellating filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene, unless such petition has been filed previously, 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 October 29, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23019 Filed 10-29-73;8:45 am]

[Docket No. CP73-131]

EL PASO NATURAL GAS CO.

Notice of Supplement to Application

OCTOBER 18, 1973.

Take notice that on October 9, 1973, El Paso Natural Gas Co. (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP73-131 a second supplement to its application filed in said docket on November 15, 1972, pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a tap and valve assembly and synthetic gas purchase meter station on Applicant's Southern Division System's 34-inch O.D. San Juan mainline in San Juan County, New Mexico, and the transportation of synthetic pipeline gas produced from coal and commingled with natural gas, all as more fully set forth in the supplement to the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this supplement is to provide updated information on and to clarify further various technical and economic features of the proposed Burnham Coal Gasification Project as changed since the filing of the certificate application on November 15, 1972, and not reflected in the first supplement thereto filed February 26, 1973. Applicant states that said application should be viewed in light of the updated schedules and information relating to original capital, operating and maintenance cost estimates as presented in the supplement. Applicant states that the present estimated cost of the proposed jurisdictional facility is estimated at $809,143 an increase from the $670,170 original estimate.

Applicant further states that updated market data indicate that, based on current estimated production volumes of 288,600 Mcf per day as modified from the original 250,000 Mcf per day estimate and based upon current costs, the estimated average unit cost of the synthetic gas to be produced is estimated at $1.17 per Mcf over the planned 25-year life of the project, a change from the $1.21 per Mcf originally estimated. Applicant states that the projected economic impact of the project on Applicant's Southern Division System's average cost of service is currently estimated at 9 cents per Mcf during the first year of operation an increase from the 6 cents per Mcf originally projected.

The instant supplement also presents updated data with respect to location of facilities, flow diagrams, markets, revenues, expenses, income, tariffs, mining plan, plant description and cost, and synthetic gas purchase and sale agreements.

Any person desiring to be heard or to make any protest with reference to said supplement should on or before November 12, 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. Persons who have heretofore filed protests and petitions to intervene need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23037 Filed 10-29-73;8:45 am]

[Docket No. R-463]

FLORIDA MUNICIPAL UTILITIES ASSOCIATION

Notice of Withdrawal of Specified Applicants From Joint Application for Rehearing and Petition To Intervene

OCTOBER 19, 1973.

Take notice that on September 20, 1973, the following associations and cities withdraw from the "Application for Rehearing of Order No. 487 and Petition to Intervene of Customer Owned Systems" filed on August 16, 1973:

Florida Municipal Utilities Association.
Blountstown, Florida.
Clewiston, Florida.
Fort Pierce, Florida.
Gainesville, Florida.
Green Cove Springs, Florida.
Havana, Florida.
Jacksonville, Florida.
Jacksonville Beach, Florida.
Key West, Florida.
Kissimmee, Florida.
Lake Worth, Florida.
Lakeland, Florida.
Moore Haven, Florida.
New Smyrna Beach, Florida.
Orlando, Florida.
Quincy, Florida.
St. Cloud, Florida.
Sebring, Florida.
Starke, Florida.
Tallahassee, Florida.
Vero Beach, Florida.
Wauchula, Florida.

Any party wishing to comment or protest such withdrawal should file comments or protests in writing with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, no later than October 30, 1973, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). 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 withdrawal are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23015 Filed 10-29-73;8:45 am]

[Docket No. CI74-46]

GLENWOOD, INC.

Order Granting Intervention, Setting Hearing Date and Prescribing Procedure

OCTOBER 17, 1973.

On July 23, 1973, Glenwood, Inc. (Glenwood) filed in Docket No. CI74-46 an application requesting issuance of a limited term certificate of public convenience and necessity with pre-granted abandonment authority, pursuant to section 7(c) of the Natural Gas Act and the Commission's regulations thereunder, for the sale of gas to Panhandle Eastern Pipe Line Company (Panhandle) from acreage located in Seward County, Kansas (Hugoton-Anadarko Area).

Specifically, Glenwood proposes to sell and deliver to Panhandle approximately 22,500 Mcf per month for two years pursuant to a contract dated June 12, 1973, at a proposed rate of 50.0 cents per Mcf, subject to upward and downward B.t.u. adjustment from 1000 B.t.u.'s.

Glenwood commenced 60 day emergency deliveries to Panhandle on July 24, 1973, pursuant to § 157.29 of the Regulations. This sale expired on September 22, 1973.

Glenwood, in its application, has requested that the intermediate decision be omitted, that oral hearing be waived and that the application be heard under the shortened procedure afforded by § 1.32 of the Commission's rules of practice and procedure.

A petition to intervene in support of the application was filed by Panhandle on August 8, 1973.

The application in this proceeding represents a sizeable volume of gas potentially available to the interstate market. It is of critical importance that interstate pipelines procure emergency supplies of

gas to avoid disruption of service to consumers, nevertheless, we must determine whether the rate to be paid serves the public convenience and necessity. It is therefore necessary that this application be set for public hearing and expeditious determination. The hearing will be held to allow presentation, cross-examination, and rebuttal of evidence by any participant. This evidence should be directed to the issue of whether the present or future public convenience and necessity requires issuance of a limited-term certificate on the terms proposed in that application.

We take further note, however, that the Commission in a number of recent orders has already held that an emergency exists on Panhandle's system. See Anadarko Production Co., ------ FPC ------, Docket No. CI73-937, issued September 17, 1973. We, therefore, conclude that there is an emergency on Panhandle's system which would warrant the issuance of a certificate if the price conforms to the public convenience and necessity.

The Commission finds.

(1) The intervention of Panhandle in this proceeding may be in the public interest.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

The Commission orders.

(A) Applicant's request that the intermediate decision be omitted, that oral hearing be waived and that the application be heard under the shortened procedure afforded by § 1.32 of the Commission's rules of practice and procedure is not in the public interest and is hereby denied.

(B) Panhandle is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene: And *Provided, further,* That the admission of said intervener shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held on November 6, 1973, at 10:00 a.m. (e.s.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the issue of whether certificates of public convenience and necessity should be granted as requested by the applicants.

(D) On or before October 29, 1973, Glenwood and any supporting party shall file with the Commission and serve upon all parties, including Commission Staff, their testimony and exhibits in support of their position.

(E) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at, and control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

By the Commission.

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

[FR Doc.73-23030 Filed 10-29-73;8:45 am]

[Docket No. E-8121]

GULF STATES UTILITIES CO.

Notice of Extension of Time and Postponement of Prehearing Conference and Hearing

OCTOBER 19, 1973.

On October 16, 1973, the Interveners, Sam Rayburn Dam Electric Cooperative, the City of Caldwell, Houston County Cooperative, and the Town of Welsh filed a motion requesting a postponement of the procedural dates fixed by order issued June 14, 1973. The motion states that all parties, including Gulf States Utilities Co., and the Staff concur in the motion.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Prehearing Conference, November 20, 1973 (10:00 a.m., E.s.t.).
Service of Interveners' testimony, November 30, 1973.
Company Rebuttal Date, December 7, 1973.
Hearing, January 3, 1974 (10:00 a.m., e.s.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-23023 Filed 10-29-73;8:45 am]

[Docket No. E-8121]

GULF STATES UTILITIES CO.

Order Denying Motion To Correct Record, Accepting Superseding Contract, and Permitting Rate Increase To Become Effective

OCTOBER 19, 1973.

On April 10, 1973, Gulf States Utilities Company (Gulf States) tendered for filing revised rate schedules for certain municipal and cooperative customers. One of the revised rate schedules was proposed to replace the schedule presently applicable to Robertson Electric Cooperative, Incorporated (Robertson). The Commission, by order issued June 14, 1973, held, inter alia, that the contract between Robertson and Gulf States is a fixed rate contract and the rates therein could not be changed by a unilateral filing pursuant to section 205 of the Federal Power Act.[1] The Commission instituted an investigation under section 206 of the Act as to whether such rates as are presently charged under the fixed rate contract are in the public interest. The Commission ordered that the Company's proposed rates should be made effective on June 15, 1973, as "initial rates" as to deliveries in excess of the maximum contractual commitment as provided in Robertson's fixed rate contract, and instituted an investigation under section 206 as to whether these rates are in the public interest.

On September 14, 1973, Gulf States filed with the Commission a "Motion To Correct Record" (Motion) in which it alleges that as a result of examination of its files * * *.

It has been determined that the record in this proceeding and the prior orders herein are in error to the extent that they do not reflect that the contract between Gulf States and Robertson dated April 7, 1955, as heretobefore extended by the parties, which was duly filed and accepted for filing by the Federal Power Commission as Rate Schedule Number 87, does contain in Article V a specific contractual provision providing for unilateral increase of rate upon order of regulatory commission. Such paragraph, as will appear in the original copy of the contract filed in the original proceeding regarding such Rate Schedule Number 87, is as follows:

"If a rate increase or decrease should be made applicable to the class of service furnished hereunder, by the Company, or by order or permission of any regulatory body having jurisdiction thereof, such increased or decreased rates shall be applicable to the service rendered hereunder from and after the effective date of such rate change."

A copy of Article V of such original contract as contained in the corporate files to Gulf States is attached hereto as Exhibit A.

The quoted contract provision, according to Gulf States, permits a unilateral increase pursuant to Commission order and would therefore permit the rate increase sought in this proceeding to be applied to Robertson. Gulf States moves that the record in this proceeding be corrected to reflect the contract provision which Gulf States alleges was inadvertently overlooked heretofore and that the Commission correct the prior orders issued in this proceeding to reflect such contract provision.

On September 21, 1973, an "Opposition To Motion To Correct Record" was filed by Mid-South Electric Cooperative Association (Mid-South) and Robertson (hereinafter referred to as the Cooperatives). In their opposition, the Cooperatives state that counsel for the Cooperatives examined FPC Electric Rate Schedule No. 87 in the files of the Commission and found that the alleged paragraph quoted from Article V of the Contract and set forth as the third paragraph of Article V, attached as Exhibit A to the Motion, is not contained in Article V or in any other article of the contract which constitutes FPC Electric Rate Schedule No. 87 in the Commission's files. The Cooperatives contend that the language contained in the Article V on file with the Commission is identical with the language contained in the first two paragraphs of the Article V quoted in Exhibit A, but is limited to those two

[1] See Federal Power Commission v. Sierra Pacific Power Co., 350 U.S. 348 (1956).

paragraphs. Accordingly, the Cooperatives request that the Motion be denied.

On September 28, 1973, Gulf States filed a document entitled "Supplemental Motion To Correct Record, Response To Opposition Filed, and Motion To Substitute Correct Contract In Permanent Files of FPC" (Supplemental Motion). In the Supplemental Motion, the Company states that its original Motion was prepared and filed on the basis of an examination of the contract records of the Company and that Gulf States has not had the opportunity to directly review the files of the Commission. Gulf States' Supplemental Motion goes on to state:

"After an exhaustive search of the Gulf States files, it now appears that the original rate filing with regard to Robertson was made by transmittal letter dated July 8, 1955. At that time, a conformed copy only was supplied to the FPC, and it now appears that in the preparation of the conformed copy so forwarded to the FPC in 1955, an earlier form of mimeographed contract was used to prepare the conformed copy rather than the actual contract form which had been executed between the parties. A duplicating process was not used and the conformed copy was apparently independently produced from a separate, older set of contract forms.

Attached hereto is a certified copy of the executed, original contract contained in the permanent corporate records of Gulf States, bearing the approval of the REA. The original copy of this contract in the corporate files of Gulf States, a true photocopy of which is attached, contains the original signatures of the respective parties, as well as the original signature of the REA officer.

Gulf States moves that the record in this proceeding, and the originally filed contract be corrected to reflect what Gulf States contends are the actual contract provisions and that the Commission correct the prior orders issued in this proceeding to reflect those actual contract provisions. No response to the Supplemental Motion has been received from Robertson.

Our review of the Commission files indicates that the additional paragraph quoted from Article V of the contract, as set forth in Exhibit A attached to Gulf States' Original Motion, is not contained in the contract officially on file with this Commission as Gulf States' FPC Electric Rate Schedule No. 87. It is therefore necessary for us to decide whether a document filed by Gulf States as a conforming copy of a contract, which document was accepted by this Commission over eighteen years ago and under which Gulf States has since served Robertson, should now be replaced by a corrected copy proffered by the Company. Since the inadvertant filing of an incorrect copy of the contract is an error for which only Gulf States can be held responsible, we believe it would be unfair to grant the Company's Supplemental Motion. Nevertheless, the copy of the contract attached to Gulf States' Supplemental Motion appears to bear the proper signatures of the parties and to be otherwise in order. Since no response has been received from Robertson concerning Gulf States' central contention that this is a true copy of the original agreement, we shall permit the copy of the contract as proffered by Gulf States in its Supplemental Motion, to be effective as of October 29, 1973 (thirty days after filing) as a superseding copy of the contract as originally filed. Such filing shall be effective prospectively so as to permit Gulf States' rate increase proposed in this docket to become effective, subject to refund, for all amounts of deliveries to Robertson as of October 29, 1973.

The Commission finds.

(1) The Motion To Correct Record and the Supplemental Motion filed by Gulf States should be denied.

(2) The copy of the contract proffered by Gulf States in its Supplemental Motion should be accepted to be effective prospectively as a superseding copy of the originally filed contract.

The Commission orders.

(A) The Motion To Correct Record and the Supplemental Motion filed by Gulf States is denied.

(B) The copy of Gulf States contract with Robertson proffered with the Company's Supplemental Motion is hereby accepted to become effective as a superseding copy of the contract as of October 29, 1973, thirty days from filing.

(C) The rate increase proposed in this docket by Gulf States on April 10, 1973 shall become effective, subject to refund pending the outcome of the proceeding in this docket, as to all deliveries made under the superseding contract as of its effective date of October 29, 1973.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

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

[FR Doc.73-23029 Filed 10-29-73;8:45 am]

[Docket No. E-8416]

GULF STATES UTILITIES CO.

Notice of Application

OCTOBER 23, 1973.

Take notice that on September 24, 1973, Gulf States Utilities Company (Applicant) filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of $125,000,000 principal amount of unsecured short-term promissory Notes.

Applicant is incorporated under the laws of Texas with its principal business office at Beaumont, Texas, and is engaged in the electric utility business in portions of Louisiana and Texas. Natural gas is purchased at wholesale and distributed at retail in the City of Baton Rouge, Louisiana and vicinity.

Applicant proposes to issue the Notes to commercial banks and to commercial paper dealers. Notes issued to commercial banks and to commercial paper dealers will be issued on various dates beginning December 31, 1973, for varying periods of time, but no note issued to a commercial bank will have a maturity of more than one year from the date of its issuance and no note issued to commercial paper dealers will have a maturity of more than nine months from the date of its issuance. In no event shall any such notes have a maturity after December 31, 1975.

The proceeds from the Notes will be added to the general funds of the Applicant and will be used, among other things, to provide part of the interim funds for current construction expenditures made and to be made. The preliminary estimated total for 1974 construction is $170,000,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 9, 1973, file with the Federal Power Commission, 825 North Capitol Street NE., 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 and 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 available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-22987 Filed 10-29-73;8:45 am]

[Docket No. E-8419]

ILLINOIS POWER CO.

Application for Acquisition of Electric Facility

OCTOBER 18, 1973.

Take notice that on September 27, 1973, Illinois Power Company (IP) of Decatur, Illinois, filed an application seeking, pursuant to section 203 of the Federal Power Act, authorization for the purchase and acquisition by IP of certain facilities comprising the electric generation, transmission, distribution and street lighting systems and related material, supplies and equipment and other property (Electric Utility Property) of City of Jacksonville, Illinois (City). Cash, accounts receivable, and minor items of personal property are not included in the sale. No liabilities of City will be assumed by IP except certain contracts, agreements, and leases specified in the contract of purchase.

The purchase price will be $7,216,883. The price is subject to certain adjustments for changes in the fixed assets to be acquired (other than for depreciation) and in inventory and supplies occurring after September 1, 1973. The original cost of the Electric Utility Property at July 31, 1973 is estimated to be approximately $6,800,000.

By an ordinance adopted on September 8, 1973, City found that the retention of ownership of the Electric Utility Property was not in the best interest of City, authorized and provided for the sale of that property, and directed that notice of the proposed sale be published and advertised. IP has executed and delivered its bid date September 14, 1973, (which will become the purchase contract) for the purchase of the Electric Utility Properties at the price set forth above.

At July 31, 1973, IP served approximately 4,733 electric customers within the corporate limits of City with annual sales for the twelve months ended that date of approximately 136.1 million kilowatt hours. IP also engages in the distribution and sale of natural gas at retail within the corporate limits of City. At May 31, 1973, City served approximately 3,000 customers with annual sales for the twelve months ended that date of approximately 90.8 million kilowatt hours.

The Electric Utility Property to be acquired by IP consists of all of the electric operating facilities owned by City. The Electric Utility Property is now used by City as local facilities for providing retail electric service. City is not a supplier of bulk power to and does not transmit bulk power for any other utility.

Any person desiring to be heard or to make any protest with reference to said application should, on or before October 30, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules 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.73-23017 Filed 10-29-73;8:45 am]

[Docket No. CP74-91]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Application

OCTOBER 17, 1973.

Take notice that on October 4, 1973, Mississippi River Transmission Corporation (Applicant), 9900 Clayton Road, St. Louis, Missouri 63124, filed in Docket No. CP74-91 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas between Applicant and Arkansas Louisiana Gas Company (Arkla), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Application states that it is authorized to sell and deliver to Arkla up to 3,480 Mcf per day of natural gas for distribution to gas consumers at Crossett, Arkansas. Applicant proposes to deliver to Arkla in accordance with the terms of a contract between the parties dated August 8, 1972, up to an additional 500 Mcf per day at an existing delivery point and Arkla will redeliver the same editorial volume of gas to Applicant at an existing point of interconnection between the two systems near Sherrill, Arkansas. The proposal is a straight gas for gas exchange with no monetary consideration to be paid to or by either party and requires no new or additional facilities to be installed by Applicant.

Applicant states that the purpose of the proposed exchange is to comply with an order of the Arkansas Public Service Commission directing Arkla to render additional gas service in Crossett, Arkansas.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 12, 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 Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23033 Filed 10-29-73;8:45 am]

[Project No. 1869]

MONTANA POWER CO.

Notice of Application for New Major License for Constructed Project

OCTOBER 19, 1973.

Public notice is hereby given that application for new license was filed on January 20, 1972, and supplemented on June 30, July 20, and November 16, 1972, under the Federal Power Act (16 U.S.C. 791a-825r) by The Montana Power Co. (Correspondents to: George W. O'Connor, President, The Montana Power Co., 40 East Broadway, Butte, Montana 59701 and William H. Coldiron, Vice President & General Counsel, The Montana Power Co., 40 East Broadway, Butte, Montana, 59701) for its constructed Thompson Falls Project No. 1869, located in Sanders County, Montana, near the Cities and Towns of Missoula, Polson, Superior, and Thompson Falls, on the Clark Fork River. The project affects navigable waters, public lands, and lands of the United States within the Lolo National Forest.

The existing Thompson Falls project has an installed capacity of 30,000 kw. and consists of: (1) A main dam, a concrete gravity structure about 1,016 feet long and 54 feet high; (2) a smaller dam of the same type about 449 feet long and 45 feet high located west of the main dam in a dry channel of the river; (3) a reservoir extending 12 miles upstream having a usable storage capacity of 15,000 acre-feet; (4) a rock cut canal about 450 feet long and 80 feet wide; (5) six main steel penstocks 14 feet in diameter and two smaller auxiliary steel penstocks 6.67 feet in diameter; (6) a steel frame and masonry powerhouse containing six generating units, each rated at 5,000 kw.; (7) nine transformers, each rated at 3750 kv.-a., and nine 6.6/100 kv. step-up transformers; and (8) all other facilities and interests appurtenant to operation of the project.

According to the application for new license, Applicant plans to modify the existing project works by the addition of two 40' by 18' taintor gates and the replacement of portions of the existing flashboards with timber drop panels. The existing stanchions will be modified to make them trippable.

The applicant has not yet provided the estimated net investment or the estimated severance damages in the event of takeover at the end of the license term. The applicant has stated an estimated fair value of $12,432,000 as of December 31, 1975, and states that it pays annual local taxes of $284,308. Applicant's market for project power is its present service area in Montana.

Existing recreational developments include a community area which has been developed into a formal park equipped with a picnic shelter and tables. A second area is being used as a boat launch site and swimming area. Current estimates indicate that the project now has about 2,700 daytime visitations annually

by the public in pursuing recreational activities such as swimming, boating, picnicking, fishing, water skiing, and hunting.

Any person desiring to be heard or to make protest with reference to said application should on or before December 17, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23021 Filed 10-29-73;8:45 am]

[Docket No. CP74-95]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Application

OCTOBER 17, 1973.

Take notice that October 10, 1973, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP74-95 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of an additional delivery point on Applicant's 36-inch pipeline in Will County, Illinois, for the delivery of gas to Peoples Gas Light and Coke Company (Peoples), an existing resale customer of Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Peoples is constructing a synthetic natural gas (SNG) plant in Will County, Illinois, which will require natural gas for initial start-up and normal operation thereafter. Applicant proposes to construct a 6-inch tap connection on its existing 36-inch pipeline and a measuring facility in Will County to facilitate natural gas deliveries to Peoples' SNG plant. No additional sales are proposed herein and Applicant states that no increase in sales will result from its proposal. Applicant requests authorization herein to construct and operate an additional delivery point to facilitate service to Peoples' SNG plant. The estimated cost of the proposed facilities is $13,000 which cost will be reimbursed by Peoples to Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with 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 Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23031 Filed 10-29-73;8:45 am]

[Docket No. CP74-93]

OKLAHOMA NATURAL GAS CO.

Notice of Application

OCTOBER 17, 1973.

Take notice that on October 5, 1973, Oklahoma Natural Gas Company (Applicant), 624 South Boston Avenue, Tulsa, Oklahoma 74119, filed in Docket No. CP74-93 an application for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Cities Service Gas Company (Cities) at a point of intersection of their facilities in Oklahoma County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell for one year up to 40,000 Mcf per day at a rate of 45.0 cents per million Btu at 14.65 psia within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

Any person desiring to be heard or to make any protest with reference to said application should on or before November 2, 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 appropriation 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 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 Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23034 Filed 10-29-73;8:45 am]

[Docket No. E-7777]

PACIFIC GAS AND ELECTRIC CO.

Notice of Extension of Time

OCTOBER 19, 1973.

On October 16, 1973, the Cities of Alameda, Healdsburg, Lodi, Lompoc, Santa Clara, and Ukiah, California (Cities) filed a motion for an extension of the service dates. The motion states that there is no objection by any of the parties to the motion.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Intervener Service Date, November 13, 1973.
Company Rebuttal Service Date, November 27, 1973.
Hearing (not changed) December 4, 1973, (10:00 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23022 Filed 10-29-73;8:45 am]

[Docket Nos. CP69-346 and CP69-347]

PACIFIC GAS TRANSMISSION CO.

Notice of Petition To Amend

OCTOBER 23, 1973.

Take notice that on October 10, 1973, Pacific Gas Transmission Co. (Petitioner), 77 Beale Street, San Francisco, California 94106, filed in Docket Nos.

CP69-346 and CP69-347 a petition to amend the Commission's order issued in said dockets on March 13, 1970 (43 FPC 418), pursuant to sections 7(c) and 3 of the Natural Gas Act by authorizing Petitioner to reallocate natural gas transported for El Paso Natural Gas Co. (El Paso) among various specified delivery points on Petitioner's pipeline, all as more fully set forth in the petition to amend which is on file with the Commission and available for public inspection.

Petitioner is authorized among other things, to transport to El Paso's California market natural gas which El Paso imports from Canada. Petitioner seeks authorization to reallocate the maximum daily demands of El Paso's gas for the various delivery points on Petitioner's pipeline in Oregon. Petitioner states that it has been informed by El Paso that the reallocation of deliveries of gas among various points is necessary in order for El Paso to provide natural gas service on peak days to priority 1 and priority 2 customers during the 1973-74 heating season except for 369 Mcf of gas per day which will be utilized to serve priority 3 customers from the delivery point located near Madras, Oregon. Petitioner further states that El Paso advises that none of the gas involved will be used for boiler fuel under priorities 4 and 5. Petitioner indicates that this proposed revision will not increase the total maximum daily demand under its service agreement of August 21, 1961, with El Paso.

Petitioner indicates that the only changes in its facilities that are necessary to effectuate the instant proposal are increased regulating and/or relief capacity at the various delivery points. Petitioner estimates the cost of such changes to be $3,006, and states that these changes will be made pursuant to existing authorization granted in Docket No. CP62-59 on July 21, 1971 (46 FPC 207).

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 12, 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.73-23024 Filed 10-29-73;8:45 am]

[Docket No. RP73-111]

PACIFIC GAS TRANSMISSION CO.

Order Clarifying Prior Order

OCTOBER 23, 1973.

On September 13, 1973, we issued an order which initiated an investigation under section 5(a) of the Natural Gas Act, and established hearing procedures. However, although November 27, 1973, was set as the date for the prehearing conference, no date was set for a hearing for purposes of cross-examination. Accordingly, we shall clarify the September 13, 1973, order to provide that cross-examination of the evidence shall commence immediately following the conclusion of the prehearing conference scheduled for November 27, 1973.

The Commission finds.

It is reasonable and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that our order issued September 13, 1973, in this proceeding be clarified as hereinafter provided.

The Commission orders.

(A) Our order issued September 13, 1973, in this proceeding is hereby clarified to provide that cross-examination of the evidence shall commence immediately following the conclusion of the prehearing conference scheduled for November 27, 1973.

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

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23025 Filed 10-29-73;8:45 am]

[Docket No. E-7785, Amdt. 1]

PACIFIC POWER & LIGHT CO.

Notice of Application

OCTOBER 18, 1973.

Take notice that on October 1, 1973, Pacific Power & Light Company (Applicant) a corporation organized under the laws of the State of Maine and qualified to transact business in the States of Oregon, Wyoming, Washington, California, Montana, and Idaho, with its principal business office at Portland, Oregon, filed Amendment No. 1 to its application on file with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, seeking a supplemental order authorizing the issuance by Applicant of an additional $20,000,000 of unsecured promissory notes in the form of Commercial Paper up to an aggregate principal amount not exceeding $60,000,000 at any one time outstanding. By order of the Commission issued December 22, 1972, in the above matter, Applicant has been authorized to issue (1) unsecured promissory notes under a Credit Agreement dated January 1, 1973, in an aggregate principal amount not exceeding $45,000,000 at any one time outstanding; (2) unsecured promissory notes pursuant to a Line of Credit in an aggregate principal amount not exceeding $20,000,000 at any one time outstanding; and (3) unsecured promissory notes in the form of Commercial Paper in an aggregate principal amount not exceeding $40,000,000 at any one time outstanding. Such Commercial Paper may be issued to one or more Commercial Paper dealers with each note issued as Commercial Paper to be dated the day of issuance, to have maturity of not more than 270 days from the date thereof and to be discounted at the rate prevailing at the time of issuance for Commercial Paper of comparable quality and maturity.

Proceeds from the borrowings made under the Credit Agreement, the Line of Credit and in the form of Commercial Paper will be used, in part (1), to temporarily finance Applicant's 1973-1974 construction expenditures presently estimated at $404,250,000, and (2) to pay installments of $5,000,000 each on term loans due December 31, 1973, and June 30, 1974, under Applicant's $35,000,000 term Credit Agreement dated April 1, 1968.

The balance of funds required to meet said construction expenditures is expected to come, in part, from the sale of additional shares of Applicant's common stock under its Employees' Stock Purchase Plan, from the issuance of $60,000,000 of its First Mortgage Bonds which Applicant expects to undertake in January 1974, and from further permanent financing later in 1974, the amounts and types of which have not yet been determined.

Any person desiring to be heard or to make any protest with reference to this Amendment No. 1 to the Application should, on or before October 30, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practices 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. Amendment No. 1 to the Application is on file with the Commis- and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23013 Filed 10-29-73;8:45 am]

[Project No. 309]

PENNSYLVANIA ELECTRIC CO.

Notice of Issuance of Annual License

OCTOBER 17, 1973.

On March 2, 1970, Pennsylvania Electric Company, Licensee for Piney Development Project No. 309 located on the Clarion River, Clarion County, Pennsylvania filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6).

The license for Project No. 309 was issued effective October 13, 1922, for a period ending October 12, 1972. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Pennsylvania Electric Company for continued operation and maintenance of Project No. 309.

Take notice that an annual license is issued to Pennsylvania Electric Company (Licensee) under section 15 of the Federal Power Act for the period October 13, 1973, to October 12, 1974, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Piney Development Project No. 309, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23032 Filed 10-29-73;8:45 am]

[Docket No. CS71-645]

POWERS OPERATING CO.

Notice of Redesignation

OCTOBER 17, 1973.

By a letter filed with the Commission on August 31, 1973, Integral Petroleum Corporation advises that it has changed its corporate name to Powers Operating Company effective July 26, 1973.

Accordingly, the certificate issued by the Commission in Docket No. CS71-645 is designated as that of Powers Operating Company in lieu of Integral Petroleum Corporation.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23035 Filed 10-29-73;8:45 am]

[Docket No. E-7669, etc.]

PUBLIC SERVICE CO. OF INDIANA, INC., ET AL.

Notice of Extension of Time and Postponement of Prehearing Conference and Hearing

OCTOBER 19, 1973.

In the matter of Public Service Company of Indiana, Inc., Docket No. E-7669, Public Service Company of Indiana, Inc., Docket No. E-7937, Kentucky Utilities Company, Docket No. E-8053.

On October 5, 1973, The Electric and Water Plant Board of the City of Frankfort, Kentucky, filed a motion for an extension of the procedural dates.

On October 9, 1973, Public Service Company of Indiana, Inc., Indianapolis Power and Light Company and Kentucky Utilities Company filed an answer consenting to an extension but for no more than 30 days.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Service of direct testimony of Frankfort in Docket Nos. E-7669, and E-7937, and service of direct testimony of Paris, Kentucky in Docket No. E-7669, December 10, 1973.
Service of Commission Staff Testimony in Docket Nos. E-7669, E-7937, and E-8053, December 24, 1973.
Service of testimony of Public Service Company of Indiana, Indianapolis Power and Light Company, Kentucky Utilities Company and East Rural Electric Cooperative in Docket Nos. E-7669 and E-7937, January 7, 1974.
Service of testimony of Frankfort in Docket No. E8053. January 7, 1974.
Service of Rebuttal testimony by Frankfort in Docket Nos. E-7669 and E-7937, January 21, 1974.
Service of Rebuttal testimony of Paris in Docket No. E-7669, January 21, 1974.
Rebuttal testimony of Companies, January 21, 1974.
Prehearing Conference, January 29, 1974 (10:00 a.m., e.s.t.).
Cross-Examination, February 5, 1974 (10:00 a.m., e.s.t.).

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-23027 Filed 10-29-73;8:45 am]

RATON NATURAL GAS CO.

Notice of Service Agreement

OCTOBER 18, 1973.

Take notice that on October 1, 1973 Raton Natural Gas Company (Raton) tendered for filing a service agreement between Raton and Midwest Energy Corporation (Midwest).

Raton states that new service agreement is necessitated because Midwest, until July 20, 1973, was known as Southwestern States Gas Company (Southwestern). Raton states that this new filing cancels an identical agreement with Southwestern and replaces it with the new agreement with Midwestern. The change in name is the only alteration in the agreement according to Raton. An effective date of November 1, 1973 is proposed.

Any person desiring to be heard or to protest said filing should file a petition to intervene, unless such petition has been filed previously, 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 October 29, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23016 Filed 10-29-73;8:45 am]

[Docket No. CI72-662]

SUN OIL CO.

Notice of Petition To Amend

OCTOBER 17, 1973.

Take notice that on October 5, 1973, Sun Oil Company (Petitioner), P.O. Box 2880, Dallas, Texas 75221, filed in Docket No. CI72-662 a petition to amend the order issuing a certificate of public convenience and necessity in said docket pursuant to section 7(c) of the Natural Gas Act by authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Company from the J. W. Prather Well No. 1, East Dykesville Field, Claiborne Parish, Louisiana, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it is presently selling gas from the J. W. Prather Well No. 1 pursuant to the certificate issued in Docket No. CI72-218 within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70) and proposes to continue said sale within the contemplation of § 2.70 in Docket No. CI72-662, effective November 22, 1973. The authorized rate in Docket No. CI72-218 is 35.0 cents per Mcf at 15.025 p.s.i.a. and the authorized rate in Docket No. CI72-662 is 45.0 cents per Mcf at 15.025 p.s.i.a. Petitioner states that its contract provides for a rate of 50.0 cents per Mcf, subject to B.t.u. adjustment, but that it is willing to accept certificate authorization conditioned to a rate of 45.0 cents per Mcf, subject to B.t.u. adjustment.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 30, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23018 Filed 10-29-73;8:45 am]

[Rate Schedule Nos. 44, etc.]

TEXAS OIL & GAS CORP., ET AL.

Notice of Rate Change Filings

OCTOBER 18, 1973.

Take notice that the producers listed in the Appendix attached below have filed proposed increased rates to the applicable area new gas ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972.

The information relevant to each of these sales is listed in the Appendix below.

Any person desiring to be heard or to make any protest with reference to said filings should on or before October 30, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
October 1, 1973.	Texas Oil & Gas Corp., Fidelity Union Tower, Dallas, Tex. 75201.	44	Texas Eastern Transmission Corp.	Texas Gulf Coast.
October 4, 1973.	Getty Oil Co., P.O. Box 1404, Houston, Tex. 77001.	106	Arkansas Louisiana Gas Co.	Other Southwest Area.
October 5, 1973	Hunt Oil Co., 1401 Elm, Dallas, Tex. 75202.	5	United Gas Pipe Line Co.	South Louisiana.

[FR Doc.73-23014 Filed 10-29-73;8:45 am]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Service Agreement

OCTOBER 24, 1973.

Take notice that Texas Eastern Transmission Corp. (Texas Eastern) has submitted for filing, pursuant to § 154.1 of the Commission's regulations under the Natural Gas Act, a Service Agreement dated September 14, 1973, between Texas Eastern, as Seller, and the City of Cairo, Illinois as Buyer, providing for service under Texas Eastern's Rate Schedules GS-B and I-B. The proposed effective date of this agreement is November 1, 1973.

Texas Eastern states that the City of Cairo has requested a change from Texas Eastern's SGS Rate Schedule to its GS Rate Schedule in order to meet the peak-day requirements of Cairo residential and commercial customers during the coming heating season. It is further stated that no change is proposed in Cairo's annual contract quantity nor in its annual volumetric entitlement as set forth in Texas Eastern's plan of curtailment.

Any person desiring to be heard or protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before October 30, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23020 Filed 10-29-73;8:45 am]

[Docket No. CP74-94]

UNITED GAS PIPE LINE CO., ET AL.

Notice of Complaint

OCTOBER 18, 1973.

United Gas Pipe Line Company, Complainant and Billy J. McCombs, R. James Stillings, d.b.a. Gastill Company, David A. Onsguard, Basin Petroleum Corporation, Louis H. Haring, Jr., National Exploration Company, and E. I. du Pont, de Neumours & Company, Defendants.

Take notice that on October 9, 1973, United Gas Pipe Line Company (Complainant), 1500 Southwest Tower, Houston, Texas 77002, filed in Docket No. CP74-94 a complaint against Billy J. McCombs, R. James Stillings, d.b.a. Gastill Company, David A. Onsguard, Basin Petroleum Corporation (McCombs Group), Louis H. Haring, Jr. (Haring), National Exploration Company (NEC) and E. I. du Pont de Neumours & Company (du Pont), hereinafter collectively referred to as Defendants, alleging that said Defendants have failed to comply with the requirements of section 7 of the Natural Gas Act as implemented by the Commission's Regulations thereunder and have failed to comply and refused to comply with the terms of a certificate of public convenience and necessity issued in Docket No. G-12694 authorizing the sale of natural gas from certain lands and leaseholds in Goliad and Karnes Counties, Texas, to Complainant, all as more fully set forth in the complaint which is on file with the Commission and open to public inspection.

Complainant states that it has the right to purchase natural gas produced from all wells drilled on certain acreage in Goliad and Karnes Counties, Texas, pursuant to a contract dated April 29, 1953, as amended February 7, 1961,[1] H. A. Pagenkopf, Trustee, was authorized pursuant to this contract to sell gas from this acreage to Complainant in Docket No. G-12694 by order issued June 19, 1963, in Docket No. G-2526, et al., H. L. Hawkins and H. L. Hawkins, Jr. (Operator), et al. Complainant indicates that in 1966 the dedicated acreage was assigned to Haring, that in 1971 and 1972, Haring transferred his working rights in certain deep reserves in this acreage to NEC and the McCombs group and that the McCombs Group contracted with du Pont in 1972 to sell gas from this acreage in the intrastate market for industrial consumption. Complainant believes that du Pont is permitting Lo-Vaca Gathering Company, an intrastate gas company, to take this gas for its own use, with the understanding that Lo-Vaca will make up such deliveries at a later time. Complainant asserts that NEC has refused to deliver volumes of gas to it from the subject acreage and that the McCombs group has continued to make gas available to Lo-Vaca under the contract with du Pont, even though Complainant has informed both producers that deliveries to anyone else constitutes a violation of the contractual arrangement with Complainant. The McCombs Group has filed suit in the U.S. District Court for the Western District of Texas, McCombs v. United Gas Pipe Line Company, No. SA-73-CA210, for a declaratory judgment that they are not contractually bound to deliver gas to United.

Complainant alleges that because Defendants are violating the Natural Gas Act by failing to sell gas to it and because it is presently curtailing nearly 430 million Mcf of natural gas, or more than 27 percent of its firm requirements, it is suffering irreparable injury and requests that the Commission issue an order requiring Defendants to show cause why they are not in compliance with the Natural Gas Act, to cease and desist such violations and to sell all future production of natural gas from the dedicated acreage to Complainant.

Any person desiring to be heard or to make any protest with reference to said complaint should on or before November 12, 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

[1] This amendment extends the term of the contract until 1981.

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.73-23036 Filed 10-29-73;8:45 am]

[Docket No. CI74-220]

AMERICAN PETROFINA CO. OF TEXAS

Notice of Application

OCTOBER 18, 1973.

Take notice that on October 11, 1973, American Petrofina Company of Texas (Applicant), P.O. Box 2159, Dallas, Texas 75221, filed in Docket No. CI74-220 an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Natural Gas Pipeline Co. of America from the Days Creek Field Area, Miller County, Arkansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 65,000 Mcf of gas per month for two years at 45.0 cents per Mcf at 14.65 p.s.i.a. within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before 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). 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 Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23038 Filed 10-29-73;8:45 am]

[Docket No. CP74-80]

COLUMBIA GULF TRANSMISSION CO. ET AL.

Notice of Application

OCTOBER 16, 1973.

Take notice that on September 24, 1973, Columbia Gulf Transmission Co. (Columbia Gulf), PO Box 683, Houston, Texas 77001, Columbia Gas Transmission Corporation (Columbia Transmission), 1700 MacCorkle Avenue, Charleston, West Virginia 25314, and Texas Gas Transmission Corporation (Texas Gas), PO Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP74-80 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas among them, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants seek authorization for the exchange of natural gas pursuant to a letter agreement dated July 10, 1973, providing for the exchange of gas among Applicants when any of them is confronted with a situation on its system which can be alleviated by deliveries of natural gas from the system of another party which determines such delivery may be made without impairment of its service obligations.

The application states that simultaneously or as soon as it is feasible following such a delivery of natural gas, and in any event within 60 days thereafter, unless otherwise mutually agreed to, the party which received such delivery shall tender natural gas to the other at one or more points of interconnection. These points for the purpose of exchange are stated by the Applicants to be as follows: in Eugene Island Block 250 offshore Louisiana; at Columbia Gulf's Rayne Compressor Station, in Arcadia Parish, Louisiana; near the town of Lebanon, Warren County, Ohio; in producing fields, gas processing plants and other common points where Applicants and/or one or more other natural gas pipeline companies take delivery of natural gas so that gas can be exchanged by them via the facilities of such other companies; and such additional points of physical interconnection between the Applicants' pipeline systems as may be established in the future pursuant to specific Federal Power Commission authorization.

Applicants state this exchange arrangement is necessary as a means of insuring continuity of service. Applicants further state that they do not propose to construct any additional facilities to carry out the exchange agreement.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 9, 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 reconsidered 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.73-23041 Filed 10-29-73;8:45 am]

[Docket Nos. G-18314 and CP66-121]

MIDWESTERN GAS TRANSMISSION CO.

Notice of Petition To Amend

OCTOBER 19, 1973.

Take notice that on September 5, 1973, Midwestern Gas Transmission Co. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket Nos. G-18314 and CP66-121 a petition to amend the orders of the Commission issued in said dockets October 31, 1959 (22 FPC 775), and June 20, 1967 (37 FPC 1070), respectively pursuant to section 3 of the Natural Gas Act by authorizing the importation of natural gas with the addition of price adjustment provisions to the original gas purchase contracts, as amended, between Petitioner and TransCanada Pipelines Limited (TransCanada), all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

By the order issued October 31, 1959, Petitioner was authorized, among other things, to import from Canada up to 204,000 Mcf of natural gas per day at a point on the International Boundary near Emerson, Manitoba. Purchases are

made under the terms of Petitioner's gas purchase contract with TransCanada dated April 14, 1960 (Contract No. 1). The petition states this contract has a term of 25 years and provides for a two-part purchase rate consisting of a constant commodity charge over the entire 25-year term and a demand charge with stated escalations at five-year intervals.

By the order of the Commission issued on June 20, 1967 in Docket No. CP66–121, Petitioner was authorized to import an additional 116,332 Mcf per day of natural gas at Emerson. Gas imported under this authorization is purchased pursuant to a contract between Petitioner and TransCanada dated June 30, 1967 (Contract No. 2), which provides for a two-part rate during its term of 25 years with both the demand charge and the commodity charge escalating at five-year intervals.

Petitioner states that on April 30, 1970, in Docket No. CP70–19, et al. the Commission issued an order (43 FPC 635) wherein Petitioner was authorized to import an additional 7,200 Mcf per day purchased from TransCanada under a contract dated October 30, 1970 (Contract No. 3). Contract No. 3 provides for a two-part rate during its term of 20 years with both the demand charge and the commodity charge escalating at five-year intervals. This third contract contains a provision that Petitioner's rate shall not be less than 105 per cent of TransCanada's regulated price per Mcf of gas sold by TransCanada in its Manitoba rate zone for similar sales computed at 100 per cent load factor.

Petitioner and TransCanada propose to amend their Contract Nos. 1 and 2 to bring the price provisions of said contracts into conformity with the price provisions of Contract No. 3. Petitioner therefore, requests the Commission to amend its orders in the instant dockets to reflect the modifications to Contract Nos. 1 and 2 and authorize the importation of gas purchased under contract provisions which would relate the price paid by Petitioner under both previous contracts to 105 per cent of TransCanada's Manitoba Zone Rate, said rate being the price provided under the tariff applicable to natural gas customers in Manitoba as prescribed by the National Energy Board of Canada.

Petitioner states that the implementation of TransCanada's Manitoba Zone rate as proposed herein will have an immediate effect on the rate charged by TransCanada under Contract Nos. 1 and 2. Petitioner further states that TransCanada has a proposal to increase its Manitoba Zone Rate effective November 1, 1973, presently pending before the National Energy Board.

Petitioner states that the three contracts with TransCanada provide the total gas supply for Petitioner's northern system sales and the proposed amendments are necessary to enable TransCanada to maintain the reserves necessary to continue to meet the requirements of TransCanada's customers as well as to allow TransCanada to continue to acquire new reserves which must be purchased if TransCanada is to have the gas supply necessary to meet its present commitments.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 9, 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.73–23040 Filed 10–29–73;8:45 am]

[Docket Nos. RP66–12 and G–9283, et al.]

TEXAS EASTERN TRANSMISSION CORP. AND ATLANTIC RICHFIELD CO.

Notice of Supplier Refunds

OCTOBER 17, 1973.

Take notice that on September 19, 1973, United Gas Pipeline Co. (United) of Shreveport, Louisiana, filed with the Commission, pursuant to Commission orders issued on August 10, 1971, and August 3, 1973, in the above captioned proceedings, a statement reflecting the amount of supplier refunds received by United and commingled with corporate funds now ordered by the Commission to be released to Texas Eastern Transmission Corp. (Texas Eastern) covering the period from 1961 to 1964, inclusive, together with a release from Texas Eastern shown receipt of the refund monies. United States that supplier refunds heretofore placed in escrow with its agent, First National City Bank, are being made to Texas Eastern by such agent.

Any person desiring to be heard or to protest said filing should file a petition to intervene, unless such petition has been filed previously, or protest with the Federal Power Commission, 825 North Capitol Street NE., 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 November 5, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–23042 Filed 10–29–73;8:45 am]

[Docket No. CP72–226]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Petition To Amend

OCTOBER 18, 1973.

Take notice that on October 1, 1973, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP72–226 a petition to amend the order issued in said docket on April 25, 1972 (47 FPC 1105) as amended October 16, 1972 (48 FPC ——), and August 2, 1973 (50 FPC ——), pursuant to Section 7(c) of the Natural Gas Act authorizing an exchange of natural gas between Petitioner and Phillips Petroleum Company (Phillips) by authorizing the construction and operation of an additional redelivery point and the utilization of other existing exchange points, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order issued April 25, 1972, Petitioner was authorized to exchange with Phillips up to 10,000,000 Mcf of gas during any twelve-month period at an existing interconnection at the tailgate of Phillip's Chocolate Plant in Brazoria County, Texas. By amending orders of October 16, 1972, and August 2, 1973, Petitioner was authorized to exchange gas at additional existing points of interconnection in Beaver County, Oklahoma, and in Brazoria, Gray, and Hansfield Counties, Texas.

Petitioner herein requests authority to construct and operate an additional redelivery point in Brazoria County, Texas. Petitioner further requests authorization to utilize existing points of interconnection previously authorized by order issued in Docket No. CP71–50 on December 7, 1970 (44 FPC 1541), as amended October 25, 1972 (48 FPC ——), for use as delivery points in the exchange with Phillips of certain natural gas available to Petitioner from Quinduno Field, Roberts County, Texas. Petitioner states the estimated cost of the proposed facility is $4,100 which cost is to be reimbursed to Petitioner by Phillips.

Petitioner states that the proposed amendment will be beneficial to it by providing Petitioner with increased flexibility in the operation of its pipeline system.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 12, 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.73-23039 Filed 10-29-73;8:45 am]

[Docket No. CI74-209]

FLORIDA GAS EXPLORATION CO. (OPERATOR), ET AL.

Application Pursuant to Commission's General Policy and Interpretations

OCTOBER 19, 1973.

Take notice that on October 5, 1973, Florida Gas Exploration Company (Operator), et al. (Applicant), P.O. Box 44, Winter Park, Florida 32789, filed in Docket No. CI74-209 an application pursuant to section 7(c) of the Natural Gas Act and § 2.75 of the Commission's General Policy and Interpretations (18 CFR 2.75) for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Florida Gas Transmission Company (Florida Gas), from the North Montegut Field, Terrebonne Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes under the optional pricing procedure to sell natural gas to Florida Gas from the subject acreage at an initial rate of 45.0 cents per Mcf at 15.025 p.s.i.a., subject to upward and downward Btu adjustment, pursuant to the terms of a 20-year contract dated September 21, 1973. Said contract provides for fixed escalations of 1.0 cent per Mcf per year each year after the date of initial delivery and for 100 per cent reimbursement to the seller for all additional taxes which are greater than those being levied on the date of the contract. Applicant estimates the monthly deliveries to be 45,000 Mcf of gas.

Applicant requests authorization for the sale, alleging that the sale will assure long-term deliveries to Florida Gas, that the initial price of 45.0 cents per Mcf is substantially lower than recent intrastate sales in the region that the price is in line with rates authorized by the Commission pursuant to § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70), that the price is substantially lower than prices for base load sales of liquefied natural gas or synthetic gas for which applications for authorization are pending or have been approved by the Commission, and that the sale will alleviate supply shortages of Florida Gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by 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 Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23045 Filed 10-29-73;8:45 am]

[Docket No. E-7806]

ILLINOIS POWER CO.

Notice of Offer of Settlement

OCTOBER 18, 1973.

Take notice that on March 21, 1973, Illinois Power Company filed an offer of settlement in this proceeding with respect to the reserved issue of the propriety of a moratorium, as designated in the Commission's order issued December 29, 1972. In the alternative the company requests that a prehearing conference be convened in the event that further proceedings are required. Copies of the filing were served upon all parties of record in accordance with the requirements of § 1.17 of the Commission's Rules of Practice and Procedure.

Any person desiring to be heard or to make protest with respect to the filing should on or before November 9, 1973, file with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, petitions to intervene or protests in accordance with the aforestated Commission Rules (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 make protestants parties to the proceeding. Persons desiring 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, unless such petition has been filed previously. The tender is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23044 Filed 10-29-73;8:45 am]

[Docket No. CP74-97]

FLORIDA GAS TRANSMISSION CO.

Notice of Application

OCTOBER 19, 1973.

Take notice that on October 10, 1973, Florida Gas Transmission Company (Applicant), P.O. Box 44, Winter Park, Florida 32789, filed in Docket No. CP74-97 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a 26-inch main line loop and the installation and operation of a regulator station, to be located on Applicant's existing 20-inch main transmission pipeline in St. Lucie and Osceola Counties, Florida, respectively, all as more fully set out in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 4.03 miles of 26-inch pipeline loop paralleling an equal length of its existing 20-inch main transmission pipeline between milepost 777.46 and milepost 781.49 in St. Lucie County. Applicant further proposes to install a regulator station on its existing 20-inch mainline in Osceola County near valve 18-1, milepost 632.26.

The application states the proposed facilities are required in connection with retesting Applicant's existing 20-inch mainline. The application further states that the installation of the regulator is necessary to limit the maximum operating pressure in said 20-inch line to 780 psig thereby increasing the volume flowing through the proposed 26-inch loop line and lowering pressure at the existing loop end. This proposed loop is intended to maintain the required suction pressure at Applicant's downstream Compressor Station No. 20.

Applicant states retesting of the 20-inch line is required to qualify said line for continued operation in compliance with safety regulations of the Department of Transportation issued pursuant to the Natural Gas Pipeline Safety Act of 1968.

The application states the total cost of all facilities is estimated to be $1,245,000 which will be financed from internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 12, 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 Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23047 Filed 10-29-73;8:45 am]

[Docket No. CP74-92]

McCULLOCH INTERSTATE GAS CORP.

Notice of Application

OCTOBER 19, 1973.

Take notice that on October 5, 1973, McCulloch Interstate Gas Corporation (Applicant), 10880 Wilshire Boulevard, Los Angeles, California 90024, filed in Docket No. CP74-92, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas through existing facilities pursuant to a gas transportation agreement with Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), dated September 5, 1973, 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 gas transportation agreement it has agreed to transport by means of existing pipeline facilities volumes of gas to be exchanged between CIG and Mountain Fuel Supply Company (Mountain Fuel) pursuant to an agreement dated July 5, 1973, providing for a short term volumetric exchange of gas between them and for the retention and purchase by CIG of 25 percent of the total volume delivered by Mountain Fuel. Applicant states the initial transportation volume is anticipated to be 8,000 Mcf of gas per day at 14.65 p.s.i.a.

Applicant has agreed to transport for CIG's account such volumes of natural gas as delivered by Mountain Fuel from acreage in the Anadarko Fox area of the Powder River Basin of Wyoming approximately 35 miles in Applicant's existing 16-inch pipeline to CIG's existing point of interconnection in or near section 18, Township 39 North, Range 72 West, Converse County, Wyoming. Applicant states it has commenced said transportation pursuant to the emergency operations provision of § 157.22 of the Regulations under the Natural Gas Act (18 CFR 157.22).

Applicant proposes to charge CIG 3.5 cents per Mcf of gas delivered by Mountain Fuel to Applicant for CIG's account and transported in Applicant's pipeline for delivery to CIG. Concurrently with this application Applicant has filed a notice of proposed changes in its FPC Gas Tariff, Original Volume No. 1, stating the proposed charges will effect initial Rate Schelule X-1 which is the gas transportation agreement dated September 5, 1973, between Applicant and CIG.

Applicant states that no new facilities are required and that CIG and Mountain Fuel are currently seeking authority for the proposed exchange and sale in Docket Nos. CP74-62 and CP74-64, respectively.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 12, 1973, filed 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 Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23048 Filed 10-29-73;8:45 am]

[Docket No. CP74-96]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Application

OCTOBER 19, 1973.

Take notice that on October 10, 1973, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP74-96 an application pursuant to section 7(b) of the Natural Gas Act requesting permission and approval to reduce by 2,000 Mcf per day its transportation in interstate commerce of natural gas for a direct sale to The New Jersey Zinc Company (New Jersey Zinc), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Petitioner states that the interstate transportation of natural gas to New Jersey Zinc was authorized by Commission orders issued June 4, 1969, August 8, 1966, and October 13, 1942, in Docket Nos. CP69-255 (41 FPC 694), CP66-360 (36 FPC 388), and G-235 (3 FPC 669), respectively. A reduction in said transportation was authorized by order issued March 28, 1972, in Docket No. CP72-43 (47 FPC 958).

Applicant now proposes to reduce further New Jersey Zinc's peak day delivery quantity by 2,000 Mcf from its present 3,000 Mcf level in response to a request by New Jersey Zinc in a letter dated August 16, 1973.

Applicant states that the reduction in transportation proposed herein will not require abandonment of any facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes

that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23046 Filed 10-29-73;8:45 am]

[Docket No. E-8434]

PUBLIC SERVICE CO. OF OKLAHOMA

Notice of Cancellation of Letter Agreement

OCTOBER 18, 1973.

Take notice that on October 9, 1973, the Public Service Company of Oklahoma (PSCO) tendered for filing a notice of cancellation of a letter agreement, dated September 18, 1973, Supplement No. 23 to Rate Schedule FPC No. 118, between PSCO and the Southwestern Electric Power Company (SWEPCO).

PSCO states that the letter agreement became effective January 1, 1973, and will expire on its own terms on December 31, 1973. PSCO further states that notice of the proposed cancellation has been served on SWEPCO.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 2, 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 petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23043 Filed 10-29-73;8:45 am]

[Docket No. E-7740]

INDIANA AND MICHIGAN ELECTRIC CO.

Notice of Proposed Changes in Rates and Charges

OCTOBER 19, 1973.

Take notice that Indiana and Michigan Electric Company (I&M) on October 5, 1973, tendered for filing proposed changes in its FPC Rate Schedule No. 29. The proposed changes will increase I&M's revenues by approximately $84,000 annually from the City of Auburn, Indiana (Auburn) based on test year 1971. I&M also proposes changes in the terms and conditions of service pursuant to which Auburn is served. The proposed effective date is March 29, 1972, the date on which I&M's revised Tariff I.P. became effective with respect to I&M's customers in the State of Indiana, or upon the first succeeding date on which these supplements may be made effective under law, statute or rule.

In support of its filing, I&M states that the proposed changes incorporate the revisions in I&M's Tariff I.P. on file with, and approved by, the Public Service Commission of Indiana and which became effective on March 29, 1972. Further, I&M asserts that there is no bona fide dispute as to the reasonableness of the proposed increase in the record in Docket No. E-7740 to date. Moreover, I&M states that this tender is made without prejudice to its rights to seek rehearing of the Commission September 28, 1973, order and without waiving any of its rights to judicial review of the Court of Appeals decision on May 25, 1973.

In support of its requested effective date, I&M asserts that it is necessary, in the public interest, and in the interest of I&M's other municipal wholesale customers. Further, I&M avers that it is necessary to effectuate the express contractual obligations of Auburn and to avoid a wholly unjustified windfall to Auburn.

I&M states that copies of this filing were served on the affected customers and the Public Service Commission of Indiana.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8, 1.10 of the Commission's rules of practice and procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 29, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-22990 Filed 10-29-73;8:45 am]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Amendment to Exchange Agreement

OCTOBER 23, 1973.

Take notice that on October 5, 1973 Mississippi River Transmission Corporation (Mississippi) tendered for filing First Revised Sheet Nos. 2 through 4 to its FPC Gas Tariff, Original Volume No. 2. Such tariff sheets relate to amendment to the Exchange Agreement between Mississippi and Texas Eastern Transmission Corporation. It is proposed that the tariff shets become effective November 5, 1973. The amended Exchange Agreement provides for additional points of exchange through existing certificated facilities.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission 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 October 31, 1973. Protests will be considered by the Commission in determining 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 in accordance with the Commission's rules. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-22992 Filed 10-29-73;8:45 am]

[Docket No. E-8438]

NORTHERN STATES POWER CO.

Notice of Application

OCTOBER 23, 1973.

Take notice that on October 10, 1973, Northern States Power Company (Applicant) of Minneapolis, Minnesota, filed an application pursuant to section 204 of the Federal Power Act seeking an order authorizing the issuance of unsecured Promissory Notes to commercial banks and to commercial paper dealers in amounts not exceeding in the aggregate $100,000,000 outstanding at any one time.

The Promissory Notes to be issued by the Applicant to commercial banks will be issued on various days in 1974, but no Note will mature more than twelve months after date of issue or renewal. The interest rate of such Notes will be at the prime loan interest rate of the banks in effect from time to time.

The Promissory Notes issued to commercial paper dealers will be issued on various days in 1974, but no Note will mature more than nine months after date of issue nor will any Note be extended or renewed. The interest rate on such Notes will be dependent upon the term of the Notes and the money market conditions at the time of issuance. According to the application, the aggregate amount of commercial paper to be outstanding at any one time will not exceed the sum of (1) the dollar amount of Applicant's receivables arising out of the sale of electric, gas, heating and telephone service and merchandise, (2) the dollar amount of Applicant's fuel inventory exclusive of nuclear fuels, and (3) the dollar amount of depreciation and amortization charges on plant and equipment for the preceding year.

The proceeds from the issuance of the Notes will be added to the general funds of the Applicant which general funds will be used, among other things, to finance in part the Applicant's 1974 construction program and advances to Northern States Power Company (Wisconsin), a wholly owned subsidiary, for

similar purposes. Applicant estimates that construction expenditures for 1974 will total about $258,500,000 for NSP–MINN and $22,825,000 for NSP–WIS.

Any person desiring to be heard or to make any protest with reference to said application should, on or before November 9, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedures (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 and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-22991 Filed 10-29-73;8:45 am]

[Docket No. E-8437]

OHIO POWER CO.

Notice of a Power Agreement

OCTOBER 23, 1973.

Take notice that, on October 10, 1973, Ohio Edison Company (Ohio), on behalf of Toledo Edison Company (Toledo), Cleveland Electric Illuminating Company (Cleveland), Duquesne Light Company (Duquesne) and Pennsylvania Power Company (Pennsylvania), tendered for filing a Power Agreement (dated May 29, 1969) and Amendment No. 1 (dated May 26, 1971) to said Power Agreement.

The Power Agreement, according to Ohio, provides for Toledo to supply, and Cleveland, Duquesne, and Ohio, and its wholly owned subsidiary Pennsylvania (considered for the purposes of the Power Agreement as a single entity) to receive Short Term Power and associated Short Term Energy which, in turn, is being purchased by Toledo from Consumers Power Company (Consumers) and The Detroit Edison Company (Detroit) under Service Schedule D to the Operating Agreement among Toledo, Consumers and Detroit dated March 1, 1966. (Toledo Rate Schedule FPC No. 4)

According to Ohio, the purchase and sales pursuant to the Power Agreement will begin October 1, 1973, and extend through December 31, 1974. Ohio states that the Power Agreement provides that Toledo will sell and Cleveland, Duquesne, Ohio, and Pennsylvania will purchase Short Term Power in the following amounts:

Cleveland—15,000 Kilowatts
Duquesne—85,000 Kilowatts
Ohio and Pennsylvania—10,000 Kilowatts (single entity)

Ohio states that delivery of Short Term Energy under the Power Agreement shall be made by Toledo to Ohio and Pennsylvania (single entity) at delivery points referred to in the Power Agreement and by the single entity to Cleveland and Duquesne at delivery points referred to in the Power Agreement. According to Ohio, Cleveland, Duquesne, and the single entity are parties to the CAPCO Transmission Facilities Agreement, dated September 14, 1967, and executed November 1, 1971, filed with the FPC on November 30, 1971.

Ohio further states that the rate for the Short Term Power supplied by Toledo is specified in Schedule D of the Michigan Schedule, that is, 0.30 per Kilowatt per week, to be reduced by 0.06 per Kilowatt of reduction for each day during which the amount of Short Term Energy is reduced upon request of Consumers and Detroit.

Ohio states that no comparison of sales, services, and revenues is offered because the Agreement covers a new class of service.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NW., 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 8, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-22993 Filed 10-29-73;8:45 am]

[Docket No. ID-1708, etc.]

R. GREGORY GRAHAM ET AL.

Notice of Applications

OCTOBER 19, 1973.

Take notice that the following applications were filed on the stated dates, pursuant to section 305(b) of the Federal Power Act, for authority to hold the position of officer or director of more than one public utility, or the position of officer or director of a public utility and officer or director of a firm authorized to market utility securities, or the position of officer or director of a public utility and officer or director of a company supplying electric equipment to such public utility.

Any person desiring to be heard or to make any protest with reference to said applications should on or before November 1, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to 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 available for public inspection.

Docket No.	Name of applicant	Date filed	Name of company
1708....	R. Gregory Graham.	10-10-73	The Cincinnati Gas & Electric Co. The Union Light, Heat, and Power Co.
1709....	Willis C. Fitkin.	10- 4-74	Green Mountain Power Corp. Tampa Electric Co.
1710....	William C. MacInnes.	10- 4-73	Green Mountain Power Corp. Tampa Electric Co.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-22989 Filed 10-29-73;8:45 am]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

COMMITTEE MEETINGS

Pursuant to the provisions of section 10 of Pub. L. 92–463, effective January 5, 1973, notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, November 1, 1973
Thursday, November 8, 1973
Thursday, November 15, 1973
Wednesday, November 21, 1973

The meetings will convene at 10 a.m. and will be held in Room 5A06A, Civil Service Commission Building, 1900 E. Street NW., Washington, D.C.

The committee's primary responsibility is to study the prevailing rate system and from time to time advise the Civil Service Commission thereon.

At these scheduled meetings, the committee will consider proposed plans for implementation of Pub. L. 92–392, which law establishes pay systems for Federal prevailing rate employees.

The meetings will be closed to the public under a determination to do so, made under the provisions of section 10(d) of Pub. L. 92–463.

However, members of the public who wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Federal Prevailing Rate Advisory Committee, Room 5451, 1900 E Street NW., Washington, D.C.

DAVID T. ROADLEY,
Chairman, Federal Prevailing Rate Advisory Committee.

OCTOBER 25, 1973.

[FR Doc.73-23073 Filed 10-29-73;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

BUSINESS ADVISORY COUNCIL ON FEDERAL REPORTS

Notice of Public Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of an ad hoc panel of the Business Advisory Council on Federal Reports to be held in Room 4203, New Executive Office Building, 726 Jackson Place NW., Washington, D.C., on Tuesday, November 13, 1973, at 9:30 a.m.

The purpose of the meeting is to obtain advice on reporting problems involved in public use reports of the Occupational Safety and Health Administration inspection and accident investigation activities. The meeting will be open to public observation and participation.

PHILLIP D. LAISEN,
Acting Assistant to the Director for Administration.

[FR Doc.73-22995 Filed 10-29-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

AZTEC PRODUCTS, INC.

Notice of Suspension of Trading

OCTOBER 19, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Aztec Products, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

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 21, 1973, through October 30, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-23062 Filed 10-29-73;8:45 am]

[File No. 500-1]

BBI, INC.

Notice of Suspension of Trading

OCTOBER 19, 1973.

The common stock of BBI, Inc., being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

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 21, 1973, through October 30, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-23063 Filed 10-29-73;8:45 am]

[File No. 500-1]

BENEFICIAL LABORATORIES, INC.

Notice of Suspension of Trading

OCTOBER 19, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants, and units of Beneficial Laboratories, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

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 21, 1973, through October 30, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-23065 Filed 10-29-73;8:45 am]

[70-5397]

CONNECTICUT LIGHT AND POWER CO. ET AL.

Notice of Proposed Issue and Sale of Promissory Note Pursuant to a Loan Agreement With State Development Authority To Finance Pollution Control Facilities; Exception From Competitive Bidding

Notice is hereby given that The Connecticut Light and Power Company (CL&P), P.O. Box 2010, Hartford, Connecticut 06101. The Hartford Electric Light Company (HELCO), P.O. Box 2370, Hartford, Connecticut 06101, and Western Massachusetts Electric Company (WMECO), 174 Brush Hill Avenue, West Springfield, Massachusetts 01089 (collectively referred to herein as the "Companies"), each a wholly owned electric utility subsidiary of Northeast Utilities (Northeast), a registered holding company, have filed an application and amendment thereto with this Commission designating section 6(b) of The Public Utility Holding Company Act of 1935 ("Act") and Rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the application, as amended, which is summarized below, for a complete statement of the proposed transaction.

The Companies state that they own, as tenants-in-common, the Millstone Point Nuclear Power Plant (Millstone Plant) located at Waterford, Connecticut with ownership interests of 53 percent (CL&P), 28 percent (HELCO), and 19 percent (WMECO). In order to comply with more stringent environmental regulations, particularly the standards and dose criteria limits promulgated by the Atomic Energy Commission (AEC), the Companies have installed, and propose to provide the Millstone Plant with, additional pollution control equipment (Facilities) designed to reduce the level of radioactivity in the plant's effluent. The total cost of Facilities already installed and in the process of installation is estimated to be $11,650,000, which sum includes a $959,000 contingency provision. Construction of the Facilities is expected to be completed prior to November 1, 1976.

The Connecticut Development Authority (Authority) is authorized under the laws of the State of Connecticut to assist in the planning and financing of facilities to control environmental pollution derived from the operation of industry and commerce. In this connection, the Authority may extend credit or make loans secured by loan agreements, and issue its bonds for such purposes. Accordingly, the Companies propose to enter into an agreement (Loan Agreement) with the Authority with respect to the construction and financing of the facilities at its Millstone Plant, and pursuant thereto, issue to the Authority its promissory note (Note), in an aggregate amount not to exceed $11,650,000. In turn, the Authority will issue and sell its Pollution Control Revenue Bonds (Pollution Bonds) up to a total aggregate amount of $11,650,000 and advance the proceeds from the sale to the Companies pursuant to the terms of the Loan Agreement to provide funds theretofore expended and to be expended by the Companies for the construction of the Facilities.

The Pollution Bonds will be issued under and secured by a Trust Indenture (Indenture) between the Authority and Hartford National Bank and Trust Company (Trustee). It is stated that the Bonds will not constitute general obligations of the State, but will be revenue bonds, the principal and interest on which will be payable solely out of funds paid by the Companies pursuant to the Loan Agreement. It is expected that the Pollution Bonds will be dated November 1, 1973, and bear a final maturity date of November 1, 1988. The terms of the Bonds will provide for mandatory sinking funds installments of $950,000 per annum, commencing in 1988 and ending in 1997, with a final payment of $2,150,000 due at the maturity date of November 1, 1998. The Indenture will contain certain redemption provisions which will include the right of the Companies to cause the redemption of the Pollution Bonds, in whole or in part, at any time after they have been outstanding for 10 years at an initial premium of 3 percent declining by ½ percent every year.

It is stated that the Pollution Bonds are expected to be marketed pursuant to arrangements among the Companies, the Authority and Morgan Stanley & Co., Incorporated. The Companies state that the interest payable on the Pollution Bonds will be exempt from Federal income taxation. It is not possible to ascertain in advance precisely the interest rate which may be obtained in connection with the issuance of the Pollution Bonds, but the Companies are advised that tax-exempt bonds of like quality and tenor have historically carried an annual interest rate approximately one and one-half to two percent lower than comparable taxable long-term corporate bonds.

The Note which the Companies will issue to the Authority will be in an aggregate principal amount equal to the amount of the Pollution Bonds. Interest and principal on the Note will be payable at times and in amounts corresponding to interest and principal requirements on the Pollution Bonds. The Loan Agreement requires that such payments on the Note shall be made in all events, notwithstanding failure of the Project to operate successfully, any casualty, condemnation, failure of title or other occurrence. The Note will be pledged under the Indenture by assignment to the Trustee. The Loan Agreement further provides that upon any event of default therein specified, all unpaid principal of and accrued interest on the Note may be declared, and thereupon shall be, immediately due and payable.

For accounting and financial reporting purposes the indebtedness of each Company under the Note will be capitalized.

Applicants state that the Public Utilities Commission of the State of Connecticut has jurisdiction over the proposed issuance of the Note by CL&P and HELCO and may assert similar jurisdiction in regard to WMECO. The Massachusetts Department of Public Utilities has jurisdiction over the proposed issuance of the Note by WMECO. No other State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction. A statement of the fees and expenses to be incurred in connection with the proposed transaction will be filed by amendment.

The Companies request that the issue of the Note be exempted from the competitive bidding requirements of Rule 50, on the ground that the Note will be issued for the acquisition of property by the issuers and the interest rate thereon is to be determined by an issuance of securities (the Bonds) which is not subject to the provisions of the Act.

Notice is further given that any interested person may, not later than November 12, 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 amended application, as filed, or as it may be further 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 applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the amended application, as filed or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-23081 Filed 10-29-73;8:45 am]

[File No. 500-1]

FIRST LEISURE CORPORATION

Notice of Suspension of Trading

OCTOBER 19, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of First Leisure 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 23, 1973 through November 1, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-23064 Filed 10-29-73;8:45 am]

[70-5403]

MIDDLE SOUTH UTILITIES, INC. AND LOUISIANA POWER & LIGHT CO.

Notice of Proposed Issue and Sale of Common Stock to Parent Holding Company

Notice is hereby given that Middle South Utilities, Inc. (Middle South), 280 Park Avenue, New York, New York 10017, a registered holding company, and Louisiana Power & Light Company (Louisiana), 124 Delaronde Street, New Orleans, Louisiana 70174, its electric utility subsidiary, have filed an application-declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 7, 9(a), 10, and 12(f) of the Act and Rule 43 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.

Louisiana proposes to issue and sell to Middle South, and Middle South proposes to acquire, an additional 4,725,000 shares of Louisiana's common stock, without nominal or par value, for an aggregate purchase price of $30,000,000, which funds Middle South proposes to obtain through borrowings from commercial banks.[1] Louisiana, also, proposes to issue and sell, and Middle South proposes to acquire an additional 155,000 shares of common stock for an aggregate purchase price of $988,000 in conjunction with Louisiana's concurrent payment to Middle South (its sole common stockholder) of a special cash dividend of like amount.

To effect the proposed issuances and sales of its common stock, Louisiana proposes to amend its Certificate of Incorporation to increase the number of shares of common stock authorized to be outstanding from 26,000,000 shares to 36,000,000 shares, with 30,680,000 shares to be outstanding upon completion of the proposed transactions.

Louisiana proposed to utilize the proceeds from the issuance and sales of common stock to retire then outstanding short-term debt, to finance its construction program (estimated at $131,300,000 for 1973), and for general corporate purposes.

Fees and expenses incident to the proposed transactions are estimated at $4,500, including counsel fees of $1,000. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than November 15, 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

[1] Middle South has filed with this Commission a pending post-effective amendment to its declaration, File No. 70-5366, in which it is proposed that Middle South borrow up to $88,700,000 from a group of commercial banks, under terms of a $135,000,000 revolving credit agreement dated as of July 1, 1973.

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.73-23079 Filed 10-29-73;8:45 am]

[70-5406]

NEW ENGLAND ELECTRIC SYSTEM AND NEW ENGLAND POWER CO.

Notice of Proposed Issue and Sale by Subsidiary Company, Amount of First Mortgage Bonds at Competitive Bidding Principal

Notice is hereby given that New England Electric System (NEES), a registered holding company, and its electric utility subsidiary, New England Power Company (NEPCO), 20 Turnpike Road, Westborough, Massachusetts 01581, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 6(b), 7, 9(a), 10, and 12 of the Act and Rules 42 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

NEPCO proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, $40,000,000 principal amount of First Mortgage Bonds, Series T, ____ percent, due ____. The interest rate (which shall be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be paid to NEPCO (which shall not be less than the principal amount nor more than 102¾ percent thereof) will be determined by the competitive bidding. The Series T Bonds will bear interest from December 1, 1973. NEPCO will notify prospective bidders not later than 12 noon on the second full business day prior to the time designated for the submission of bids (i) the date on which the bonds shall mature, which date shall not be more than 30 years from December 1, 1973, and (ii) whether or not the bonds shall be redeemable during the first five years of their term, or some lesser portion thereof, in connection with refunding at a lesser effective interest cost to NEPCO. The bonds will be issued under an Indenture of Trust and First Mortgage dated as of November 15, 1936, between NEPCO and New England Merchants National Bank (successor to the New England Trust Company), as Trustee, as amended and supplemented and to be further supplemented by a Nineteenth Supplemental Indenture, dated as of December 1, 1973.

NEPCO further proposes to increase its capital stock by the authorization and issue of not in excess of 500,000 shares of its common stock, par value $20 per share. NEES, the sole common stockholder, proposes to acquire such shares for a cash consideration of $40 per share, or an aggregate of $20,000,000. Upon such issue and sale NEPCO will have outstanding 5,199,896 shares of common stock with an aggregate par value of $103,997,920.

The net proceeds from the sale of the bonds and common stock are proposed to be used to reduce the amount of NEPCO's outstanding short-term promissory notes, aggregating $63,175,000 at October 4, 1973, which were issued to pay for capitalizable expenditures or to the reimbursement of its treasury therefor.

NEPCO states that the Massachusetts Department of Public Utilities, the New Hampshire Public Utilities Commission, and the Vermont Public Service Board have jurisdiction over the proposed issue and sale of bonds and common stock and that no other State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses related to the proposed bonds are estimated at $115,000, including New England Power Service Company expenses (at cost) of $40,000, independent engineers' charges of $7,000, and accounting fees of $7,500. The fees and expenses of counsel for the bidders will be supplied by amendment and will be paid by the successful bidders, except as provided in the purchase agreement relating to the purchase of the bonds. Total estimated expenses in connection with the proposed common stock are $3,400 for NEPCO and $200 for NEES.

Notice is further given that any interested person may, not later than November 23, 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 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 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.73-23080 Filed 10-29-73;8:45 am]

[File No. 500-1]

PENN GENERAL AGENCIES, INC.

Notice of Suspension of Trading

OCTOBER 19, 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 October 20, 1973, and continuing through October 29, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-23067 Filed 10-29-73;8:45 am]

[File No. 500-1]

PENNSYLVANIA LIFE CO.

Notice of Suspension of Trading

OCTOBER 19, 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 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 20, 1973, and continuing through October 29, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-23066 Filed 10-29-73;8:45 am]

[File No. 500-1]

ROYAL PROPERTIES INC.

Notice of Suspension of Trading

OCTOBER 19, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties Incorporated, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

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 20, 1973, and continuing through October 29, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-23068 Filed 10-29-73;8:45 am]

[File No. 500-1]

SEABOARD CORP.

Notice of Suspension of Trading

OCTOBER 18, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, units and warrants of Seaboard 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 and Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 5:25 p.m. (EDT) on October 18, 1973, through October 27, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-23069 Filed 10-29-73;8:45 am]

[File No. 500-1]

TECHNICAL RESOURCES, INC.

Notice of Suspension of Trading

OCTOBER 18, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Technical Resources, 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 1:00 p.m. (e.d.t.) on October 18, 1973, through October 27, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-23071 Filed 10-29-73;8:45 am]

[File No. 500-1]

TRIEX INTERNATIONAL CORP.

Notice of Suspension of Trading

OCTOBER 19, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Triex International 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 21, 1973, and continuing through October 30, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-23070 Filed 10-29-73;8:45 am]

[File No. 500-1]

U.S. FINANCIAL INC.

Notice of Suspension of Trading

OCTOBER 19, 1973.

The common stock of U.S. Financial Incorporated, being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of U.S. Financial Incorporated, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

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 21, 1973, and continuing through October 30, 1973.

By the Commission.

GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-23072 Filed 10-29-73;8:45 am]

[812-3336]

VALUE LINE SPECIAL SITUATIONS FUND, INC.

Notice of Filing of Application for an Order Exempting Proposed Transaction

Notice is hereby given that Value Line Special Situations Fund, Inc. (the Fund), 5 East 44th Street, New York, New York 10017, registered as a diversified, open-end management investment company under the Investment Company Act of 1940 (Act), and Decicom Systems, Inc. (Decicom), a Delaware corporation, have filed an application pursuant to section 17(b) of the Act for an order of the Commission exempting from the provisions of section 17(a) of the Act the transfer of Decicom shares to the Fund pursuant to an Arrangement under Chapter XI of the Federal Bankruptcy Act (the Arrangement). 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.

Decicom was organized in September 1968, as a wholly owned subsidiary of Decitron Electronics Corp. (DEC), a New York corporation engaged primarily in military electronics work. Its purpose was to obtain financing for the development of DEC's commercial products and concepts. On September 30, 1968, the Fund purchased 50,000 shares of the common stock of Decicom for $15.00 per share pursuant to a stock purchase agreement (the Agreement) which contained various undertakings by Decicom including some relating to future registration of the shares under the Securities Act of 1933. The shares purchased represented 7.9 percent of the total number of shares issued by Decicom, and Fund, and Decicom, by reason of the purchase, became affiliated persons of each other within the meaning of section 2(a)(3) of the Act.

On February 4, 1971, both DEC and Decicom filed petitions for arrangements under Chapter XI of the Federal Bankruptcy Act. DEC was unable to propose an acceptable arrangement and was adjudicated bankrupt in June 1971. The Arrangement made in connection with Decicom provides for the issuance of one share of Decicom's Common Stock for each $5.00 of indebtedness. The Arrangement was accepted by the creditors of Decicom and confirmed by the Referee in Bankruptcy (the Referee). In the course of these proceedings, the Referee issued a decision disaffirming the executory portions of the Agreement and directed the Fund to make a claim for damages. Shortly after such decision, the Fund filed a claim for damages in the amount of $50,000 payable in 10,000 shares of Decicom as per the Arrangement. Decicom did not contest the claim of damages which was subsequently allowed by the Referee. The 10,000 shares of Decicom to be delivered to Fund in settlement of its claim for damages have been

in the possession of a distributor appointed by the Referee since May 16, 1972, and will remain in the hands of such distributor until the requested order is issued.

Section 17(a) of the Act provides, in pertinent part, that it is unlawful for any affiliated person of a registered investment company to knowingly sell to or purchase from such registered investment company any security or other property unless the Commission, upon application pursuant to section 17(b), grants an exemption from the provisions of section 17(a) upon finding the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

The Fund asserts that the 50,000 shares of Decicom owned by it at the time of the bankruptcy proceedings were not worth substantially in excess of $50,000, the amount of the claim for damages. A one share for one dollar of indebtedness conversion ratio was used by a group of lenders in the only voluntary transaction with the debtor-in-possession at about the same time as the bankruptcy proceedings, and the Fund contends that this transaction is a reliable indicator of the value of a Decicom share. The Fund submits, therefore, that its $50,000 claim for damages is a fair and reasonable statement of its damages resulting from the disaffirmance of the Agreement by Decicom and that the receipt of 10,000 shares of Decicom in satisfaction of its claim is reasonable and fair and consistent with Fund's investment policy and the general provisions of the Act.

Notice is further given that any interested person may, not later than November 13, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, 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 the Fund at the address stated above. Proof of such service (by affidavit, or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. 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 said date, 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.73-23082 Filed 10-29-73;8:45 am]

TARIFF COMMISSION

[337-L-61]

DUAL-IN-LINE REED RELAYS

Notice of Dismissal of Preliminary Inquiry

On the basis of the submissions made to the Commission by interested parties, the Tariff Commission on October 18, 1973, dismissed preliminary inquiry 337-L-61 without a determination on its merits.

Issued: October 25, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-23106 Filed 10-29-73;8:45 am]

VETERANS ADMINISTRATION

VETERANS ADMINISTRATION WAGE COMMITTEE

Notice of Meetings

The Veterans Administration gives notice that meetings of the VA Wage Committee will be held at the Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, D.C., on:

Thursday, November 8, 1973.
Wednesday, November 21, 1973.
Thursday, December 6, 1973.
Thursday, December 20, 1973.

The meetings will convene in Room 1100 at 2:00 p.m. for the purpose of reviewing the adequacy of data obtained in wage surveys conducted under the lead of VA field stations and under the procedure requirements of the Federal Wage System.

The meetings will be closed to the public under the provisions of section 10(d) of Pub. L. 92-463, based on the confidential nature of information under consideration.

Dated: October 24, 1973.

By direction of the Administrator.

[SEAL] RUFUS H. WILSON,
Associate Deputy Administrator.

[FR Doc.73-22974 Filed 10-29-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 371]

ASSIGNMENT OF HEARINGS

OCTOBER 25, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 34156 Sub 5, Niedert Motor Service, Inc., is continued to November 19, 1973, at Chicago, Ill., in Room 1086A, Everett McKinley Dirksen Building, 219 S. Dearborn Street.

MC-87511 Sub 15, Sala Motor Freight Line, Inc., now assigned November 12, 1973, will be held at the Conservation Hearing Room, State Land & Natural Resources Bldg., 1st Floor, Corner of North & Riverside Mall, Baton Rouge, La., instead of in the State Library Auditorium, 1st Floor, 760 Riverside Mall.

MC-C-8132, Leonard Bros. Trucking Co., Inc.—Investigation and Revocation of Certificates, now assigned December 3, 1973, at Miami, Fla., is postponed indefinitely.

MC-118282 (Sub-Nos. 12, 13, 17, 19, 20, & 23) Transystems, Inc., now being assigned hearing December 3, 1973 (2 days), in Suite 121 Florida Public Service Commission, Koger Executive Center Albany Bldg., 8400 NW., 56 Street, Miami, Florida.

W-1069 Sub 1, Gulf Atlantic Transport Corp., now assigned October 29, 1973, at Washington, D.C., is postponed to January 22, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 33641 Sub 101, IML Freight, Inc., application dismissed.

MC 151 Sub 49, Lovelace Truck Service, Inc., now being assigned hearing January 14, 1974 (2 weeks), at St. Louis, Mo., in a hearing room to be later designated.

MC-7840 Sub 4, St. Lawrence Freightways, Inc., is continued to November 19, 1973 (3 days), in Room 306, U.S. Post Office & Courthouse, 445 Broadway, Albany, N.Y.

MC-F-11923, Crouse Cartage Co.—Purchase—Circle M. Truck Line & MC-123389 (Sub-No. 16), Crouse Cartage Co., now being assigned hearing January 28, 1974 (2 weeks), at Kansas City, Mo., in a hearing room to be later designated.

MCC-8144, Arkansas-Best Freight System, Inc., Investigation and Revocation of Certificates, now being assigned hearing January 14, 1974 (1 day), at Kansas City, Mo., in a hearing room to be later designated.

MC 111231 Sub 181, Jones Truck Lines, Inc., now being assigned hearing January 15, 1974 (2 days), at Kansas City, Mo., in a hearing room to be later designated.

MC 113908 Sub 270, Erickson Transport Corporation, now being assigned hearing January 17, 1974 (2 days), at Kansas City, Mo., in a hearing room to be later designated.

MCC-7895, Land-Air Delivery, Inc. V. Springfield Airport Limousine, Inc. et al., now being assigned hearing January 21, 1974 (2 days), at Kansas City, Mo., in a hearing room to be later designated.

MC 42011 Sub 10, D. Q. Wise & Co., Inc., now being assigned hearing January 23, 1974 (3 days), at Kansas City, Mo., in a hearing room to be later designated.

MC 115331 Sub 340, Truck Transport, Incorporated, now being assigned January 28, 1974 (2 days), at St. Louis, Mo., in a hearing room to be later designated.

MC 40757 Sub 16, Creech Brothers Truck Lines, Inc., now being assigned January 30, 1974 (3 days), at St. Louis, Mo., in a hearing room to be later designated.

MC-F-11318, Superior Trucking Co., Inc.—Purchase—(portion)—Daniel Hamm Drayage Co.; MC-F-11631, Ace Doran Hauling & Rigging Company—Purchase (Portion)—Daniel Hamm Drayage Company; MC-F-11742, Ace Doran Hauling & Rigging Co.—Control—Daniel Hamm Drayage Company, now being assigned February 4, 1974, at St. Louis, Mo., in a hearing room to be later designated.

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

[FR Doc.73-23090 Filed 10-29-73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 25, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication in the FEDERAL REGISTER.

FSA No. 42764—*Cinders from Erwinville, La.* Filed by Southwestern Freight Bureau, agent (No. B-441), for interested rail carriers. Rates on cinders, viz.: clay, coal, shale, or slate, in open-top cars, in carloads, as described in application, from Erwinville, La., to points in southern territory and Indiana; also Cincinnati, Ohio.

Grounds for relief—Rate relationship.

Tariff—Supplement 1 to Southwestern Freight Bureau, agent, tariff 162-Y, ICC No. 5103. Rates are published to become effective on December 1, 1973.

By the Commission.

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

[FR Doc.73-23087 Filed 10-29-73;8:45 am]

[Notice No. 381]

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 19, 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 matter relied upon by petitioners must be specified in thier petitions with particularity.

No. MC-FC-74058. By order of October 24, 1973, the Motor Carrier Board approved the transfer to Otto James Lee Womelsdorf, d.b.a. Womelsdorf Truck Line, Iola, Kansas, of Certificate No. MC-52551 issued October 19, 1960, to O. J. Womelsdorf, Mapleton, Kansas, authorizing the transportation of livestock, ground feed and lumber, from and to points in Kansas and Missouri. Otto James Lee Womelsdorf, 418 S. First, Iola, Kansas 66749, for Applicants.

No. MC-FC-74562. By order of October 24, 1973, the Motor Carrier Board approved the transfer to Reliance Motor Coach Company, Inc., Railroad, Pa., of Certificates Nos. MC-113096 Subs 1, 2, and 7, issued July 9, 1952, July 14, 1954, and August 5, 1965, respectively, to Carl W. Caskey, d.b.a. Reliance Motor Coach Co., Railroad, Pa., authorizing the transportation of passengers, in round trip charter operations, and passengers and their baggage, express, mail, and newspapers in the same vehicles with passengers, between points as specified in Pennsylvania, Maryland, Virginia, and the District of Columbia. Michael P. Loucks, Liverant, Senft and Cohen, 15 S. Duke St. (P.O. Box 72), York, Pa. 17405, attorney for Applicants.

No. MC-FC-74676. By order entered October 24, 1973, the Motor Carrier Board approved the transfer to Gus Heath, d.b.a. Gus Heath Trucking, Kimball, S. Dak., of the operating rights set forth in Certificate No. MC-103076, issued March 25, 1968, in the name of Leo Booth, d.b.a. Booth Trucking Service, Vivian, S. Dak., and acquired by Larry Svoboda, d.b.a. Svoboda Truck Line, Kimball, S. Dak., by order entered August 15, 1972, in No. MC-FC-73794, authorizing the transportation of livestock and various specified commodities from, to, and between points in South Dakota, Nebraska, Iowa, and Minnesota. Gus Heath, d.b.a. Gus Heath Trucking, Kimball, S. Dak., for Applicant.

No. MC-FC-74696. By order of October 24, 1973, the Motor Carrier Board approved the transfer to Statewide Transportation Corp., Brooklyn, N.Y., of Certificate No. MC-94278 issued January 24, 1968, to Greenfield Limousine Corporation, Newburgh, N.Y., authorizing the transportation of passengers, in special operations, between New York, N.Y., on the one hand, and, on the other, points in Thompson, Fallsburgh, Neversink, and Liberty Townships, Sullivan County, N.Y. Sidney J. Leshin, 575 Madison Avenue, New York, N.Y. 10022, attorney for applicants.

No. MC-FC-74771. By order entered October 24, 1973, the Motor Carrier Board approved the transfer to Alto's Express, Inc., Philadelphia, Pa., of the operating rights set forth in Certificates Nos. MC-2017 and MC-2017 (Sub-No. 5), issued by the Commission March 28, 1967, and March 6, 1973, to Brown's Trucking Co., Beverly, N.J., authorizing the transportation of general commodities, with the usual exceptions, between specified points in New York, New Jersey, and Pennsylvania; and frozen bakery products, from the plantsite of Stouffer Foods, Division of Litton Industries, Upper Merion Township, Montgomery County, Pa., to Trenton, N.J., New York, N.Y., and points in that part of New Jersey north of New Jersey Highway 33, restricted to the transportation of traffic originating at the above-named plantsite. Raymond A. Thistle, Jr., Suite 1012, Four Penn Center Plaza, Philadelphia, Pa. 19103, attorney for applicants.

No. MC-FC-74777. By order entered October 24, 1973, the Motor Carrier Board approved the transfer to Read's Van Service, Inc., Hatboro, Pa., of the operating rights set forth in Certificate No. MC-30581, issued April 12, 1972, to Stephen J. Dautcher and Stephen J. Dautcher, Jr., doing business as Read's Van Service, Hatboro, Pa., authorizing the transportation of household goods as defined by the Commission, between Philadelphia, Pa., and points within 15 miles of Philadelphia, on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Delaware, and Maryland. Harry J. Liederbach, 539 Street Road, Southampton, Pa. 18966, attorney for applicants.

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

[FR Doc.73-23088 Filed 10-29-73;8:45 am]

[Notice No. 380]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by Division 3 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 general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before November 29, 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-74612. By order entered October 11, 1973, Division 3 approved the transfer to Maritime Cartage, Inc., Hialeah, Florida, of that portion of the operating rights set forth in Certificate No. MC-134598, issued by the Commission March 24, 1971, to Greater Miami Air Freight, Inc., Miami, Fla., authorizing the transportation of general commodities, except those of unusual value, classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment, between points in Dade, Broward, and Palm Beach Counties, Fla., restricted to the transportation of shipments having a prior or subsequent movement by water. John P. Bond, 30 Giralda Ave., Coral Gables, Fla. 33134, attorney for applicants.

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

[FR Doc.73-23069 Filed 10-29-73;8:45 am]

[Notice 146]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 24, 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, on or before November 15, 1973. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 26396 (Sub-No. 97 TA), filed October 12, 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: (1) *Meat, meat products, meat byproducts, dairy products, articles distributed by packing houses*, from Billings, Mont., to the 48 states of the continental United States; and (2) *such commodities* as are used by meat packers in the conduct of their business destined to and for use by meat packers, from the 48 states of the Continental United States, to Billings, Mont., for 180 days. SUPPORTING SHIPPER: Pierce Packing Company, 21 North 15th St., Billings, Mont. 59101. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 50307 (Sub-No. 67 TA), filed October 15, 1973. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York, N.Y. 10001. Applicant's representative: Herbert Burstein, One World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials, supplies, and equipment* used in the manufacture thereof, between Cumberland, Md., on the one hand, and, on the other, Lock Haven, Pa., for 150 days. SUPPORTING SHIPPER: Top of All Mfg., Inc., Wills Mountain, Cumberland, Md. SEND PROTESTS TO: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 52704 (Sub-No. 105 TA), filed October 16, 1973. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC. (Ala. Corp.), Post Office Drawer H, Opelika Highway, LaFayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 W. Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bottle molds, bottle trays, or containers, machines or machine parts, and polyethylene bags*, between the plantsite of Laurens Glass Company, at or near Simsboro, La., on the one hand, and, on the other, the plantsites of Laurens Glass Company, at or near Laurens, S.C., and Henderson, N.C., for 180 days. SUPPORTING SHIPPER: Laurens Glass Company, Post Office Box 9, Laurens, S.C. 29360. SEND PROTESTS TO: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 107496 (Sub-No. 912 TA), filed October 15, 1973. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphatic materials*, in bulk, from Topeka, Kans., to Sioux Falls, S. Dak., and Owatonna, Minn., for 150 days. SUPPORTING SHIPPER: Eastern Nebraska Equipment Corporation, Box 735, Grand Island, Nebr. 68801. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 107496 (Sub-No. 913 TA), filed October 15, 1973. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, P.O. Box 855, 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: *Fly ash*, in bulk, in tank vehicles, from the plantsite of Central Illinois Light Company at Bartonville, Ill., and R. S. Wallace Station at East Peoria, Ill., to the Dundee Cement Company plantsite near Clarksville, Mo., for 150 days. SUPPORTING SHIPPER: Dundee Cement Company, P.O. Box 67, Clarksville, Mo. 63336. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 113666 (Sub-No. 83 TA), filed October 12, 1973. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. 16229. Applicant's representative: Daniel R. Smetanick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay* (except in bulk, in tank vehicles) from Berlin, Ohio, to the ports of entry on the international boundary line between the United States and Canada located in Vermont, Maine, New Hampshire, New York, Michigan, and Minnesota, for 180 days. SUPPORTING SHIPPER: William R. Barnes Co. Limited, P.O. Box 260, Waterdown, Ontario, Canada. SEND PROTESTS TO: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 124947 (Sub-No. 23 TA), filed October 15, 1973. Applicant: MACHINERY TRANSPORTS, INC., P.O. Box 2338, 608 Cass Street, East Peoria, Ill. 61611. Applicant's representative: John Robinson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel bolts, nuts, angles, beams, channels, and parts thereof*, (1) from the plantsite of H. K. Porter Co., Inc., in Springdale, Ark., to points in the United States east of the western boundaries of North Dakota, South Dakota, Nebraska, Kansas, Texas, and Oklahoma; and (2) from the plantsite of Colorado Fuel and Iron Co., in Pueblo, Colo., to the plantsite of H. K. Porter Co., Inc., in Springdale, Ark., for 180 days. SUPPORTING SHIPPER: Ham Thompson, Traffic Manager, H. K. Porter Co., Inc., 1510 Old Missouri Road, Springdale, Ark. SEND PROTESTS TO: Richard K. Shullaw, District Supervisor, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S.

Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 125512 (Sub-No. 6 TA), filed October 16, 1973. Applicant: ELTON F. BURISH, Route No. 2, Box 58A, Marathon, Wis. 54448. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, from Iron Wood Products Corp., Eli Street, Bessemer, Mich., to Wausau Paper Mills Co., Inc., Brokaw, Wis., for 180 days. SUPPORTING SHIPPER: Wausau Paper Mills Corp., Director of Natural Resources, Brokaw, Wis. 54417. SEND PROTESTS TO: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 W. Wilson Street, Room 202, Madison, Wis. 53703.

No. MC 125985 (Sub-No. 18 TA), filed October 15, 1973. Applicant: AUTO DRIVEAWAY COMPANY, 343 South Dearborn Street, Chicago, Ill. 60604. Applicant's representative: David L. Steinhagen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pets;* (2) *Animals intended as pets*, and (3) *Containers, supplies, and equipment* used in transportation, raising and keepings of pets and animals intended as pets, between points in Missouri, on the one hand, and, on the other, points in Illinois, Iowa, Michigan, and Wisconsin, for 180 days. Supporting shipper: James Evans, Livestock and Purchasing Manager, Puppy Palace Enterprises, Inc., 1000 Lake St. Louis Boulevard, Lake St. Louis, Mo. 63367. Send protests to: William J. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 136640 (Sub-No. 6 TA), filed October 12, 1973. Applicant: ROBERT L. ALLEN, doing business as R. ALLEN TRANSPORT, P.O. Box 321, Pocomoke City, Md. 21851. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery* (other than hollow mold), moving in mechanically refrigerated vehicles, from Philadelphia, Pa., to points in Alabama, California, Florida, Georgia, Illinois, Louisiana, New York, Minnesota, Nevada, Ohio, Pennsylvania, Tennessee, Texas, Virginia, and Arkansas, for 180 days. Supporting shipper: Falcon Candy Company, 2300 Carpenter Street, Philadelphia, Pa. 19146. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street & Constitution Avenue NW., Washington, D.C. 20423.

No. MC 139165 TA, filed October 15, 1973. Applicant: TERRY L. KOBS, doing business as TERRY L. KOBS TRUCK LINE, 6514 Brookview Lane NE., Cedar Rapids, Iowa 52402. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crop storage silos and unloaders*, from Charlotte, Mich., to points in Iowa and Minnesota and (2) *steel coils*, from Detroit and Charlotte, Mich., to Dyersville, Independence, and Marshalltown, Iowa, for 180 days. Supporting shipper: Mid-America Structures, Inc., P.O. Box 157, Dyersville, Iowa 52040. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 139167 TA, filed October 15, 1973. Applicant: DAVID E. PEET, doing business as PURITAN EXPRESS CO., 842 Alden Street, Springfield, Mass. 01109. Applicant's representative: David M. Marshall, 135 State Street, Suite 200, Springfield, Mass. 01103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, between Springfield, Mass., on the one hand, and, on the other, Maspeth, Long Island, N.Y.; Whippany, N.J., and points in Connecticut and Rhode Island under a continuing contract with Eastern Container Corporation, for 180 days. Supporting shipper: Eastern Container Corporation, 320 Parker Street, Springfield, Mass. 01109. Send protests to: District Supervisor Joseph W. Balin, Interstate Commerce Commission, Bureau of Operations, 338 Federal Building & U.S. Courthouse, 436 Dwight Street, Springfield, Mass. 01103.

No. MC 139168 TA, filed October 12, 1973. Applicant: THE SABATINI CO., INC., 11600 Elkin Street, Silver Spring, Md. 20902. Applicant's representative: M. Bruce Morgan, 201 Azar Building, Glen Burnie, Md. 21061. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Concrete products*, viz: *precast manholes, catch basins, and meter vaults*, requiring special handling or special equipment, delivered to construction sites and (2) *concrete pipe*, (A) from Cockeysville and Relay, Md., to points in Delaware, Pennsylvania, Virginia, and the District of Columbia, and (B) from Tullytown, Pa., to points in Maryland, Virginia, the District of Columbia, and Delaware, for 180 days. SUPPORTING SHIPPER: Atlantic Precast Concrete, Inc., P.O. Box 305, Cockeysville, Md. 21030. SEND PROTESTS TO: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street & Constitution Avenue NW., Washington, D.C. 20423.

By the Commission.

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

[FR Doc.73-23086 Filed 10-29-73;8:45 am]

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PART II

ENVIRONMENTAL PROTECTION AGENCY

■

EFFLUENT LIMITATIONS GUIDELINES FOR ASBESTOS MANUFACTURING POINT SOURCE CATEGORY

Proposed Rules

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 427]

EFFLUENT LIMITATIONS GUIDELINES FOR ASBESTOS MANUFACTURING POINT SOURCE CATEGORY

Notice of Proposed Rule-Making

Notice is hereby given that effluent limitations guidelines: standards of performance and pretreatment standards for new sources set forth in tentative form below are proposed by the Environmental Protection Agency (EPA) for the asbestos-cement pipe subcategory (Subpart A), asbestos-cement sheet subcategory (Subpart B), absestos paper (starch binder) subcategory (Subpart C), asbestos paper (elastomeric binder) subcategory (Subpart D), asbestos millboard subcategory (Subpart E), asbestos roofing products subcategory (Subpart F), and asbestos floor tile subcategory (Subpart G), for the asbestos manufacturing category of point sources pursuant to sections 301, 304 (b) and (c), 306(b), and 307(c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314, 1316(b), and 1317(c), 86 Stat. 816 et seq.; Pub. L. 92-500) (the "Act").

(a) Legal authority.

(1) Existing point sources.

Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedure innovations, operating methods and other alternatives. The regulations proposed herein set forth effluent limitations guidelines, pursuant to section 304(b) of the Act, for the asbestos-cement pipe subcategory (Subpart A), asbestos-cement sheet subcategory (Subpart B), asbestos paper (starch binder) subcategory (Subpart C), asbestos paper (elastomeric binder) subcategory (Subpart D), asbestos millboard subcategory (Subpart E), asbestos roofing products subcategory (Subpart F), and asbestos floor tile subcategory (Subpart G), of the asbestos manufacturing category.

(2) New sources.

Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including where practicable, a standard permitting no discharge of pollutants.

Section 306(b)(1)(B) of the Act requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306(b)(1)(A) of the Act. The Administrator published in the FEDERAL REGISTER of January 16, 1973 (38 FR 1624) a list of 27 source categories, including the asbestos manufacturing category. The regulations proposed herein set forth the standards of performance applicable to new sources for the asbestos-cement pipe subcategory (Subpart A), asbestos-cement sheet subcategory (Subpart B), asbestos paper (starch binder) subcategory (Subpart C), asbestos paper (elastomeric binder) subcategory (Subpart D), asbestos millboard subcategory (Subpart E), asbestos roofing products subcategory (Subpart F), and asbestos floor tile subcategory (Subpart G) of the asbestos manufacturing category.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Sections 427.15, 427.25, 427.35, 427.45, 427.55, 427.65, and 427.75 proposed below provides pretreatment standards for new sources within, respectively, the asbestos-cement pipe subcategory (Subpart A), asbestos-cement sheet subcategory (Subpart B), asbestos paper (starch binder) subcategory (Subpart C), asbestos paper (elastomeric binder) subcategory (Subpart D), asbestos millboard subcategory (Subpart E), asbestos roofing products subcategory (Subpart F), and asbestos floor tile subcategory (Subpart G), of the asbestos manufacturing category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under Section 306 of the Act. The report or Development Document referred to below provides, pursuant to Section 304(c) of the Act, information on such processes, procedures or operating methods.

(b) Summary and basis of proposed effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources.

(1) General methodology. The effluent limitations guidelines and standards of performance proposed herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate limitations and standards are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, waste water constituents and other factors require development of separate limitations and standards for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of: (1) The source, flow and volume of water used in the process employed and the sources of waste and waste waters in the plant; and (2) the constituents of all waste waters. The constituents of the waste waters which should be subject to effluent limitations guidelines and standards of performance were identified.

The control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which are existent or capable of being designed for each segment. It also included an identification of in term of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problems, limitations and reliability of each treatment and control technology were also identified. In addition, the non-water quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise and radiation were identified. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available," "best available technology economically achievable" and the "best available demonstrated control technology, processes, operating methods, or other alternatives." In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of

various types of control techniques, process changes, non-water quality environmental impact (including energy requirements) and other factors.

The data on which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions.

The pretreatment standards proposed herein are intended to be complimentary to the pretreatment standards proposed for existing sources under 40 CFR Part 128. The bases for such standards are set forth in the FEDERAL REGISTER of July 19, 1973, 38 FR 19236. The provisions of Part 128 are equally applicable to sources which would constitute "new sources," under section 306 if they were to discharge pollutants directly to navigable waters except for § 128.133. That section provides a pretreatment standard for "incompatible pollutants" which requires application of the "best practicable control technology currently available," subject to an adjustment for amounts of pollutants removed by the publicly owned treatment works. Since the pretreatment standards proposed herein apply to new sources, §§ 427.15, 427.25, 427.35, 427.45, 427.55, 427.65, and 427.75 below amend § 128.133 to require application of the standard of performance for new sources rather than the "best practicable" standard applicable to existing sources under sections 301 and 304(b) of the Act

(2) Summary of conclusions with respect to the asbestos-cement pipe subcategory (Subpart A), asbestos-cement sheet subcategory (Subpart B), asbestos-paper (starch binder) subcategory (Subpart C), asbestos paper (elastomeric binder) subcategory (Subpart D), asbestos millboard subcategory (Subpart E), asbestos roofing products subcategory (Subpart F), and asbestos floor tile subcategory (Subpart G), of the asbestos manufacturing category.

For the purpose of studying waste treatment and effluent limitations, the asbestos manufacturing point source category was subcategorized into seven discrete subcategories based on the product produced: Asbestos-cement pipe, asbestos-cement sheet, asbestos paper with starch binder, asbestos paper with elastomeric binder, asbestos millboard, asbestos roofing products, and asbestos floor tile manufacturing. Investigation of the above subcategories showed that each varied in the amounts of pollutants in the raw waste, in the volumes of waste waters, and in the ease with which each could be brought to the goal of no discharge of process waste water pollutants. Some of the subcategories also varied in the processes employed and waste control technologies. Other factors such as age and size of plant were investigated and found not to justify further segmentation of the asbestos manufacturing category. These findings are described fully in the Development Document.

(ii) Waste characteristics.

The significant pollutant parameters contained in waste waters resulting from the manufacture of the asbestos products listed above include: Total suspended non-filterable solids, biochemical oxygen demand (5-day) and pH. The suspended solids present in the waste waters are to a large extent asbestos fibers. Removal of suspended solids by sedimentation will also remove asbestos fibers but there exists no data at the present time on which to determine a definitive relationship.

(iii) Origin of waste water pollutants in the asbestos manufacturing category.

In most cases only one asbestos product is made in a given plant. Three plants have a number of product lines and the waste waters at these plants reflect this combination. Many of the raw materials used are natural materials such as clay, cement, starch and natural rubber. With the exception of roofing products and floor tile manufacturing, there is a basic similarity in the methods of producing the various asbestos products. The asbestos fibers and other raw materials are first slurried with water and then formed into single or multiple layered sheets as most of the water is removed. The manufacturing processes always incorporate the use of save-alls (settling tanks of various shapes) through which all process waste waters are routed. Water and solids are recovered and reused from the save-all, and excess overflow and underflow constitute the process waste streams. Where treatment is presently practiced, significant reductions in the concentrations of waste water pollutants are obtained by such methods as coagulation, sedimentation, and pH control.

Roofing felt is an asbestos paper that is saturated with heavy asphalt or coal tar. Waste water is generated mainly from the cooling process which utilizes a direct water spray on the felt as it exits from the hot coating bath. Some asbestos paper is carried away with the cooling water but the main contaminant is the coating material. Present treatment of these waste waters may include settling, oil skimming, and passage through an adsorbent filter.

Floor tile manufacturing also uses water for cooling which comes into direct contact with product. In some plants other noncontact cooling methods are used. Noncontact cooling water remains clean and can be reused continually if cooling towers are available to remove the heat. Where waste waters are generated, they contain wax, ink, oil, glue, asbestos fibers, and miscellaneous dirt and debris. Present treatment methods consist of sedimentation and skimming. Coagulation in addition to sedimentation will improve effluent levels.

(iv) Treatment and control technology.

The treatment technologies for all subcategories of the asbestos manufacturing category can include coagulation, sedimentation, skimming, filtration and pH adjustment. These technologies are practiced to varying degrees in the industry. The table below lists the percent of plants in each subcategory which utilize either no treatment, sedimentation (and possibly pH control), or no discharge.

PRESENT USE OF ALTERNATE TECHNOLOGIES

	No treatment	Sed/pH	No discharge
AC pipe	14	72	[1] 14
AC sheet	38	47	15
A paper	14	78	[2] 8
A millboard	29	43	28
A roofing	56	33	11
A floor tile	77	23	0

[1] Only plants with multiple product lines have no discharge.
[2] No plants that make elastomeric paper have total recycle.

(v) Treatment and control technologies within each subcategory.

For each of the subcategories except millboard, the best practicable control technology currently available has been determined to be sedimentation and pH control. Coagulation with polyelectrolytes may be necessary before sedimentation. Total recycle is only possible in the millboard subcategory where a blowdown is carried out in the product. Total recycle has been achieved in one or two plants in the asbestos-cement sheet, asbestos paper (starch binder), and asbestos roofing products subcategories. Since this method is not commonly practiced in the industry, total recycle can not be considered the best practicable control tehnology currently available.

The degree of effluent reduction attainable by the application of the best available technology economically achievable by all subcategories of the asbestos manufacturing category is no discharge of process waste water pollutants to navigable waters. The technologies to achieve these limitations have been demonstrated for sustained operating periods by at least one manufacturing plant in the industry, or by well proven applications in other industrial categories. To fully implement the control measures and achieve no discharge of pollutants will require that the capacity of the water recycle systems be expanded to accommodate upsets and surge flows. This expansion of capacity presents no unusual engineering problems. Additional research in the asbestos-cement pipe and asbestos paper (elastomeric binder) subcategories will be necessary to achieve these limitations.

With the exception of asbestos-cement pipe and asbestos paper (elastomeric binder), the new source performance standard is no discharge of waste water pollutants to navigable waters. The technologies to achieve these limitations have been demonstrated as mentioned above. The two excepted subcategories shall apply the best practicable technology currently available to any new sources.

The Agency is particularly concerned over the potential effects of the discharge of asbestos fibers. We therefore suggest that the industry assess the extent of asbestos fiber discharges in the effluent stream, after treatment and control, and take appropriate additional measures to reduce such discharges.

(vi) Cost estimates for control of waste water pollutants in the asbestos manufacturing category.

The costs and energy requirements associated with the control and treatment technologies have been considered. The investment cost of achieving the 1977 limitations and standards by all plants in the industry is estimated to be less than $3 million, excluding costs of additional land acquisition. The cost of achieving the 1983 level for the industry is estimated to be an additional $3 million. No significant impact on the asbestos industry is expected. It is estimated that the total energy requirements for in-plant control and end-of-pipe treatment technology at a typical manufacturing plant will not exceed 50 kw on a sustained basis. No information was provided by the industry relative to the energy requirements of individual manufacturing plants. However, the added energy requirements are small.

(vii) Establishing daily maximum limitations.

The daily maximum limitations for each subcategory are between 1.5 to 3.0 times the 30 day limitation for total suspended non-filterable solids and BOD5. The daily limitations for pH are the same as the 30 day limitations. These limitations were based on an analysis of the data gathered during the preparation of the Development Document.

(viii) Non-water quality aspects.

The non-water quality aspects of the treatment and control technologies have been considered. The amounts of solid waste generated are minimal for all subcategories except asbestos-cement pipe. No significant additional solid wastes will be generated by the recommended limitations and standards for the asbestos-cement pipe subcategory. However, special precautions should be taken with respect to the solid wastes generated in each subcategory.

Solid waste control must be considered. The waterborne wastes from the asbestos industry may contain a considerable volume of asbestos particles as a part of the suspended solids pollutant. Best practicable control technology and best available control technology as they are known today, require disposal of the pollutants removed from waste waters in this industry in the form of solid wastes and liquid concentrates. In some cases these are non-hazardous substances requiring only minimal custodial care. However, some constituents may be hazardous and may require special consideration. In order to ensure long term protection of the environment from these hazardous or harmful constituents, special consideration of disposal sites must be made. All landfill sites where such hazardous wastes are disposed should be selected so as to prevent horizontal and vertical migration of these contaminants to ground or surface waters. In cases where geologic conditions may not reasonably ensure this, adequate legal and mechanical precautions (e.g., impervious liners) should be taken to ensure long term protection to the environment from hazardous materials. Where appropriate the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of legal jurisdiction.

(ix) Economic impact analysis.

The estimated investment costs for each subcategory range from 3.0 percent to 13.6 percent of total capital expenditures over the next four years. Annual costs range from 0.1 percent to 1.0 percent of 1972 sales for the 1977 standards. For the 1983 standards, required investments range from 4.9 percent to 22.5 percent of total capital expenditures, and annual costs lie between 0.1 percent and 1.1 percent of 1972 sales. These costs appear to pose no major industry-wide problems. The proposed limitations will have a negligible effect on prices, and could threaten only about 5 percent of the plants in the industry. There are two threatened plants in the millboard subcategory and one in the asbestos-cement sheet subcategory. These threatened plants employ approximately 2 percent of the industry work force. There is a possible 22 percent reduction in the production of millboard by the closing of two plants. Other domestic plants, however, can replace their loss because they are currently operating at 70 percent-80 percent of capacity.

The report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Building, Construction and Paper Segment of the Asbestos Manufacturing Point Source Category" details the analysis undertaken in support of the regulations being proposed herein and is available for inspection in the EPA Information Center, Room 227, West Tower, Waterside Mall, Washington, D.C., at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the proposed regulations is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulations, or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman.

(c) Summary of public participation.

Prior to this publication, the agencies and groups listed below were consulted and given an opportunity to participate in the development of effluent limitations guidelines and standards proposed for the asbestos manufacturing category. All participating agencies have been informed of project developments. An initial draft of the Development Document was sent to all participants and comments were solicited on that report. The following are the principal agencies and groups consulted: (1) Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); (2) All States and U.S. Territorial Pollution Control Agencies; (3) U.S. Department of Commerce; (4) U.S. Department of the Interior; (5) Water Resources Council; (6) Asbestos Information Association; (7) New England Interstate Water Pollution Control Commission; (8) Ohio River Valley Sanitation Commission; (9) Delaware River Basin Commission; (10) American Society of Mechanical Engineers; (11) Hudson River Sloop Restoration, Inc.; (12) The Conservation Foundation; (13) Environmental Defense Fund, Inc.; (14) Natural Resources Defense Council; (15) American Society of Civil Engineers; (16) Water Pollution Control Federation; (17) National Wildlife Federation; (18) Johns-Manville Corporation; (19) Certain-Teed Products Corporation; (20) Celotex Corporation; (21) Flintkote Company; (22) Armstrong Cork Company; (23) GAF Corporation; and (24) Nicolet Industries, Inc.

The following organizations responded with comments: (1) New York State Department of Environmental Conservation; (2) U.S. Department of Commerce; (3) Johns-Mansville Corporation; (4) Nicolet Industries, Inc.; (5) National Gypsum Company; (6) Texas Water Quality Board; (7) Delaware River Basin Commission; (8) State of Illinois, Division of Water Pollution Control; (9) U.S. Department of the Interior; and (10) Armstrong Cork Company.

The primary issues raised in the development of these proposed effluent limitations guidelines and standards of performance and the treatment of these issues herein are as follows:

(1) Several comments indicated that the guidelines will be difficult to apply to some multi-product plants. A specific plant was mentioned that produced both asbestos paper and pulp paper on the same production line. It has been determined that in this case the guidelines developed for pulp paper would apply. Pulp paper wastes are much stronger in BOD and TSS and require biological treatment followed by clarification. The allowable pollutant discharge is higher than that for asbestos paper. However, if this system is also used to treat asbestos paper wastes, substantial quantities of TSS and BOD5 will be removed. There is only one plant known to have this problem.

(2) Another comment concerning multi-product plants was that not all products have guidelines. From the industry survey conducted by EPA, there appear to be very few plants producing a variety of products. One of these is presently practicing total recycle. EPA plans to establish effluent limitations guidelines and standards at a later date for asbestos products not covered in this document.

(3) Another significant question concerned the problem of dissolved solids buildup when a total recycle system is used. There appears to be no reason why

this cannot be accomplished. Water is carried out with the final product in all cases. This built in blow-down will dispose of salts that build up in the process.

(4) Another commentator questioned setting zero discharge limitations in 1977 for millboard and not for asbestos-cement sheet. This difference is considered necessary because development work will be necessary in order to reach no discharge for the asbestos-cement sheet subcategory. Total recycle of millboard waste waters is now achievable.

(5) In the review procedure within EPA, the inclusion of asbestos-cement laboratory tops in the asbestos-cement sheet limitations was questioned. This question was considered and found to be justified. The presence of pigments in the waste water and lack of supportive data were sufficient reasons to eliminate this product from the limitations.

(6) A common criticism was the lack of backup information on the cost estimates for meeting the limitations. The Development Document has been expanded to give a more detailed accounting of the cost data.

(7) A number of requests were made to include other chemicals such as phenols, chromates, etc., in the limitations. These and other parameters were generally not present in significant amounts in discharges from plants in the various subcategories. In addition a lack of information precludes setting limitations at the present time.

(8) A criticism made on the limitation for floor tile was that the term pieces was not defined. This oversight has been corrected.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460. Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which is available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data is essential to the development of the regulations. In the event comments address the approach taken by the agency in establishing an effluent limitation guideline or standard of performance, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304(b), 306, and 307 of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower; Waterside Mall, 401 M Street SW., Washington, D.C. A copy of preliminary draft contractor reports, the Development Document and economic study referred to above and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before November 26, 1973, will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202).

Dated October 18, 1973.

RUSSELL E. TRAIN,
Administrator.

PART 427—EFFLUENT LIMITATIONS GUIDELINES FOR EXISTING SOURCES AND STANDARDS OF PERFORMANCE AND PRETREATMENT STANDARDS FOR NEW SOURCES FOR THE ASBESTOS MANUFACTURING POINT SOURCE CATEGORY

Subpart A—Asbestos-Cement Pipe Subcategory

Sec.

Subpart B—Asbestos-Cement Sheet Subcategory

Subpart C—Asbestos Paper (Starch Binder) Subcategory

Subpart D—Asbestos Paper (Elastomeric Binder) Subcategory

Sec.

Subpart E—Asbestos Millboard Subcategory

Subpart F—Asbestos Roofing Products Subcategory

Subpart G—Asbestos Floor Tile Subcategory

Subpart A—Asbestos-Cement Pipe Subcategory

§ 427.10 Applicability; description of asbestos-cement pipe subcategory.

The provisions of this subpart are applicable to discharges resulting from the

process in which several mineral ingredients: asbestos, Portland cement, silica and other ingredients are used in the manufacturing of asbestos-cement pipe.

§ 427.11 Specialized definitions.

For the purpose of this subpart:

(a) The term "process waste water" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product or product used in or resulting from the manufacture of asbestos-cement pipe.

(b) The term "process waste water pollutants" shall mean pollutants contained in process waste water.

(c) The following abbreviations shall have the following meanings when used in this subpart: (1) "TSS" shall mean total suspended nonfilterable solids; (2) "kg" shall mean kilogram(s); (3) "kkg" shall mean 1000 kilograms; (4) "lb" shall mean pounds(s); and (5) "BOD5" shall mean five day biochemical oxygen demand.

§ 427.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
TSS	Maximum for any one day, 0.57 kg/kkg of product, (1.14 lb/ton). Maximum average of daily values for any period of thirty consecutive days, 0.19 kg/kkg of product, (0.38 lb/ton).
BOD5	Maximum for any one day, 0.28 kg/kkg of product, (0.56 lb/ton). Maximum average of daily values for any period of thirty consecutive days, 0.09 kg/kkg of product (0.18 lb/ton).
pH	Within the range of 6.0 to 9.0.

§ 427.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart: No discharge of process waste water pollutants to navigable waters.

§ 427.14 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
TSS	Maximum for any one day, 0.57 kg/kkg of product (1.14 lb/ton). Maximum average of daily values for any period of thirty consecutive days, 0.19 kg/kkg of product (0.38 lb/ton).
BOD5	Maximum for any one day, 0.28 kg/kkg of product (0.56 lb/ton). Maximum average of daily values for any period of thirty consecutive days, 0.09 kg/kkg of product (0.18 lb/ton).
pH	Within the range of 6.0 to 9.0.

§ 427.15 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the asbestos manufacturing category, asbestos-cement pipe subcategory which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters) shall be the standard set forth in 40 CFR Part 128 except that for the purpose of this section, § 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 427.14 of this subpart; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

Subpart B—Asbestos-Cement Sheet Subcategory

§ 427.20 Applicability; description of asbestos-cement sheet subcategory.

The provisions of this subpart are applicable to discharges resulting from the process in which several mineral ingredients; asbestos, Portland cement, silica, and other ingredients are used in the manufacturing of asbestos-cement sheets. Discharges resulting from manufacture of asbestos-cement sheet laboratory tops are specifically excluded from the provisions of this subpart.

§ 427.21 Specialized definitions.

For the purpose of this subpart:

(a) The term "process waste water" shall mean any water which during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product or product used in or resulting from the manufacture of asbestos-cement sheet.

(b) The term "process waste water pollutants" shall mean pollutants contained in process waste water.

(c) The following abbreviations shall have the following meaning when used in this subpart: (1) "TSS" shall mean total suspended nonfilterable solids; (2) "kg" shall mean kilogram(s); (3) "kkg" shall mean 1,000 kilograms; (4) "lb" shall mean pound(s); and (5) "BOD5" shall mean five day biochemical oxygen demand.

§ 427.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
TSS	Maximum for any one day, 0.68 kg/kkg of product (1.35 lb/ton). Maximum average of daily values for any period of thirty consecutive days 0.23 kg/kkg of product (0.45 lb/ton).
BOD5	Maximum for any one day, 0.34 kg/kkg of product (0.68 lb/ton). Maximum average of daily values for any period of thirty consecutive days, 0.11 kg/kkg of product (0.22 lb/ton).
pH	Within the range of 6.0 to 9.0.

§ 427.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart: No discharge of process waste water pollutants to navigable waters.

§ 427.24 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart: No discharge of

process waste water pollutants to navigable waters.

§ 427.25 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the asbestos manufacturing category, asbestos-cement sheet subcategory which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in 40 CFR Part 128 except that for the purpose of this section, § 128.133 of this title shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 427.24 of this subpart; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

Subpart C—Asbestos Paper (Starch Binder) Subcategory

§ 427.30 Applicability; description of asbestos paper (starch binder) subcategory.

The provisions of this subpart are applicable to discharges resulting from the process in which asbestos, starch binders and other ingredients are used in the manufacture of asbestos paper (starch binder).

§ 427.31 Specialized definitions.

For the purpose of this subpart:

(a) The term "process waste water" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, byproduct or product used in or resulting from the manufacture of asbestos paper (starch binder).

(b) The term "process waste water pollutants" shall mean pollutants contained in process waste water.

(c) The following abbreviations shall have the following meanings when used in this subpart: (1) "TSS" shall mean total suspended nonfilterable solids; (2) "kg" shall mean kilogram(s); (3) "kkg" shall mean 1000 kilograms; (4) "lb" shall mean pound(s); and (5) "BOD5" shall mean five day biochemical oxygen demand.

§ 427.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
TSS	Maximum for any one day, 0.55 kg/kkg of product (1.10 lb/ton). Maximum average of daily values for any period of thirty consecutive days, 0.35 kg/kkg of product (0.70 lb/ton).
BOD5	Maximum for any one day, 0.55 kg/kkg of product (1.10 lb/ton). Maximum average of daily values for any period of thirty consecutive days, 0.35 kg/kkg of product (0.70 lb/ton).
pH	Within the range of 6.0 to 9.0.

§ 427.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart: No discharge of process waste water pollutants to navigable waters.

§ 427.34 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart: No discharge of process waste water pollutants to navigable waters.

§ 427.35 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the asbestos manufacturing category, asbestos paper (starch binder) subcategory which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in 40 CFR, Part 128 except that for the purpose of this section, § 128.133 of this title shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131 of this title, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 427.34 of this subpart; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

Subpart D—Asbestos Paper (Elastomeric Binder) Subcategory

§ 427.40 Applicability; description of asbestos paper (elastomeric binder) subcategory.

The provisions of this subpart are applicable to discharges resulting from the process in which asbestos, elastomeric binder, and other ingredients are used in the manufacture of asbestos paper (elastomeric binder).

§ 427.41 Specialized definitions.

For the purpose of this subpart:

(a) The term "process waste water" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, byproduct or product used in or resulting from the manufacture of asbestos paper (elastomeric binder).

(b) The term "process waste water pollutants" shall mean pollutants contained in process waste water.

(c) The following abbreviations shall have the following meanings when used in this subpart: (1) "TSS" shall mean total suspended nonfilterable solids; (2) "kg" shall mean kilogram(s); (3) "kkg" shall mean 1000 kilograms; (4) "lb" shall mean pound(s); and (5) "BOD5" shall mean five day biochemical oxygen demand.

§ 427.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
TSS	Maximum for any one day, 0.55 kg/kkg of product (1.10 lb/ton). Maximum average of daily values for any period of thirty consecutive days, 0.35 kg/kkg of product (0.70 lb/ton).
BOD5	Maximum for any one day, 0.55 kg/kkg of product (1.10 lb/ton). Maximum average of daily values for any period of thirty consecutive days, 0.35 kg/kkg of product (0.70 lb/ton).
pH	Within the range of 6.0 to 9.0.

§ 427.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart: No discharge of process waste water pollutants to navigable waters.

§ 427.44 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
TSS	Maximum for any one day, 0.55 kg/kkg of product (1.10 lb/ton). Maximum average of daily values for any period of thirty consecutive days, 0.35 kg/kkg of product (0.70 lb/ton).
BOD5	Maximum for any one day, 0.55 kg/kkg of product (1.10 lb/ton). Maximum average of daily values for any period of thirty consecutive days, 0.35 kg/kkg of product (0.70 lb/ton).
pH	Within the range of 6.0 to 9.0.

§ 427.45 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the asbestos manufacturing category, asbestos paper (elastomeric binder) subcategory which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in 40 CFR Part 128 except that for the purpose of this section, § 128.133 of this title shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131 of this title, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 427.44 of this subpart; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

Subpart E—Asbestos Millboard Subcategory

§ 427.50 Applicability; description of asbestos millboard subcategory.

The provisions of this subpart are applicable to discharges resulting from the process in which asbestos in combination with various other materials such as cement, starch, clay, lime, and mineral wool are used in the manufacture of asbestos millboard.

§ 427.51 Specialized definitions.

For the purpose of this subpart:

(a) The term "process waste water" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, byproduct or product used in or resulting from the manufacture of asbestos millboard.

(b) The term "process waste water pollutants" shall mean pollutants contained in process waste water.

§ 427.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart: No discharge of process waste water pollutants to navigable waters.

§ 427.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart: No discharge of process waste water pollutants to navigable waters.

§ 427.54 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart: No discharge of process waste water pollutants to navigable waters.

§ 427.55 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the asbestos manufacturing category, asbestos millboard subcategory which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in 40 CFR Part 128, except that for the purpose of this section, § 128.133 of this title shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131 of this title, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 427.54 of this subpart; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

Subpart F—Asbestos Roofing Products Subcategory

§ 427.60 Applicability; description of asbestos roofing subcategory.

The provisions of this subpart are applicable to discharges resulting from the process in which asbestos paper is saturated with asphalt or coal tar with the subsequent application of various surface treatments to produce asbestos roofing products.

§ 427.61 Specialized definitions.

For the purpose of this subpart:

(a) The term "process waste water" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, byproduct or product used in or resulting from the manufacture of asbestos roofing products.

(b) The term "process waste water pollutants" shall mean pollutants contained in process waste water.

(c) The following abbreviations shall have the following meanings when used in this subpart: (1) "TSS" shall mean total suspended nonfilterable solids; (2) "kg" shall mean kilogram(s); (3) "kkg" shall mean 1,000 kilograms; (4) "lb" shall mean pound(s); and (5) "COD" shall mean chemical oxygen demand.

§ 427.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
TSS	Maximum for any one day, 0.01 kg/kkg of product (0.02 lb/ton). Maximum average of daily values for any period of thirty consecutive days, 0.006 kg/kkg of product, (0.012 lb/ton).

Effluent characteristic	*Effluent limitation*
COD	Maximum for any one day, 0.015 kg/kkg of product (0.029 lb/ton). Maximum average of daily values for any period of thirty consecutive days, 0.008 kg/kkg of product (0.016 lb/ton).
pH	Within the range of 6.0 to 9.0.

§ 427.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart: No discharge of process waste water pollutants to navigable waters.

§ 427.64 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart: No discharge of process waste water pollutants to navigable waters.

§ 427.65 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the asbestos manufacturing category, asbestos roofing products subcategory which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in 40 CFR Part 128 except that for the purpose of this section, § 128.133 of this title shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131 of this title, the pretreatment standard for incompatible pollutants introduced into a publicity owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 427.64 of this subpart provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

Subpart G—Asbestos Floor Tile Subcategory

§ 427.70 Applicability; description of asbestos floor tile subcategory.

The provisions of this subpart are applicable to discharges resulting from the process in which asbestos, polyvinyl chloride resin, chemical stabilizers, limestone, and other fillers are used in the manufacture of asbestos floor tile.

§ 427.71 Specialized definitions.

For the purpose of this subpart:

(a) The term "process waste water" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, byproduct or product used in or resulting from the manufacture of asbestos floor tile.

(b) The term "process waste water pollutants" shall mean pollutants contained in process waste water.

(c) The following abbreviations shall have the following meanings when used in this subpart: (1) "TSS" shall mean total suspended nonfilterable solids; (2) "kg" shall mean kilogram(s); (3) "lb" shall mean pound(s); (4) "mpc" shall mean 1000 pieces of floor tile; and (5) "COD" shall mean chemical oxygen demand.

(d) The term "pieces" shall mean floor tile measured in the standard size of 12" x 12" x 3/32".

§ 427.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
TSS	Maximum for any one day, 0.06 kg/mpc of product (0.13 lb/mpc). Maximum average of daily values for any period of thirty consecutive days, 0.04 kg/mpc of product (0.08 lb/mpc).
COD	Maximum for any one day, 0.14 kg/mpc of product (0.30 lb/mpc.) Maximum average of daily values for any period of thirty consecutive days, 0.09 kg/mpc of product (0.18 lb/mpc).
pH	Within the range of 6.0 to 9.0.

§ 427.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart: No discharge of process waste water pollutants to navigable waters.

§ 427.74 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
TSS	Maximum for any one day, 0.06 kg/mpc of product (0.13 lb/mpc). Maximum average of daily values for any period of thirty consecutive days, 0.04 kg/mpc of product (0.08 lb/mpc).
COD	Maximum for any one day, 0.14 kg/mpc of product (0.30 lb/mpc.) Maximum average of daily values for any period of thirty consecutive days, 0.09 kg/mpc of product (0.18 lb/mpc).
pH	Within the range of 6.0 to 9.0.

§ 427.75 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the asbestos manufacturing category, asbestos floor tile subcategory which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standard set forth in 40 CFR Part 128, except that for the purpose of this section, § 128.133 of this title shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131 of this title the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 427.74 of this subpart; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

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