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H.J. Res. 499 Pub. L. 93–56 Commission on the Bankruptcy Laws of the United States, term extension (July 1, 1973; 87 Stat. 140)

H.J. Res. 636 Pub. L. 93–52 Continuing appropriations, 1974 (July 1, 1973; 87 Stat. 130)

H.R. 8410 Pub. L. 93–53 Public debt limit, continuation of temporary increase (July 1, 1973; 87 Stat. 134)

H.R. 9055 Pub. L. 93–50 Second Supplemental Appropriations Act, 1973 (July 1, 1973; 87 Stat. 99) (H.R. 7447, Second Supplemental Appropriations Act, 1973 was vetoed. See below.)

S. 1201 Pub. L. 93–54 Historic properties preservation program, extension (July 1, 1973; 87 Stat. 139)

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Rules and Regulations

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 140—COST OF LIVING COUNCIL FREEZE REGULATIONS

Definition of "Security"

The purpose of this amendment is to redefine "securities" in the freeze regulations.

In the Special Freeze Group Questions and Answers No. 13, of June 29, 1973, it was explained that financial or net leases as defined in section 163(d) (4) (a) of the Internal Revenue Code have characteristics sufficiently similar to a security so that they, like securities, are exempt.

In order to make this clarification explicit in the regulations, the definition of "Security" in § 140.2 of the Cost of Living Council's freeze regulations is amended to include financial or net leases as defined in section 163(d) (4) (a) of the Internal Revenue Code.

Because the purpose of this amendment is to provide immediate guidance and information with respect to the current price freeze, 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.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 92-28, 87 Stat. 27; E.O. 11723, 38 FR 15765; Cost of Living Council Order No. 30, 38 FR 16267)

In consideration of the foregoing, Part 140 of Chapter I of Title 6 of the Code of Federal Regulations is amended as set forth below, effective 9:00 p.m., e.d.t., June 13, 1973.

Issued in Washington, D.C., on July 6, 1973.

JAMES W. MCLANE,
Director,
Special Freeze Group.

The definition of "Security" in § 140.2 is amended by adding the words, "or any financial or net leases as defined in § 163(d) (4) (a) of the Internal Revenue Code," after the words, "or other mineral rights,".

[FR Doc.73-14074 Filed 7-6-73;1:32 pm]

PART 140—COST OF LIVING COUNCIL FREEZE REGULATIONS

Special Freeze Group Questions and Answers No. 13

These "Questions and Answers", which are issued by the Cost of Living Council's Freeze Group, are designed to provide immediate guidance in understanding and applying the new freeze regulations (Part 140 of Title 6 of the Code of Federal Regulations). To achieve the broadest publication, these are hereby added to Appendix A of Part 140. Since they provide guidance of general applicability and are subject to clarification, revision or revocation, they do not constitute legal rulings with respect to specific fact situations.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 92-28, 87 Stat. 27; E.O. 11723, 38 FR 15765; Cost of Living Council Order No. 30, 38 FR 16267)

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

JAMES W. MCLANE,
Director,
Special Freeze Group.

Appendix A of Part 140 is amended by adding the following:

SPECIAL FREEZE GROUP QUESTIONS AND ANSWERS NO. 13

1. Q. A firm in the mail order business ordered the printing of a new catalog prior to the start of the freeze. The catalog will show many prices which are higher than freeze prices. What steps must the firm now take to comply with the freeze?

A. Because of the time required for printing new catalogs or inserts in contrast to the limited duration of the freeze, mail order retailers are not required to change their catalogs to conform the price lists with their freeze prices. However, these firms remain fully subject to the freeze. Whenever an order is received during the freeze for goods priced in the catalog higher than the freeze price, the firm may charge no more than the freeze price for goods shipped during the freeze and, if payment is included with the order, must refund to the purchaser the difference between the listed price and the freeze price.

2. Q. Are international air fares and other international transportation charges subject to the freeze?

A. When a U.S. purchaser contracts with a foreign flag air or ocean carrier the transaction is considered to be the import of a service. The foreign carrier may, therefore, increase its rates to U.S. purchasers. Transactions between U.S. carriers and U.S. purchasers are not imports of services and, therefore, are fully subject to the freeze.

3. Q. In Phase II and Phase III, "products sold to a domestic purchaser who certifies that the product is for export" were specifically included within the definition of exports and were therefore exempt. Under the new freeze regulations, the export exemption states that, "Prices charged for exports are exempt." Does the old "Products certified for Export" rule apply under the freeze?

A. No. Only the price charged in the actual export sale is exempt. The price charged to a domestic purchaser who subsequently exports the item is not exempt.

4. Q. "A" is a jeweler who sells and repairs jewelry in leased space in "B's" department store. Must "A" post a sign in his department stating that information on freeze prices is available by filling out a Freeze Price Information Request Form?

A. Yes. Each individual seller must post a sign at his place of business stating that freeze price information is available. He must also provide Freeze Price Information Request Forms and respond in writing to any request within 48 hours.

5. Q. Are financial or net leases as defined in section 163(d) (4) (a) of the Internal Revenue Code, subject to the freeze?

A. No. Net leases are defined in section 163(d) (4) (a) have characteristics sufficiently similar to a security so that they, like securities, are exempt.

6. Q. Can travel agents increase prices on tours abroad?

A. The travel agent can increase prices to the extent that the costs of foreign services are increased. The travel agent is considered to be an importer of services and can pass on the higher costs of foreign services on a dollar-for-dollar basis. These services include transportation purchased from a foreign firm, hotel rates, restaurant meals, etc. The agent cannot increase prices on any services provided by U.S. domestic firms nor can he consider the increased costs of foreign services in calculating his markup for overhead and profit. The agent's records must clearly establish that each increase meets this test and if he cannot so demonstrate, this exemption will not apply to his increase.

7. Q. During the freeze base period a company was selling its product at a reduced price pursuant to a Cost of Living Council order issued during Phase II or Phase III. The order expires during the freeze. Upon expiration of the order, may the company raise its prices to the level at which it was selling its product before the Cost of Living Council order was issued?

A. No. The company must sell its product during the freeze period at a price no higher than its freeze price. A discount in effect during the freeze base period may not be excluded from the calculation of the freeze price.

[FR Doc.73-14075 Filed 7-6-73;1:32 pm]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73-SO-47; Amdt. 39-1684]

PART 39—AIRWORTHINESS DIRECTIVES

Grumman Models G-159 and G-1159

There have been cracks of the aft fuselage pressure dome on a G-1159 airplane that could result in pressure dome rupture with attendant rapid decompressurization and possible serious consequences to both passengers and aircraft. Since this condition is likely to exist or develop in other airplanes of the same or similar type design, an airworthiness directive is being issued to require inspection for cracks and modification of the structure, as required, on Grumman Models G-159 and G-1159 airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

GRUMMAN AMERICAN AVIATION CORPORATION (GAAC). Applies to all G-159 airplanes, and to G-1159 airplanes, Serial Numbers 1 through 129 and 775, certificated in all categories.

Compliance required as indicated.

To detect fuselage aft section pressure dome cracks and prevent further cracking, accomplish the following:

(a) Within 200 hours time in service after the effective date of this AD or 90 days, whichever is the sooner, unless already accomplished, permanently remove all interior lining attachments other than fabric, carpeting, etc., from the fuselage aft section pressure dome assembly, Part No. 1159B21372 (G-1159), Part No. 159B10252 (G-159) and inspect for cracks in accordance with GAAC Customer Bulletins 167 (G-1159) or 240 (G-159), dated June 18, 1973 or later FAA approved revisions placing emphasis on those areas as defined in paragraph (b).

(b) Mark the exact location on the dome and record the geometric configuration of items removed in accordance with paragraph (a), noting the location of any discontinuities, particularly in radially running attachment strips. The FAA would appreciate receiving sketches and descriptive data of both the attachment location and geometric configurations. Sketches and descriptive data may be sent to the Chief, Engineering and Manufacturing Branch, Southern Region, P.O. Box 20636, Atlanta, Georgia 30320.

(c) For aircraft found to have no attachments on the dome, no further action is required.

(d) For aircraft having attachments, reinspect for cracks at intervals not to exceed 400 landings since the last inspection, in accordance with GAAC Customer Bulletins 167 (G-1159) or 240 (G-159).

(e) Repair all cracks detected during the inspections conducted in accordance with (a) or (d). Repair in accordance with GAAC Customer Bulletins 167 (G-1159) or 240 (G-159), before further flight.

(f) For the purpose of complying with paragraph (d) of this AD, subject to acceptance by the assigned FAA Maintenance Inspector, the number of landings may be determined by dividing each airplane's hour's time in service by the operator's fleet average time from takeoff to landing for the airplane type.

(g) Airplanes having cracked domes may be flown to a base for repairs in accordance with FAR 21.197 either:

(1) Unpressurized, or

(a) With limited pressurization with the concurrence of the FAA, Chief, Engineering and Manufacturing Branch, Southern Region.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

This amendment becomes effective July 16, 1973.

Issued in East Point, Ga. on June 29, 1973.

W. J. MCGILL,
Acting Director,
Southern Region.

[FR Doc.73-14026 Filed 7-10-73;8:45 am]

[Airspace Docket No. 73-RM-1]

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

Designation of Transition Area

On June 4, 1973, a notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 14694) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a transition area at Conrad, Mont.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., September 13, 1973.

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

Issued in Aurora, Colo., on July 3, 1973.

M. M. MARTIN,
Director, Rocky Mountain Region.

In § 71.181 (38 FR 435), add the following transition area.

CONRAD, MONT.

That airspace extending upward from 700 ft above the surface within a 9-mi radius of the Conrad Airport (lat. 48°10'10" N., long. 111°58'30" W.); within 3.5 mi each side of the 053° bearing from the Conrad RBN (lat. 48°11'12" N., long. 111°55'31" W.), extending from the 9-mile-radius area to 12 mi. northeast of the RBN, and that airspace extending upward from 1,200 ft above the surface within 9.5 mi northwest and 4.5 mi southeast of the 053° bearing from the Conrad RBN extending from the RBN to 18.5 mi northeast of the RBN.

[FR Doc.73-14027 Filed 7-10-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

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

Ethephon

A petition (PP 3F1325) was filed by Amchem Products, Inc., Ambler, PA 19002, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for residues of the plant regulator ethephon ((2-chloroethyl)phosphonic acid) in or on the raw agricultural commodities apples and pineapple foliage at 6 parts per million and pineapples at 2 parts per million.

Subsequently, the petitioner amended the petition by (a) reducing the tolerances requested for residues of ethephon in or on apples and pineapple foliage from 6 parts per million to 5 parts per million and 3 parts per million respectively, and (b) changing "pineapple foliage" to read "pineapple fodder and forage."

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

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

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

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

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.300 is amended by (a) deleting the paragraph, "0.1 part per million * * *", (b) adding the new paragraph "3 parts per million * * *" after the paragraph "5 parts per million * * *", and (c) revising the paragraphs "5 parts per million * * *" and "2 parts per million * * *", as follows:

§ 180.300 Ethephon; tolerances for residues.

* * * * *

5 parts per million in or on apples and cranberries.

3 parts per million in or on pineapple fodder and forage.

2 parts per million in or on cantaloupes, pineapples, and tomatoes.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before August 10, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and

specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on July 11, 1973.

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

Dated: July 6, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-14098 Filed 7-10-73;8:45 am]

Title 10—Atomic Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 170—FEES FOR FACILITIES AND MATERIALS LICENSES UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Revised Fees

On February 12, 1973, the Atomic Energy Commission published in the FEDERAL REGISTER (38 FR 4272) proposed amendments to its regulations in 10 CFR Part 170 which would change fees charged for facilities and materials licenses. Interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendments by April 13, 1973.

The fees set out in the notice of proposed rulemaking covered costs associated with the Commission's licensing and health and safety compliance and inspection program, taking into account additional costs incurred by the implementation of the National Environmental Policy Act of 1969 and by the antitrust review of nuclear power reactor applications. Costs related to rulemaking, development of standards, codes, criteria, and regulatory guides, safeguards activities and administration of the Agreement States program were not included in the proposed fee schedules. Costs associated with licenses exempt from fees were identified and excluded. The notice proposed to eliminate the exemption from payment of fees for licenses authorizing: (1) Possession, but not operation, of production or utilization facilities, (2) human use of byproduct material, source material, or special nuclear material, and (3) use of byproduct material, source material, or special nuclear material for civil defense purposes only.

The notice also proposed separate fee categories for certain types of licenses to provide a greater degree of equity in assessing fees. New fee categories include licenses for: (1) Byproduct material for processing or manufacturing quantities or items for commercial distribution where no product safety evaluation is required, (2) byproduct material for industrial radiography operations limited to one location, (3) byproduct material in quantities of less than 10,000 curies for irradiation of materials, (4) waste disposal where burial is not authorized, (5) distribution of exempt quantities of byproduct material, (6) distribution of exempt timepieces, hands and dials, containing hydrogen 3 or promethium 147, (7) byproduct material for research and development, and (8) uranium mills and uranium conversion plants.

After consideration of the comments received and other factors involved, the Commission has adopted the proposed Fee Category 5A has been modified to amendments with certain modifications discussed below.[1]

Paragraph 170.12(c) has been revised to clarify the due date for payment of license fees. Payment of prescribed fees for those licenses that have not been subject to fees prior to the amendments to Part 170 herein will be required within 30 days after the effective date. In the case of licenses that have been subject to fees prior to promulgation of these amendments, the next annual fee will be payable one year from the due date of the last fee payment and annually thereafter. In the case of licenses issued after the promulgation of these amendments, annual fees are payable one year following the date of issuance and annually thereafter.

Footnote 4 has been added to § 170.31 to provide for waiver of the annual fee where an application for license cancellation has been filed prior to the due date of the annual fee, and for reduction of the annual fee where an application to reduce the scope of the license has been filed prior to the due date of the annual fee. The fees will be affected only when the application contains adequate information to enable the Commission to complete the requested action.

[1] Commissioner William O. Doub's approval is based on the understanding that there is a legal question as to the scope of an agency's authority to impose certain fees under Title V of the Independent Offices Appropriation Act of 1952 (31 U.S.C. 483a), but that the Commission's imposition of the revised fees is consistent with Office of Management and Budget guidance in Circular A-25 pending resolution of the legal question in litigation now before the U.S. Supreme Court, whose decision may not be handed down until next spring.

Footnote 5 has been added to § 170.31 so that persons possessing special nuclear material in the form of sealed sources, in addition to other physical forms of special nuclear material, are not required to pay an additional fee under Category 1E when they have paid a fee under Categories 1A through 1D. make clear that it is intended to cover licenses for tracer studies and for all well logging and well surveys.

In addition, minor editorial revisions have been made in fee Categories 1D, 1E, 2C, 3I, 3K, and 3L.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 170, are published as a document subject to codification to be effective on August 10, 1973.

§ 170.11 [Amended]

1. Subparagraphs (6) and (7) of § 170.11(a) are deleted.

2. In § 170.12, paragraph (c) is revised to read as follows:

§ 170.12 Payment of fees.

* * * * *

(c) *Annual fees.* All licenses outstanding on August 10, 1973, are subject to payment of the annual fee prescribed by this Part 170, as amended, within 30 days after August 10 1973, and annually thereafter: *Provided however,* That in the case of licenses which have been subject to license fees prior to August 10, 1973, the next annual fee will be payable 1 year from the due date of the last fee payment and annually thereafter. In the case of licenses issued after August 10, 1973, annual fees are payable 1 year following the date of issuance of the license and annually thereafter.

* * * * *

3. Section 170.21 is revised to read as follows:

§ 170.21 Schedule of fees for production and utilization facilities.

Applicants for construction permits or operating licenses for production or utilization facilities and holders of construction permits or operating licenses for production or utilization facilities shall pay the fees set forth below.

SCHEDULE OF FEES

Facility (thermal megawatt values refer to maximum capacity stated in the permit or license as limited by license conditions or technical specifications) [1]	Application fee for construction permit	Construction [2] permit fee	Operating [4] license fee	Annual fee after issuance of operating license
(1) Power reactor [5]	$125,000	$250,000+ $170/Mw(t)	$250,000+ $185/Mw(t)	$65/Mw(t) [3] ($20,000 minimum)
(2) Testing facility	3,000	10,500	15,200	13,000
(3) Research reactor	600	2,300	3,500	8,500
(4) Other production or utilization facility	100,000	160,000	250,000	215,000
(5) Possession but not operation of production or utilization facility				600

[1] Amendments reducing capacity shall not entitle the applicant to a partial refund of any fee; applications or amendments increasing capacity requiring a higher fee will not be accepted for filing unless accompanied by the prescribed fee, which shall be determined by multiplication of the change in power level, expressed in megawatts thermal, by $185.

[2] Thermal megawatts.

[3] When construction permits are issued for two or more power reactors of the same design at a single power station that were subject to concurrent licensing review, the construction permit fee for the first reactor will be $250,000+ $170/Mw(t) and $50,000+$30/Mw(t) for each additional reactor.

[4] When operating licenses are issued for two or more power reactors of the same design at a single power station that were subject to concurrent licensing review, the operating license fee will be $250,000+$185/Mw(t) for the first reactor and $150,000+$120/Mw(t) for each additional reactor.

[5] For construction permits and operating licenses for power reactors with a capacity in excess of 3800 Mw(t), the fee will be computed on a maximum power level of 3800 Mw(t).

4. Section 170.31 is revised to read as follows:

§ 170.31 Schedule of fees for materials licenses.

Applicants for materials licenses and holders of materials licenses shall pay the following fees:

SCHEDULE OF MATERIALS LICENSE FEES

Category of materials licenses [1]	Application fee [2]	Annual fee [3,4]
1. Special nuclear material: [5]		
A. Licenses for quantities of five (5) kilograms or more of contained uranium 235, uranium 233, and plutonium, except for licenses for plutonium processing and fuel fabrication plants as defined in § 70.4(r) of this chapter, licenses for storage only, and licenses authorizing possession and use of special nuclear material in sealed sources excluding fuel elements.	$10,000+$10 per kilogram (maximum fee $85,000)	$10,000+$10 per kilogram (maximum fee $85,000)
B. Licenses for possession and use of special nuclear material in plutonium processing and fuel fabrication plants as defined in § 70.4(r) of this chapter.	$135,250	$135,250
C. Licenses for quantities of five (5) kilograms or more of contained uranium 235, uranium 233, and plutonium for storage only except for licenses authorizing storage only of special nuclear material in sealed sources excluding fuel elements.	$2,440	$2,440
D. Licenses for quantities of 350 grams to five (5) kilograms of contained uranium 235, uranium 233, and plutonium except for licenses for storage only, licenses covered by Categories 4A, 4B, 5A, or 6A, and licenses authorizing possession and use of special nuclear material in sealed sources excluding fuel elements.	$3.50/gram (maximum fee $8,000)	$3.50/gram (maximum fee $8,000)
E. All other specific special nuclear material licenses, except those licenses covered by Categories 4A, 4B, 5A, 6A, 7A, 7B, 7C, or 8A.	$200	$200
2. Source material:		
A. Licenses for source material for use in milling operations and licenses for refining mill concentrates to uranium hexafluoride.	$10,050	$10,050
B. Licenses for source material in quantities greater than 50 kilograms except licenses for storage only and licenses for use only of source material in counterweights.	$150	$150
C. All other specific source material licenses, except those licenses covered by Categories 4A, 4B, 6A, 7A, 7B, 7C, or 8A.	$80	$80
3. Byproduct material:		
A. Licenses for possession and use of byproduct material issued pursuant to Parts 30 and 33 of this chapter for processing, or manufacturing of items containing byproduct material for commercial distribution that require product safety evaluation.	$2,000	$2,000
B. Licenses for possession and use of byproduct material issued pursuant to Parts 30 and 33 of this chapter for processing, or manufacturing of items containing byproduct material where no product safety evaluation is required or quantities of byproduct material for commercial distribution except exempt quantities as defined in § 30.18 of Part 30 of this chapter.	$1,000	$1,000
C. Licenses for byproduct material issued pursuant to Part 34 of this chapter for industrial radiography operations at one location.	$275	$275
D. Licenses for byproduct material issued pursuant to Part 34 of this chapter for industrial radiography operations at more than one location.	$550	$550
E. Licenses for possession and use of byproduct material in quantities of less than 10,000 curies in sealed sources for irradiation of materials.	$90	$90
F. Licenses for possession and use of byproduct material in quantities of 10,000 curies or more in sealed sources for irradiation of materials.	$180	$180
G. Licenses issued pursuant to Subpart B of Part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material to persons generally licensed under Parts 31 or 35 of this chapter, except specific licenses authorizing redistribution of items which have been manufactured or imported under a specific license and licensed by the Commission for distribution to persons generally licensed under Parts 31 or 35 of this chapter.	$335	$335
H. Licenses issued pursuant to Subpart A of Part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material to persons exempt from the licensing requirements of Part 30 of this chapter, except (1) §§ 32.11 and 32.18 of this chapter, (2) specific licenses authorizing redistribution of items and quantities which have been manufactured or imported under a specific license and licensed by the Commission for distribution to persons exempt from the licensing requirements of Part 30 of this chapter, and (3) specific licenses which authorize distribution of timepieces, hands and dials.	$510	$510
I. Licenses issued pursuant to § 32.18 of this chapter to distribute quantities of byproduct material to persons exempt from the licensing requirements of Part 30 of this chapter.	$165	$165
J. Licenses issued pursuant to § 32.14 of this chapter to distribute timepieces, hands and dials, containing hydrogen 3 or promethium 147 to persons exempt from the licensing requirements of Part 30 of this chapter.	$50	$50
K. Licenses for possession and use of byproduct material for research and development, except those licenses covered by Categories 3A or 3B, and licenses covered by Categories 7B or 7C authorizing medical research.	$255	$255
L. All other specific byproduct material licenses, except those in Categories 4A, 4B, 5A, 6A, 7A, 7B, 7C, and 8A.	$50	$50
4. Waste disposal:		
A. Waste disposal licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of commercial disposal by land or sea burial by the waste disposal licensee.	$3,000	$3,000
B. Waste disposal licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of commercial disposal by the waste disposal licensee by transfer to another person authorized to receive such material.	$415	$415
5. Well logging and well surveys and tracer studies:		
A. Licenses for possession and use of special nuclear material and byproduct material for well logging, well surveys, and tracer studies.	$270	$270
6. Nuclear laundries:		
A. Licenses for commercial collection and laundry of items contaminated with byproduct material, source material, and special nuclear material.	$335	$335
7. Human use:		
A. Licenses issued pursuant to Parts 30, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices.	$150	$150
B. Licenses issued pursuant to Parts 30, 40, and 70 of this chapter to medical institutions for human use of byproduct material, source material, or special nuclear material, except licenses in Category 7A.	$180	$180
C. Licenses issued pursuant to Parts 30, 40, and 70 of this chapter to physicians for human use of byproduct material, source material, or special nuclear material, except licenses in Category 7A.	$110	$110
8. Civil defense:		
A. Licenses for possession and use of byproduct material, source material, or special nuclear material for civil defense activities.	$35	$35

[1] Amendments based on applications filed after the due date of the annual license fee, reducing the scope of a licensee's program or cancelling a license, may entitle the licensee to a partial refund of an annual fee that has been paid by the licensee for the year in which such amendment or cancellation occurs; in such cases, the refund shall be computed on a pro rata basis beginning with the date the fee is due and the date the license is amended or cancelled, *Provided however*, That no refund will be made for $35 or less, and no partial payment of less than $35 will be accepted. The licensee must apply for the refund or reduced payment. Applications for amendments increasing the scope of a program to a higher fee category will not be accepted for filing unless accompanied by the prescribed fee less the amount of the currently prescribed fee for the activities already licensed.

[2] Applications for materials licenses covering more than one fee category shall be accompanied by the prescribed fee for each category.

[3] Payment of the prescribed annual fee does not automatically renew the license for which the fee is paid. Renewal applications must be filed in accordance with the requirements of Parts 30, 40, or 70 of this chapter of the Commission's regulations. Applications for reissuance of licenses that have expired because a timely renewal application was not filed must be accompanied by the prescribed application fee.

[4] The annual fee will be waived where an application is filed to cancel the license prior to the due date of the annual fee, and the amount of the annual fee will be reduced where an application is filed to amend the license to reduce its scope prior to the due date of the annual fee, *Provided however*, That no annual fee will be waived or reduced unless the application filed prior to the due date of the fee contains all the information necessary to permit the Commission to complete the requested action.

[5] Licensees required to pay fees under Categories 1A through 1D are not required to pay a fee under Category 1E for sealed sources.

(Sec. 501, 65 Stat. 290; 31 U.S.C. 483a)

Dated at Germantown Md., this 3rd day of July 1973.

For the Atomic Energy Commission.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.73-13901 Filed 7-10-73;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Executive Office of the President

Section 213.3303 is amended to show that the following three positions in the Office of Management and Budget are excepted under Schedule C: One Secretary to the Assistant to the Director for Public Affairs and one Private Secretary to each of two Associate Directors.

Effective on July 11, 1973, paragraph (a) (6) is amended and paragraph (a) (14) is added under § 213.3303 as set out below.

§ 213.3303 Executive Office of the President.

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

(6) One Private Secretary to each of three Associate Directors.

* * * * *

(14) One Secretary to the Assistant to the Director for Public Affairs.

* * * * *

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

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

[FR Doc.73-14109 Filed 7-10-73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that two positions of Special Assistant to the Assistant Secretary for Administration are excepted under Schedule C.

Effective on July 11, 1973, § 213.3314 (a) (29) is added as set out below.

§ 213.3314 Department of Commerce.

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

(29) Two Special Assistants to the Assistant Secretary for 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.73-14108 Filed 7-10-73;8:45 am]

PROMOTION, EVALUATION, AWARDS, ABSENCE AND LEAVE, AND SEPARATIONS, DEMOTIONS, AND FURLOUGHS

Miscellaneous Amendments

Part 335 is amended by deleting from § 335.103 certain specific requirements for inclusion in a promotion program.

Part 430 is amended by incorporating Subparts C and D into a revised Subpart B, deleting the requirement for approval of the Commission in establishing boards of review in revised § 430.201, deleting the requirement that members and alternate members of boards of review be members of the branch of Government in which the agency is located, deleting any reference to stenographic report of a hearing, and providing for rehearings when the board believes the correctness of its original decision is doubtful.

Part 451 is amended by deleting from § 451.201 the requirement that incentive awards be used as an integral part of supervision and management, deleting the standards for cash awards for tangible benefits from § 451.302, deleting § 451.303 which contained the standards for cash awards for intangible benefits, deleting § 451.303a which established an award scale for job performance and renumbering the remaining sections.

Part 630 is amended by providing in § 630.206 that a minimum charge of less than 1 hour may be established through negotiations and providing in § 630.506 for transfers of leave between agencies in whole hour units.

Part 715 is amended by deleting from § 715.202 the provision that a resignation once submitted is binding on the employee.

Chapter I of Title 5 of the Code of Federal Regulations is amended as set forth below:

PART 335—PROMOTION AND INTERNAL PLACEMENT

1. Part 335 is amended by revising § 335.103 as set out below:

§ 335.103 Agency promotion programs.

Except as otherwise specifically authorized by the Commission, an agency may make promotions under § 335.102 only to positions for which the agency has adopted and is administering a program designed to insure a systematic means of selection for promotion according to merit. The promotion program shall conform with the standards and requirements of the Commission.

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

PART 430—PERFORMANCE EVALUATION

2. Part 430 is revised in its entirety as set out below:

Subpart A—General Provisions

Sec.
430.101 Definitions

Subpart B—Performance Rating Appeals

430.201 Establishment of boards of review
430.202 Members of boards
430.203 Appeals
430.204 Hearings
430.205 Board decisions

AUTHORITY: 5 U.S.C. 4308.

Subpart A—General Provisions

§ 430.101 Definitions.

In this part:

(a) "Agency" and "employee" have the meanings given them by section 4301 of title 5, United States Code;

(b) "Board" means Performance Rating Board of Review established under Subpart B of this part; and

(c) "Days" means calendar days and not workdays.

Subpart B—Performance Rating Appeals

§ 430.201 Establishment of boards of review.

The head of each agency shall establish one or more boards to consider and pass on the merits of performance ratings assigned under rating plans established under chapter 43 of title 5, United States Code. The boards may be established as standing boards and/or on a case by case basis. The jurisdiction of each board shall be specific and exclusive of that of any other board.

§ 430.202 Members of boards.

Each board is composed of a chairman designated by the Commission, an employee member designated in a manner approved by the Commission, and an agency member designated by authority of the agency head. Any alternate members are designated in the same manner as their principals.

§ 430.203 Appeals.

(a) *Unsatisfactory rating.* An employee with an unsatisfactory rating may obtain within his agency the one impartial review provided by law, or he may appeal directly to an appropriate board of review, or he may appeal to the board after obtaining the impartial review.

(b) *Satisfactory or better rating.* An employee with a satisfactory or better rating may obtain within his agency the one impartial review provided by law, or he may appeal to an appropriate board, but he may not do both.

(c) *Filing an appeal.* An appeal to a board shall be filed in writing in a manner designated in the applicable performance rating plan. The plan may specify that the appeal be filed directly to the chairman of the appropriate board or to an agency designee. If an agency designee receives the appeal, he shall promptly notify the chairman of the board that the appeal has been filed and shall submit all documents pertinent to the appeal.

(d) *Time limits on appeals.* Unless otherwise specified in the appropriate performance rating plan, the appeal shall be filed within:

(1) Thirty days after the employee receives notice of his rating; or

(2) Fifteen days after the employee withdraws his request for the impartial review within the agency, when more than thirty days have elapsed since he received notice of his rating; or

(3) Thirty days after the employee receives his agency's decision on the impartial review of an unsatisfactory rating.

(e) *Extension of time limits.* Boards may extend the time limits in paragraph (d) for good and sufficient reasons.

§ 430.204 Hearings.

(a) *Oral hearing.* The chairman of a board presides at an oral hearing held to obtain information needed to determine

the merits of an appealed rating, and rules on questions arising at the hearing.

(b) *Conduct of hearing.* The appellant and the representatives of the appelant and the agency, may attend the hearing. These parties may submit any information the board finds pertinent and may hear, examine, and reply to information received by the board. The board shall find pertinent the record of the impartial review of an appealed rating under paragraph (a) of section 430.203. The board may not consider information not directly related to the rating.

(c) *Hearing waived.* With the appellant's consent, the board may consider his appeal on the basis of written information submitted by both parties without oral hearing.

§ 430.205 Board decisions.

(a) *The decision.* The board shall consider the pertinent facts in an appeal and by majority vote either (1) increase the appealed rating or (2) sustain the rating without change.

(b) *Notice of decision.* The board's decision shall be in writing and contain a summary statement of the facts on which it is based. The board sends copies of the decision to the appellant and to the agency representative.

(c) *Effect of decision.* When an agency receives notice of a board's increase in an employee's rating, the agency shall correct all records of the original rating, reconsider any and all administrative actions based on the original rating, and insofar as possible under the law and regulations and in the public interest, redetermine and adjust those administrative actions to conform to the corrected rating.

(d) *Rehearings.* Rehearings on decided cases may be granted by a board, by majority vote, only on receipt from the party seeking a rehearing of information which convinces the board that the correctness of the decision is doubtful.

PART 451—INCENTIVE AWARDS

3. Part 451 is amended by revising § 451.201(a) and all of Subpart C as set out below:

§ 451.201 Agency plans.

(a) *Establishment and change.* The head of each agency shall establish and operate an incentive award plan, and shall submit any new plan or a change in a plan to the Commission within 30 days of the effective date of the plan or the change.

* * * * *

Subpart C—Awards

§ 451.301 Basic requirements.

An agency may not grant an incentive award before the contribution has been approved by the benefiting agency. The contribution must have been made while the contributor was a Government employee, and must be described in writing.

§ 451.302 Award over $5,000.

An agency head may not grant a cash award above $5,000 without prior approval of the Commission. The maximum award is $25,000.

§ 451.303 Effect of an award on pay.

(a) *Pay.* A cash award under this part is in addition to the regular pay of the recipient.

(b) *Further claim.* The acceptance of a cash award under this part constitutes an agreement that the use by the Government of a contribution, idea, method or device for which an incentive award is made does not form the basis of a further claim of any nature against the Government by the employee, his heirs, or his assigns.

§ 451.304 Honorary award.

An agency may grant an honorary award for a contribution. An honorary award may be granted in addition to a cash award.

§ 451.305 Group awards.

(a) *The award.* When a contribution is made by more than one employee, each contributing employee, including a supervisor, may share in the award.

(b) *Cash award shares.* An agency may grant the employees a cash award in equal shares, or in shares proportionate to each employee's participation in the contribution.

(c) *Amount of cash award.* The total amount of a cash award to a group may not exceed the amount that would be authorized if the contribution had been made by one individual, except that an agency head for special reasons may decide a different amount is justified. He must document his reasons in support of the different amount.

§ 451.306 Presidential award.

Each agency shall submit any recommendation for a Presidential award in accordance with instructions issued by the Distinguished Civilian Service Awards Board.

§ 451.307 Interagency award.

The head of an agency in which a contribution originates may grant an incentive award for a contribution that also may benefit another agency. The initial award is based on the benefit to the originating agency before consideration of additional benefits to another agency.

§ 451.308 Interagency referral.

(a) *Originating agency.* The head of each agency in which a contribution originates shall establish a procedure that requires that the contribution be referred to other agencies which may benefit from it. The referral to other agencies shall be made only after consideration of the applicability of the contribution in the originating agency.

(b) *Referral to one agency.* When the agency in which a contribution originates determines that only one other agency is responsible for acting on the contribution, it shall refer the contribution to that agency. The agency to which the contribution is referred shall notify the originating agency of the action on the contribution and shall send a copy of the notification to the Commission.

(c) *Referral to Commission.* When the originating agency determines that more than one other agency is responsible for acting on the contribution, it shall refer the file to the Commission, with information on the activities in other agencies that may benefit from the contribution.

(5 U.S.C. 4506)

PART 630—ABSENCE AND LEAVE

4. Part 630 is amended by revising § 630.206(a) and by adding a new § 630.506 as set out below:

§ 630.206 Minimum charge.

(a) Unless an agency establishes a minimum charge of less than one hour, or establishes a different minimum charge through negotiations, the minimum charge for leave is one hour, and additional charges are in multiples thereof. If an employee is unavoidably or necessarily absent for less than one hour, or tardy, the agency, for adequate reason, may excuse him without charge to leave.

* * * * *

§ 630.506 Minimum unit.

(a) When an employee moves between positions under subchapter I of chapter 63 of title 5, United States Code, in different agencies, only his leave in whole hour units may be transferred.

(b) When an employee moves between positions under subchapter I of chapter 63 of title 5, United States Code, covered by different leave charging systems within the same agency, his leave is transferable in accordance with paragraph (a) of this section, unless the agency establishes a different policy making fractions of an hour of leave transferable.

(5 U.S.C. 6311)

PART 715—NONDISCIPLINARY SEPARATIONS, DEMOTIONS, AND FURLOUGHS

5. Part 715 is amended by revising § 715.202(b) as set out below:

§ 715.202 Resignation.

* * * * *

(b) *Withdrawal of resignation.* An agency may permit an employee to withdraw his resignation at any time before it has become effective. An agency may decline a request to withdraw a resignation before its effective date only when the agency has a valid reason and explains that reason to the employee. A valid reason includes, but is not limited to, administrative disruption or the hiring or commitment to hire a replacement. Avoidance of adverse action proceedings is not a valid reason.

(5 U.S.C. 1302, 3301, 3302, 7301; E.O. 10577, 3 CFR 1954–58 Comp., p. 218; E.O. 11222, 3 CFR 1964–65 Comp., p. 306)

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

[FR Doc.73-14107 Filed 7-10-73;8:45 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—SCHOOL LUNCH PROGRAM

PART 246—SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN

Pursuant to the authority contained in the Child Nutrition Act of 1966, as amended (42 U.S.C. 1771 et seq.) regulations for the operation of the Special Supplemental Food Program for Women, Infants and Children are hereby issued.

Public Law 92–433, approved September 26, 1972, added a new section 17 to the Child Nutrition Act of 1966 (86 Stat. 729). This section authorized the establishment of a Special Supplemental Food Program. The Department has chosen to call this the Special Supplemental Food Program for Women, Infants and Children (WIC program) to prevent confusion with the supplemental food program which is currently being operated as an adjunct of the Food Distribution Program (7 CFR 250.14).

The WIC program is established on a pilot basis through June 30, 1974. Although the WIC program will supply nutritious foods to participants, a major object of the program is the collection and evaluation of data which will medically identify benefits of this food intervention program. In addition, data will be collected and analyzed to measure the administrative efficiencies of various methods of making food available to participants.

To achieve the maximum amount of information in a minimum period of time, the Department is encouraging diversity in the design and operation of the WIC program in individual localities. A minimum number of requirements are imposed. Local health clinics are required to demonstrate that they serve low income populations considered to be at nutritional risk and that they have the necessary facilities and other resources to effectively carry out the WIC program. State departments of health (by whatever name identified) must accept the responsibility for the system of making foods available to participants and for supervising all participating health clinics in the State.

Interested health clinics must apply to their State department of health but FNS will select those which will participate in the WIC program. The criteria for selection fall in two general categories: Demonstrated need for the program and the ability to meet program objectives.

Pregnant or lactating women, infants and children under age four are eligible to participate if they live in an approved low income area served by an approved health clinic, are eligible for reduced cost medical treatment from that clinic and are determined by professionals on the staff of the clinic to need the supplemental foods.

The Department has prescribed the foods and the maximum monthly quantities of each food which are to be made available to participating individuals. These foods are intended to supplement the regular diet of participants—not to be a complete diet in themselves. However, they are nutritious and are especially high in those nutrients known to be lacking in diets of people who are eligible for the WIC program.

Infants can receive over 100 percent of the Recommended Dietary Allowances (RDA) of the National Research Council of the National Academy of Sciences for protein, calcium, iron and Vitamin C and about 90 percent of the RDA for Vitamin A from the authorized supplemental foods. Calories will also be fully supplied up to about age 3 months and will be about three-fourths of RDA thereafter. Children one year of age, but less than four years of age can receive more than 100 percent of RDA for protein, calcium, iron, and Vitamins A and C, and about two-thirds for calories. Pregnant or lactating women can receive about one-fourth of RDA for calories and between 60 percent to over 100 percent of RDA for the nutrients mentioned above.

It is the policy of the Department to publish a notice of proposed rulemaking and afford interested persons 30 days to submit comments before final rules and regulations are formulated for Food and Nutrition Service Programs. However, in view of the need for issuing final regulations for the WIC program on or before July 6, 1973, as ordered by the U.S. District Court for the District of Columbia on June 20, 1973, it is hereby determined that it is impractical, unnecessary and contrary to the public interest to give notice of proposed rulemaking. Although public comment was not solicited, these regulations were formulated after discussions with members of the Department of Health, Education and Welfare and with medical consultants.

Applications for participation in the pilot WIC program will be accepted immediately. Any inquiries should be directed to the appropriate FNS Regional Office listed in § 246.15 of this part.

Sec.

AUTHORITY: Sec. 10, 80 Stat. 889, as amended; sec. 9, 86 Stat. 729; 42 U.S.C. 1786.

§ 246.1 General purpose and scope.

(a) This part announces the policies and prescribes the general regulations for a pilot Special Supplemental Food Program for Women, Infants and Children (WIC program). Under the WIC program the Department shall provide cash grants to the health department or comparable agency of a State to enable such agency to make nutritionally desirable foods available to pregnant or lactating women, infants and children through local public or nonprofit private health agencies. The WIC program shall operate through June 30, 1974, in selected States and areas.

(b) The Department shall also collect data to evaluate the effect of food intervention upon populations which are at nutritional risk. Further, the Department shall evaluate WIC program operations for administrative effectiveness and efficiency.

§ 246.2 Definitions.

For the purposes of this part and of all contracts, instructions, forms, and other documents related hereto, the term:

(a) "Adequate medical records" means those records listed under § 246.11(d).

(b) "Administrative costs" means all costs, except expenditures for food, directly attributable to WIC program operations and also means costs indirectly attributable to the WIC Program (those costs shared with other programs) if such costs are allocated under an approved cost allocation plan as described in the Office of Management and Budget Circular A–87.

(c) "Birth weight" means weight of an infant in grams determined within two hours of birth.

(d) "Children" means persons at least one year of age but less than four years of age.

(e) "Competent professionals" means physicians, nutritionists, registered nurses, dietitians, or State or local medically trained health officials, or persons designated by physicians or State or local medically trained health officials as being competent professionally to evaluate nutritional risk.

(f) "Department" means the United States Department of Agriculture.

(g) "Designated evaluation visit" means a visit to the local agency during which participants selected in accordance with FNS instructions will complete the tests needed to obtain the information required for the FNS evaluation of the effect of food intervention.

(h) "FNS" means the Food and Nutrition Service of the Department.

(i) "FNSRO" means the appropriate Food and Nutrition Service Regional Office.

(j) "Infants" means persons under one year of age.

(k) "Lactating women" means women for a period of six weeks post partum

and also means women who are breastfeeding an infant.

(l) "Local agency" means a health clinic which is operated by the State agency, a political subdivision of the State, or a private, nonprofit organization.

(m) "Low birth weight" means a birth weight less than 2,500 grams.

(n) "Low income" means an income below the poverty level as determined by the 1970 U.S. Census subject to annual revision for changes in the cost of living.

(o) "Nutritional risk" means one or more of the following:

(1) For pregnant or lactating women—

(i) Known inadequate nutritional patterns;

(ii) High incidence of anemia;

(iii) High rates of prematurity or miscarriage; or

(iv) Inadequate patterns of growth (underweight, obesity, or stunting).

(2) For infants and children—

(i) Deficient patterns of growth (when compared to the standards for height and weight established by H. C. Stuart and published by Waldo E. Nelson, et al., in the Textbook of Pediatrics, 9th Edition, 1969, W. B. Saunders Co., Phila., Pa.);

(ii) High incidence of nutritional anemia; or

(iii) Known inadequate nutritional patterns.

(p) "Participants" means persons to whom food is made available under the WIC program.

(q) "Pregnant women" means persons determined by competent professionals to have one or more fetuses *in utero*.

(r) "Project area" means a geographic subdivision within a State determined by the local agency as the area to be served by the WIC program.

(s) "Secretary" means the Secretary of the United States Department of Agriculture or his authorized representative.

(t) "State" means any one of the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam or American Samoa.

(u) "State agency" means the State health department or comparable agency of the State government.

(v) "Supplemental food" means any food authorized to be made available under the WIC program.

(w) "WIC program" means the Special Supplemental Food Program for Women, Infants and Children authorized by section 17 of the Child Nutrition Act of 1966, as amended.

§ 246.3 Administration.

(a) Within the Department, FNS shall act on behalf of the Department in administering the WIC program.

(b) Within the States, the State agency shall be responsible for the operation of the WIC program within the State. The State agency shall accept applications from local agencies which desire to participate in the WIC program. The State agency shall be responsible for the design and operation of the system for making supplemental foods available to participants, including adequate safeguards against misuse. The State agency shall be responsible for forwarding to FNSRO those applications from local agencies which demonstrate the capability of operating under the WIC program in accordance with this part and all instructions issued hereinunder. The State agency shall monitor all program activities by local agencies and shall promptly notify FNSRO of any problems, program irregularities or illegal activity discovered thereby. The State agency shall account to FNSRO for all funds granted under the WIC program and shall be responsible for allocating the funds available for administrative costs between the State agency and local agencies.

§ 246.4 Use of funds.

(a) Federal funds made available to any State agency for the WIC program shall be used by the State agency or by local agencies either to purchase supplemental foods for participants or to redeem vouchers issued for that purpose, except that an amount not to exceed 10 per centum of the total funds so made available may be used for State and local agency administrative costs.

(b) The use of funds for administrative costs shall be subject to the following conditions:

(1) Applicant local agencies and State agencies shall submit budgets for administrative costs with the WIC program applications;

(2) The formula, if any, for allocating these funds between the State agency and local agencies shall be determined by the State agency;

(3) The aggregated administrative costs of the State agency and all local agencies shall not exceed 10 per centum of the total amount of the WIC program funds made available to the State agency.

(c) Funds shall not be used for any purposes by or on behalf of a local agency until a WIC program agreement has been completed between the State agency and such local agency.

(d) Upon demand by FNS, the State agency shall promptly return to FNS any funds which have not been used for the WIC program.

§ 246.5 Eligibility of local agencies.

A local agency is eligible to apply for participation in the WIC program if:

(a) It provides health services to residents of an area in which a substantial proportion of the persons have low incomes;

(b) It serves a population of women, infants or children which is at nutritional risk;

(c) Its staff includes competent professionals who interview or examine persons receiving health services;

(d) It has the personnel and expertise, and its facilities include the equipment necessary for performing the measurements, tests and data collection specified by FNS for the WIC program; and

(e) It maintains or is able to maintain adequate medical records.

§ 246.6 Application by local agencies.

Any eligible local agency interested in participating in the WIC program shall file a written application with its State agency. Applications need not be in any particular form, unless otherwise required by the State agency, but must include the following:

(a) The name, address and telephone number of the health clinic; the name of the official who shall be responsible for supervising WIC program operations at the local level; the name and address of the organization which sponsors the health clinic, if any, and the sources of funding for the health clinic. A private nonprofit organization must also include the number of the certificate issued by the Internal Revenue Service granting tax-exempt status.

(b) The types and numbers of competent professionals on the staff, by field of specialization, who will examine or interview persons to determine eligibility for the WIC program.

(c) The types of health services offered by the health clinic to pregnant or lactating women, infants and children; and a brief description of the financial, residential and other socioeconomic criteria applied to determine the eligibility of such individuals for each type of health service, including treatment.

(d) Description of type of laboratory facilities available and a statement indicating whether or not blood, serum or plasma can be processed for transportation to a designee of FNS.

(e) A list specifying which of the following data are presently maintained on pregnant or lactating women, infants and children: height; weight; head circumference (infants only); hemoglobin; hematocrit; serum or plasma concentrations of iron, albumin, vitamin A, and ascorbic acid; and percent saturation of transferrin. Also, indicate any other laboratory tests routinely performed and any other pertinent medical data routinely recorded.

(f) The boundaries of the geographic subdivision which the local agency proposes as the project area.

(g) An estimate of the total population of the proposed project area.

(h) Data showing the percentage of the population of the proposed project area with low incomes and any other significant information on economic conditions affecting the proposed project area.

(i) Data which indicates the rate of nutritional risk within the proposed project area including information such as the incidence of nutritional anemia; the number and rate of pregnancies, especially teenage pregnancies; the incidences of prematurity and miscarriage; the percent of low birth weight infants, infant morbidity and mortality rates; and the incidence of any additional health problems known to exist among women, infants and children in the proposed project area.

(j) An estimate of the number of pregnant or lactating women, infants, or children which the local agency expects to serve monthly under the WIC program with an indication of the racial and ethnic composition of the expected participants.

(k) A brief description of the method which the local agency recommends to the State agency for making supplemental foods available to expected participants.

(l) A description of any feeding program of a similar nature which is already in operation. Include number of participants served by age group or other category, costs and items of food provided, delivery system used, administrative costs, and an explanation of the expected relationship between the current program and the WIC program.

(m) The estimated monthly cost of purchasing supplemental foods for expected participants and a brief description of the estimating techniques employed to calculate this figure;

(n) The estimated monthly administrative costs of the health clinic by general type of expenditure, a brief justification for each such budgeted expenditure and, if the total administrative costs exceed the funds which will be made available for such costs, the sources and amounts from each source which shall be used to fund such costs.

(o) A statement that the information furnished in the application is true and accurate to the knowledge of the signer.

(p) The signature of the official in the local agency who shall be responsible for supervising local WIC program operations.

§ 246.7 State agency action on applications.

(a) The State agency shall transmit to FNSRO each application from a health clinic which demonstrates the capability of operating under the WIC program. The transmittal shall include the following information:

(1) The name and address of the State agency and the name and telephone number of the person within the State agency who shall be responsible for the WIC program;

(2) A listing of the WIC program operation duties to be performed by the State agency and those to be performed by the local agency;

(3) A description of the techniques which shall be used to monitor the activities of the local agency and the frequency with which they shall be employed;

(4) The estimated administrative costs of the State agency and a brief justification for each of the budgeted expenditures;

(5) If the 10 per centum of the WIC program budget which may be used for administrative costs are to be divided between the State agency and local agency, specify the method by which these funds shall be allocated;

(6) If estimated administrative costs exceed 10 per centum of the estimated total WIC program budget, including such administrative costs, the source of additional funds above the 10 per centum shall be specified and the amounts to be provided by each source shall be indicated;

(7) A description of the method or delivery system selected by the State agency for making supplemental foods available to participants;

(8) A description of any activities which shall be carried out as an adjunct of or concomitant to the WIC program (for example, any nutrition education effort) and such activities shall be separately identified in the budget;

(9) Any other information which the State agency wishes to include; and

(10) The signature of the official in the State agency who shall be responsible for all WIC program operations within the State.

(b) The State agency shall promptly notify in writing each local agency whose application is not transmitted to FNSRO of the reasons therefor.

§ 246.8 Selection of local agencies.

(a) *General.* FNS shall select local agencies for participation in the WIC program on the basis of information contained in each application and in the accompanying transmittal of the State agency. Each application and the accompanying transmittal shall be thoroughly appraised and, for the initial selection, shall be ranked among all applications received by FNSRO as of August 15, 1973. Local agencies shall be selected which, in the judgment of FNS, are most suited to the accomplishment of the purposes of this part. The number of local agencies selected shall be dependent upon the funds available to FNS.

(b) *Criteria for selection.* In selecting local agencies for participation in the WIC program, FNS shall consider:

(1) The severity of nutritional risk and other health problems which affect residents of the proposed project area;

(2) The percentage of residents in the proposed project area with low incomes and other factors which could affect the ability of such residents to secure adequate nutrition;

(3) The number of expected participants in each category of eligible persons and any demographic characteristics which could affect the WIC program evaluation;

(4) The expertise which the health clinic has in conducting necessary anthropometric measurements, in performing hemoglobin tests, and in processing blood, serum, or plasma for transportation to a designee of FNS.

(5) The experience of the health clinic with similar feeding programs and the expertise of its staff in managing programs in addition to the normal health care programs.

(6) The feasibility of the proposed method of making food available to participants, the acceptability of the monitoring system, and the utility of both systems for program evaluation;

(7) The adequacy and suitability of the manner in which grant funds will be handled and administered and program activities monitored by the State agency.

(c) *Notification.* Each State agency shall be notified in writing by FNS of the action taken on each application transmitted by that State agency. The notification shall list the amount of funds which FNS shall make available to the State agency. In addition, FNS shall publicly announce all selected local agencies and the amount of funds made available to each State agency.

§ 246.9 Agreements.

(a) The State agency shall enter into a written agreement with the Department before any funds are made available by FNS under this part. The agreement shall incorporate, by reference or otherwise, the terms and conditions set forth in this part. The agreement shall be executed by the appropriate State agency official and by the Administrator of FNSRO on behalf of the Department. The original and two copies of the agreement shall be forwarded to FNS. The agreement shall include:

(1) *Opening statement.* An expression of the willingness of the State agency to administer the WIC program until June 30, 1974.

(2) *Identification.* The name of the State agency charged with primary responsibility for the WIC program.

(3) *Applications.* An assurance that the WIC program shall be operated only by local agencies selected by FNS and that such operations shall conform to the methods stated in applications and transmittals which were approved by FNS.

(4) *Records.* An assurance that all required records shall be maintained and retained in accordance with the requirements of this part and shall be made available as required by this part.

(5) *Reports.* An agreement to submit to FNS on a regular and timely basis any reports, including a report of expenditures, as required by this part and any instructions issued hereunder.

(6) *Safeguards of information.* An affirmation that information concerning individual participants will be released only to persons directly connected with the WIC program.

(7) *Public information.* A statement that WIC program regulations, instructions, and other documents which do not pertain to individual participants shall be made available to the public upon request.

(8) *Nondiscrimination.* An assurance that the State agency shall comply with the requirements of the Department's regulations respecting nondiscrimination (Part 15 of this title) to the end that no person shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the WIC program and a further assurance that no person shall

be subjected to any discrimination under the WIC program because of creed, political beliefs or sex.

(9) *Fair hearing.* An assurance that persons aggrieved by any determination of a local agency shall be afforded a prompt opportunity for a fair hearing as specified in this part.

(10) *Program promotion.* A guarantee of assistance to the Department in its efforts towards WIC program promotion and nutrition education.

(11) *Compliance.* An agreement to comply with the provisions of this part and the instructions issued hereunder including the requirement that WIC program funds be withdrawn from a Federal Reserve Bank only in amounts necessary to meet actual current disbursement needs.

(12) *Miscellaneous.* Any additional provisions that are required by law or may be necessary for WIC program administration, operation or evaluation.

(b) The State agency shall enter into an agreement with each local agency in the State selected for participation in the WIC program. The agreement shall be in writing and shall contain such terms as the State agency deems necessary to insure that:

(1) The local agency operates in conformity with the methods stated in the application and transmittal which were approved by FNS;

(2) The actions of the local agency will be in accordance with this part; and

(3) Data will be collected by the local agency and made available as required this part.

§ 246.10 Payments to States.

FNS will issue a Letter of Credit to the appropriate Federal Reserve Bank in favor of each State agency having an agreement with the Department under this part to administer the WIC program. The State agency shall obtain funds needed through presentation by designated officials of a Payment Voucher on Letter of Credit to a local commercial bank for transmission to the appropriate Federal Reserve Bank, in accordance with procedures prescribed by FNS and approved by the U.S. Treasury Department. Withdrawals (advances) against the Letter of Credit shall be made only in amounts necessary to meet actual current disbursement needs. The advanced funds shall be used without delay to pay the currently approved costs. Advances made by the State agency to local agencies shall conform to the same standards of timing and amount as apply to advances by FNS to the State agency.

§ 246.11 Records and reports.

(a) *General.* All records relating to the WIC program shall be retained for three years following the end of the applicable Federal fiscal year or the termination of the program, whichever is sooner. However, the Department may, by written notice, require retention of any records deemed by it to be necessary for resolution of an audit or of any litigation. If the Department deems any of the program records to be of historical interest, it may require the State or local agency to forward such records to the Department whenever such agency is disposing of them. All food records, fiscal records and medical records shall be available during normal business hours for representatives of the Department and of the General Accounting Office of the United States to inspect, audit and copy, provided that medical case records of individual participants shall remain confidential.

(b) *Financial records.* Each State and local agency shall keep complete and accurate records of all amounts received and disbursed for the WIC program. All of the cost allocation data shall also be maintained.

(c) *Food records.* Each local agency shall keep a file of the food authorizations issued each month to each participant. If a local agency actually dispenses food to participants, the agency shall keep accurate and complete records of the receipt, disposal and inventory of such foods.

(d) *Medical records.* The local agency shall record during each designated evaluation visit, at a minimum, the following data: height (first visit only for pregnant or lactating women); weight, head circumference (infants only); and hemoglobin determinations. In addition, the following information is to be recorded at the local agency after delivery of an infant: The duration of the pregnancy and birth weight of the infant. If birth weight is not determined within two hours of delivery, the weight in grams may be determined within 5 days, but the interval between birth and weighing must be specifically noted. It may also be required at each designated evaluation visit that blood be drawn and processed for transportation to a designee of FNS.

(e) *Reports.* State agencies and local agencies shall submit monthly reports on forms specified by FNS. Such reports shall be submitted on or before the 20th of the month following the month for which data are reported. Reports shall be mailed in accordance with instructions from FNS. Reports shall concern the use of funds received under this part, the participation in the WIC program, and the data necessary to permit evaluation of administrative performance and of the effect of food intervention upon participants.

§ 246.12 Eligibility of persons.

Pregnant or lactating women, infants and children shall be eligible for the WIC program if:

(a) They reside in an approved project area;

(b) They are eligible for treatment at less than the full charge customarily made for such services by the local agency which serves the project area wherein they reside; and

(c) They are determined by a competent professional on the staff of the local agency to need the supplemental foods described in § 246.13.

§ 246.13 Supplemental foods.

(a) The following kinds and specifications of foods shall be available under the WIC program:

(1) For infants:

(i) Iron fortified infant formula with at least 10 milligrams of iron per liter of formula at standard dilution (which supplies 67 kilocalories per 100 milliliters, i.e., 20 kilocalories per fluid ounce).

Substitute

Whole fluid milk fortified with 400 International Units of Vitamin D per quart, or evaporated milk fortified with 400 International Units of Vitamin D per reconstituted quart, may be substituted for iron fortified infant formula for infants after six months of age.

(ii) Infant cereal which contains a minimum of 90 milligrams of iron per 100 grams of dry cereal.

(iii) Fruit juice which contains at least 30 milligrams of vitamin C per 100 milliliter.

(2) For children and pregnant or lactating women:

(i) Whole fluid milk fortified with 400 International Units of vitamin D per quart; or evaporated milk; or skim milk, low fat milk or non-fat dry milk. All milk products other than whole fluid milk must be fortified with 400 International Units of vitamin D and at least 1500 International Units of vitamin A per fluid quart.

(ii) Cereal (hot or cold) which contains a minimum of 30 milligrams of iron per 100 grams of dry cereal.

(iii) Fruit or vegetable juice, or both, which contains a minimum of 30 milligrams of vitamin C per 100 milliliters.

(iv) Cheese (natural cheddar or pasteurized processed American).

(v) Eggs.

(b) Supplemental foods shall be made available in amounts up to the following maximum quantities:

Foods	Units [a]	Maximum Number of Units Per Month: Infants	Maximum Number of Units Per Month: Children & Pregnant or Lactating Women
Iron fortified infant formula	13 fl. oz. can of conc. liquid [b]	31	
Whole fluid milk	fluid quart	(c)	31
Evaporated milk	13 fl. oz. can		May be substituted for whole fluid milk at the rate of one can per quart of whole fluid milk.
Skim or low fat milk	fluid quart		May be substituted for whole fluid milk on a quart-for-quart basis.
Non-fat dry milk	4 lb. pkg		One package may be substituted for each 20 quarts of whole fluid milk.
Cheese	pound		May be substituted for whole fluid milk at the rate of one pound per three quarts.
Eggs	dozen		2½ [d]
Infant cereal	8 oz. pkg	3	
Cereals (hot or cold)	8 oz. pkg		4
Juice, single strength	46 fl. oz. can [e]	2 [f]	6

[a] Different size units may be made available provided that the total volume or weight per month remains the same.
[b] Dry or ready-to-use forms may be made available in equivalent amounts.
[c] May be substituted for formula beginning at age six months at the rate of one quart per can of concentrated formula.
[d] An equivalent amount of dried egg mix (two pounds) may be substituted.
[e] Frozen, concentrated fruit juices may be made available in 12 oz. cans at the same rate or in an equivalent volume in other size cans.
[f] 15-4 oz. cans of infant juices may be substituted.

§ 246.14 Fair hearing procedure.

Each State agency participating in the WIC program shall establish a hearing procedure under which a person or his or her parent or guardian can appeal from a decision made by the local agency respecting the eligibility of such person for supplemental foods. Such hearing procedure shall provide:

(a) A simple, publicly announced method for a person to make an oral or written request for a hearing;

(b) An opportunity for the person to be assisted or represented by an attorney or other person in presenting the appeal;

(c) An opportunity to examine, prior to and during the hearing, the documents and records presented to support the decision under appeal;

(d) That the hearing shall be held with reasonable promptness and convenience to the person and that adequate notice shall be given to the person as to the time and place of the hearing;

(e) An opportunity for the person to present oral or documentary evidence and arguments supporting his or her position without undue interference;

(f) An opportunity for the person to question or refute any testimony or other evidence and to confront and cross-examine any adverse witnesses;

(g) That the hearing shall be conducted and the decision made by a hearing official who did not participate in making the decision under appeal;

(h) That the decision of the hearing official shall be based on the oral and documentary evidence presented at the hearing and made a part of the hearing record;

(i) That the person and any designated representative shall be notified in writing of the decision of the hearing official;

(j) That a written record shall be prepared with respect to each hearing, which shall include the decision under appeal, any documentary evidence and a summary of any oral testimony presented at the hearing, the decision of the hearing official, including the reasons therefor, and a copy of the notification to the family of the decision of the hearing official; and

(k) That such written record of each hearing shall be preserved for a period of 3 years and shall be available for examination by the person's representative at any reasonable time and place during such period.

§ 246.15 Miscellaneous.

(a) Any State agency or any local agency may be disqualified from future participation if it fails to comply with the provisions of this part and its agreement with the Department or the State agency. This does not preclude the possibility of other action being taken through other means available where necessary, including prosecution for fraud under applicable Federal statutes. If FNS determines that any part of the money received by a State agency, or food purchased or vouchers redeemed with WIC program funds were, through State agency or local agency negligence or fraud, misused or otherwise diverted from the WIC program purposes, the State agency shall, on demand by FNS, pay to FNS a sum equal to the amount of the money or the value of the food or vouchers so misused or diverted. Further, if FNS determines that any part of the money received by a State agency, or food purchased or vouchers redeemed with WIC program funds, were lost as a result of thefts, embezzlements, or unexplained causes, the State agency shall, on demand by FNS, pay to FNS a sum equal to the amount of the money or the value of the food or vouchers so lost. The State agency shall have full opportunity to submit evidence, explanation or information concerning alleged instances of noncompliance or diversion before a final determination is made in such cases.

(b) Requests for information or assistance on the WIC program and all applications, transmittals, agreements or other documents required by this part shall be sent to the FNSRO serving the State as listed below:

(1) Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia: U. S. Department of Agriculture, FNS, Northeast Region, 707 Alexander Road, Princeton, New Jersey 08540.

(2) Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, Virgin Islands: U. S. Department of Agriculture, FNS, Southeast Region, 1100 Spring Street NW., Atlanta, Georgia 30309.

(3) Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, Wisconsin: U. S. Department of Agriculture, FNS, Midwest Region, 536 South Clark Street, Chicago, Illinois 60605.

(4) Arkansas, Colorado, Louisiana, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, Wyoming: U. S. Department of Agriculture, FNS, West-Central Region, 1100 Commerce Street, Room 5-D-22, Dallas, Texas 75202.

(5) Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, Trust Territory, Washington: U. S. Department of Agriculture, FNS, Western Region, 550 Kearney Street, Room 400, San Francisco, California 94108.

(c) FNS shall issue instructions or procedures to implement the provisions of this part.

(d) Nothing contained in this part shall prevent a State agency from imposing additional requirements for participation in the WIC program which are not inconsistent with the provisions of this part.

NOTE: The reporting and/or record keeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective date. This part shall become effective on July 13, 1973.

Signed at Washington, D.C., on July 6, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-14024 Filed 7-6-73;11:35 am]

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

SUBCHAPTER B—FARM MARKETNG QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 5]

PART 722—COTTON

Subpart—Regulations for 1968 and Succeeding Years Extra Long Staple Cotton Program

MISCELLANEOUS AMENDMENTS

The regulations governing the Extra Long Staple Cotton Program for 1968 and Succeeding Years, 33 FR 19159, as amended, are being amended to set forth changes for the 1973 crop year as follows:

1. In accordance with amendment 3 to the regulations governing reconstitution of farms, allotments, and bases (38 FR 7564), federally-owned land will be ineligible for participation in the program.

To the extent that the leasing arrangement permits the production of extra long staple cotton, this prohibition will not apply (1) to the former owner who has enjoyed uninterrupted possession of the land, or (2) during the term of any lease executed prior to March 23, 1973.

2. The 1973 price support payment factor and price support payment rate are announced.

3. Beginning with the 1973 crop, a reduction will be made in the payment otherwise computed for a farm in cases where the producer, in good faith, submits incorrect production data.

On January 8, 1973, notice of proposed rule making regarding determinations with respect to the 1973 crop of extra long staple cotton was published in the FEDERAL REGISTER (38 FR 1053). Interested persons were invited to submit written data, views, and recommendations regarding the determinations within 30 days after publication of the notice. The comments received have been duly considered.

Pursuant to section 101(f) of the Agricultural Act of 1949, as amended, Part 722 is amended as follows:

1. Section 722.703(b) is amended by adding a new subparagraph (4) to read as follows:

§ 722.703 Requirements for eligibility.

* * * * *

(b) *Farm requirements.* * * *

(4) Land owned by the Federal Government shall be inelegible for participation in the program if the land is (i) leased subject to restrictions prohibiting the production of extra long staple cotton, or requiring the use of land for other purposes, or prohibiting the receipt of Federal payments for diversion or set-aside of such acreage, (ii) occupied without a lease, permit, or other right of possession, (iii) in a national wildlife refuge, or (iv) covered by a lease which was renewed or executed after March 22, 1973, unless the land was acquired by an agency having the right of eminent domain and leased back to the former owner with uninterrupted possession.

2. Section 722.704 is amended by adding a new paragraph (d) to read as follows:

§ 722.704 Price support payment factor.

* * * * *

(d) For 1973, the price support payment is 0.6914.

3. Section 722.709 is amended by adding a new sentence at the end of paragraph (a) and by adding a new paragraph (c). The amended language reads as follows:

§ 722.709 Price support payment.

(a) * * * For 1973, the price support payment rate shall be 16.01 cents per pound.

* * * * *

(c) Notwithstanding any other provision of this subpart, where the county committee determines that (1) a producer submitted incorrect production data under § 722.705, (2) the difference between the actual production and the amount of production represented by the incorrect data is small in relation to the actual production, and (3) the producer made a good faith effort to supply the correct data, a reduction shall be made in the payment otherwise computed for the farm in accordance with instructions issued by the Deputy Administrator.

4. Section 722.715 is amended to read as follows:

§ 722.715 Misrepresentation and scheme or device.

(a) A producer who is determined by the county committee or the State committee to have erroneously represented any fact affecting a program determination shall not be entitled to payments under the program for the farm with respect to which the representation was made and shall refund to the Commodity Credit Corporation the payments received by him with respect to such farm.

(b) A producer who is determined by the State committee, or the county committee with the approval of the State committee, to have knowingly (1) adopted any scheme or device which tends to defeat the purpose of the program, (2) made any fraudulent representation, or (3) misrepresented any fact affecting a program determination shall not be entitled to payments for any farm under the program and shall refund to the Commodity Credit Corporation all payments received by him with respect to the program.

(c) The provisions of this section shall be applicable in addition to any liability under criminal and civil fraud statutes.

(Sec. 101(f), as amended, 82 Stat. 701, 7 U.S.C. 1441(f))

Effective date. July 11, 1973.

Signed at Washington, D.C., on July 3, 1973.

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

[FR Doc.73-14067 Filed 7-10-73;8:45 am]

[Amdt. 3]

PART 722—COTTON

Subpart—Upland Cotton Set-Aside Program for Crop Years 1971–73

MISCELLANEOUS AMENDMENTS

The regulations governing the Upland Cotton Set-Aside Program for Crop Years 1971–73, 36 FR 15516, are being amended to set forth changes for the 1973 crop year as follows:

1. No acreage is required to be set aside.

2. A reduction will be made in the 1973 payments otherwise computed for the farm in cases where the producer, in good faith, submits incorrect production data for 1972.

3. The provisions of the regulations regarding the misrepresentation of facts are being amended so as not to require a forfeiture of payments made under the wheat or feed grain set-aside program.

4. In accordance with amendment 3 to the regulations governing reconstitution of farms, allotments, and bases (38 FR 7564), Federally-owned land will be ineligible for participation in the program. To the extent that the leasing arrangement permits the production of upland cotton, this prohibition will not apply (1) to the former owner who has enjoyed uninterrupted possession of the land, or (2) during the term of any lease executed prior to March 23, 1973.

In addition, the regulations are being corrected to make it clear that the payments which would otherwise be made to producers on small farms are to be increased by 30 per centum.

Pursuant to section 103 of the Agricultural Act of 1949, as amended by the Agricultural Act of 1970, Part 722 is amended as follows:

1. Section 722.804 is amended by revising paragraph (b)(6) to read as follows:

§ 722.804 Requirements for eligibility.

* * * * *

(b) *Farm requirements.* * * *

(6) Land owned by the Federal Government shall be ineligible for participation in the program if the land is (i) leased subject to restrictions prohibiting the production of upland cotton, or requiring the use of land for other purposes, or prohibiting the receipt of Federal payments for diversion or set-aside of such acreage, (ii) occupied without a lease, permit, or other right of possession, (iii) in a national wildlife refuge, or (iv) covered by a lease which was renewed or executed after March 22, 1973, unless the land was acquired by an agency having the right of eminent domain and leased back to the former owner with uninterrupted possession.

2. Section 722.805 is amended by revising paragraph (c) to read as follows:

§ 722.805 Set-aside acres.

* * * * *

(c) For 1973, the set-aside requirement shall be zero.

3. Section 722.808 is amended by correcting paragraph (b)(2) to read as follows:

§ 722.808 Farm yield and payment rates.

* * * * *

(b) *Payment rates.* * * *

(2) The small farm payment rate shall be 30 per centum of the preliminary payment rate as established in accordance with subparagraph (4) of this paragraph: *Provided*, That the small farm payment rate shall be 30 per centum of the regular payment rate as established in accordance with paragraph (b)(3) of this section if the regular payment rate is greater than the preliminary payment rate.

4. Section 722.812 is amended by adding a new paragraph (l) at the end thereof to read as follows:

§ 722.812 Payments.

* * * * *

(l) Notwithstanding any other provision of this subpart, where the county committee determines that (1) a producer submitted incorrect 1972 production data for purposes of establishing the farm yield under § 722.808(a), (2) the difference between the actual production and the amount of production represented by the incorrect data is small in relation to the actual production, and (3) the producer made a good faith effort to supply the correct data, the farm yield shall be corrected and a reduction shall be made in the payments otherwise computed for the farm in accordance with instructions issued by the Deputy Administrator.

5. Section 722.817 is amended to read as follows:

§ 722.817 Misrepresentation and scheme or device.

(a) A producer who is determined by the county committee or the State committee to have erroneously represented any fact affecting a program determination shall not be entitled to payments under the program for the farm with respect to which the representation was made and shall refund to the Commodity Credit Corporation the payments received by him with respect to such farm.

(b) A producer who is determined by the State committee, or the county committee with the approval of the State committee, to have knowingly (1) adopted any scheme or device which tends to defeat the purpose of the program, (2) made any fraudulent representation, or (3) misrepresented any fact affecting a program determination shall not be entitled to payments for any farm under the program and shall refund to the Commodity Credit Corporation all payments received by him with respect to the program.

(c) The provisions of this section shall be applicable in addition to any liability under criminal and civil fraud statutes.

(Sec. 103, 84 Stat. 1374, 7 U.S.C. 1444)

Effective date. Since farmers are completing their plans for the 1973 crop year, it is essential that this amendment be made effective as soon as possible. It is hereby found and determined that compliance with the notice and public procedure provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, this amendment shall become effective on July 11, 1973.

Signed at Washington, D.C., on July 3, 1973.

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

[FR Doc.73-14070 Filed 7-10-73;8:45 am]

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

SUBCHAPTER H—DETERMINATION OF WAGE RATES

[Amdt. 1 to determination which became effective October 23, 1972; Docket No. SH-307]

PART 864—SUGARCANE: LOUISIANA

Fair and Reasonable Wage Rates

Pursuant to the provisions of the Sugar Act of 1948, as amended, Part 864 of Title 7 of the Code of Federal Regulations, published October 23, 1972 (37 FR 21795), is amended by revising paragraph (a) of § 864.23 to read as follows:

§ 864.23 Requirements.

A producer of sugarcane in Louisiana shall be deemed to have complied with the wage provisions of the act if all persons employed on the farm in production, cultivation, or harvesting work, as provided in § 864.24, shall have been paid in accordance with the following:

(a) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates required by existing legal obligations, regardless of whether those obligations resulted from an agreement (such as a labor union agreement) or were created by State or Federal legislative action, or at rates as agreed upon between the producer and the worker, whichever is higher, but not less than the following, which shall become effective on October 1, 1972, and shall remain in effect until amended, superseded, or terminated:

(1) *Work performed on a time basis.*

Class of Worker	*Rate per hour*
Harvest Work:	
Harvester, loader and transfer loader operators	1.95
Tractor drivers, truck drivers, harvester bottom blade operators, and hoist operators	1.90
All other harvesting workers	1.80
Production and Cultivation Work:	
Tractor drivers	1.85
All other production and cultivation workers	1.80

* * * * *

(Secs. 301, 403, 61 Stat. 929, as amended, 932; 7 U.S.C. 1131, 1153)

Statement of bases and considerations. The redetermined effective date contained herein is issued as a result of the April 30, 1973 Order of the United States District Court for the District of Columbia in the case of Huey Freeman, et al. v. the United States Department of Agriculture, et al., Civil Action No. 1490-72, in which the court required the Department to publish and make effective an annual Louisiana wage determination on or before the beginning of the Louisiana sugarcane harvest for the 1971-72 crop. The order further declared that all Louisiana wage determinations should be effective before the start of the harvest each year, and this amendment is in accord with that declaration of the court with respect to the determination applicable to the 1972-73 crop.

Effective date. This amendment shall become effective July 10, 1973.

Signed at Washington, D.C., on July 3, 1973.

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

[FR Doc.73-14069 Filed 7-10-73;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1446—PEANUTS

Subpart—1973-Crop Peanut Warehouse Storage Loans

On page 4408 of the FEDERAL REGISTER of February 14, 1973, there was published a notice of proposed rule making relating to a Loan and Purchase Program for 1973 crop peanuts. The notice stated that the Department was giving consideration to: (a) Eliminating the sheller purchase program, (b) making peanuts with visible Aspergillus flavus mold of the type that produces aflatoxin ineligible for price support, and (c) requiring producers to assume storage, handling and inspection costs on peanuts placed under warehouse storage loans. Interested persons were given until March 9, 1973, to submit in writing data, views and recommendations regarding the proposed determinations. About 600 signed responses were received. None of the responses related to the level of support. All were concerned with one or more of the three proposed changes and were almost unanimously opposed to any retrenchment from the 1972 crop program. After consideration of all data, views and recommendations three important changes have been made in the 1973-crop regulations as follows: (a) The sheller purchase program is eliminated, (b) farmers stock peanut with visible Aspergillus flavus mold (a mold that produces aflatoxin) will be eligible for price support at a $50 per ton discount, and (c) producers will be required to assume a charge for storage, handling and inspection costs on peanuts placed under warehouse storage loans. The following regulations reflect this determination.

The General Regulations Governing 1967 and Subsequent Crop Peanut Warehouse Storage Loans and Sheller Purchases (32 FR 9950 as amended) are hereby superseded but remain effective with respect to the 1967 through 1972 crops of peanuts.

GENERAL

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

GENERAL

§ 1446.1 General statement.

(a) *Scope.* This subpart sets forth support prices for 1973 crop farmers stock peanuts and the terms and conditions under which eligibile producers acting collectively through specified cooperative marketing associations (referred to severally in this subpart as "the association") may obtain price support on their eligible 1973 crop farmers stock peanuts.

(b) *Price support advances.* Eligible producers may obtain price support through, in the Southeastern area, GFA Peanut Association, Camilla, Ga.; Southwestern area, Southwestern Peanut Growers Association, Gorman, Tex.; and Virginia-Carolina area, Peanut Grower Cooperative Marketing Association, Franklin, Va. Each association will make price support advances on eligible peanuts delivered to it by eligible producers at warehouses operating under peanut receiving and warehouse contracts with the association. CCC will make a loan (referred to in this subpart as a "warehouse storage loan") to the association. Such loan will be secured by the eligible peanuts upon which the association has made advances to eligible producers.

(c) *Farm storage loans; purchases from producers.* Regulations containing the terms and conditions under which CCC will make farm storage loans directly to producers on, and purchases directly from, producers of 1973 crop farmers stock peanuts will be published separately in the FEDERAL REGISTER.

§ 1446.2 Administration.

(a) *Responsibility.* Under the general direction and supervision of the Executive Vice President, CCC, the Tobacco and Peanut Division, Agricultural Stabilization and Conservation Service (referred to in this subpart as "ASCS") will administer this subpart.

(b) *Limitation of authority.* County Executive Directors, State and county ASC committees, and the associations do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements thereto.

(c) *Supervisory authority.* No delegation of authority in this subpart shall preclude the Executive Vice President, CCC, or his designee, from determining any questions arising under the regulations or from reversing or modifying any determination made pursuant to such delegation.

§ 1446.3 Definitions.

As used in this subpart, and in instructions and documents in connection herewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) *ASCS.* The Agricultural Stabilization and Conservation Service of the United States Department of Agriculture.

(b) *CCC.* The Commodity Credit Corporation, an agency and instrumentality of the United States within the Department of Agriculture.

(c) *County office.* The office of the ASC county committee where records for the farm are kept.

(d) *Effective farm allotment.* The effective farm peanut acreage allotment for 1973 crop of peanuts, as defined in the marketing quota regulations.

(e) *Farm.* A farm, as defined in the Regulations Governing Reconstitution of Farm, Allotments, and Bases, as amended, Part 719 of this title, which in general define a farm as all adjoining or nearby farmland which is operated by one person.

(f) *Farmers stock peanuts.* Picked or threshed peanuts produced in the United States which have not been shelled, crushed, cleaned or otherwise changed (except for removal of foreign material, loose shelled kernels, and excess moisture) from the state in which picked or threshed peanuts are customarily marketed by producers.

(g) *Final acreage.* The final 1973 crop acreage of peanuts on a farm determined in accordance with the marketing quota regulations which, in general, define such acreage as the total acreage of peanuts on the farm which is picked or threshed.

(h) *Form MQ-94.* Inspection Certificate and Sales Memorandum for farmers stock peanuts.

(i) *Inspector.* A Federal or Federal-State inspector authorized or licensed by the Secretary, U.S. Department of Agriculture.

(j) *Lot.* That quantity of farmers stock or shelled peanuts for which one Form MQ-94 or other inspection certificate is issued. In the case of farmers stock peanuts delivered to the association for a price support advance, a lot shall consist of not more than the content of one vehicle or approximately 20,000 pounds when delivered by more than one vehicle.

(k) *Marketing quota regulations.* The Allotment and Marketing Quota Regulations for Peanuts of the 1972 and subsequent crops, as amended, issued by the Administrator, ASCS, Part 729 of this title.

(l) *Marketing year.* The period beginning on August 1, 1973 and ending on July 31, 1974.

(m) *Net weight.* That weight of farmers stock peanuts obtained by multiplying the gross scale weight of peanuts by a percentage equal to 100 percent minus the sum of the percentages of (1) foreign material, and (2) moisture in excess of 7 percent in the Southwestern and Southeastern areas, and 8 percent in the Virginia-Carolina area.

(n) *Peanut receiving and warehouse contract.* Form CCC-1028 Identity Preserved, or Form CCC-1028-A Commingled Storage.

(o) *Producer advance value.* The support value of eligible farmers stock peanuts less an amount equivalent to $15.00 per net ton. The producer advance value of any lot of peanuts pledged to CCC as collateral for a loan to an association shall be computed on the basis of weight, quality and type of such peanuts in the lot and the loan advance schedule for such type issued by CCC. The $15.00 deduction is made to provide funds to pay inspection, storage and handling costs on such peanuts.

(p) *Peanut Segregations*—(1) *Segregation 1.* Farmers stock peanuts which (i) have at least 99 percent peanuts of one type, (ii) have not more than 2 percent damaged kernels nor more than 1.00 percent concealed damage caused by rancidity, mold, or decay, and (iii) are free from visible Aspergillus flavus mold. (2) *Segregation 2.* Farmers stock peanuts which (i) have less than 99 percent peanuts of one type, or (ii) have more than 2 percent damaged kernels or more than 1.00 percent concealed damage caused by rancidity, mold, or decay, and (iii) are free from visible Aspergillus flavus mold. (3) *Segregation 3.* Farmers stock peanuts which have visible Aspergillus flavus mold.

(q) *Sound mature kernels.* Kernels which are free from "damage" and "minor defects," as defined in the U.S. Standards for the applicable type of peanuts effective on the date of the inspection, and which will not pass through screens with the following openings:

(1) 15/64 by 3/4-inch in the case of Spanish and Valencia type peanuts.

(2) 15/64 by 1-inch screen in the case of Virginia type peanuts.

(3) 16/64 by 3/4-inch in the case of Runner type peanuts.

(r) *Extra large kernels.* Shelled Virginia type peanuts which will not pass through a screen having 21.5/64-by 1-inch openings and which are "whole" and free from "minor defects" and "damage," as such terms are defined in the U.S. Standards for Shelled Virginia type peanuts effective on the date of inspection.

(s) *Type.* The generally known types of peanuts (i.e., Runner, Spanish, Valencia, and Virginia), as defined in the marketing quota regulations.

(t) *Valencia type peanuts suitable for cleaning and roasting.* Valencia type peanuts containing not more than 25 percent peanuts having shells damaged by (1) discoloration, (2) cracks or broken ends, or (3) both.

(u) *Within quota card.* Form MQ-76 (Peanuts), 1973 Peanut Within Quota

Marketing card issued pursuant to the marketing quota regulations.

(v) *Compliance regulations.* The Regulations Governing Acreage and Compliance Determinations for Farm Marketing Quotas, Acreage Allotments, and Related ASCS Programs, as amended, issued by the Administrator, ASCS, and effective for the 1973 crop, Part 718 of this title.

WAREHOUSE STORAGE LOANS

§ 1446.4 Availability of warehouse storage loans.

(a) *Loans to associations.* CCC will make warehouse storage loans to the associations specified in § 1446.1 which contract with CCC to arrange for the storing and handling of eligible farmers stock peanuts, make advances to eligible producers on such peanuts, and use such peanuts as collateral for loans to be obtained from CCC. Such loans will mature on demand.

(b) *Areas.* Price support advances will be available in the following areas:

(1) The Southeastern area consisting of the States of Alabama, Georgia, Mississippi, Florida, and that part of South Carolina south and west of the Santee-Congaree-Broad Rivers.

(2) The Southwestern area consisting of the States of Arizona, Arkansas, California, Louisiana, New Mexico, Oklahoma, and Texas.

(3) The Virginia-Carolina area consisting of the States of Missouri, North Carolina, Tennessee, Virginia, and that part of South Carolina north and east of the Santee-Congaree-Broad Rivers.

(c) *Where available.* Price support advances will be available to eligible producers at warehouses which have entered into peanut receiving and warehouse contracts with the association. Such contracts will require the warehouses to inform producers that price support advances are available and to make advances to eligible producers on eligible peanuts tendered for price support as provided in paragraph (g) of this section. The names and locations of such warehouses may be obtained from the office of the appropriate association or from an ASCS State or county office. The associations shall pledge to CCC all eligible peanuts upon which they have made price support advances as security for loans obtained pursuant to agreements with CCC.

(d) *Time.* Price support advances to eligible producers will be available from time of harvest through January 31, 1974, or such later date as may be established by the Executive Vice President, CCC. If the final date of availability falls on a nonworkday for the association, the applicable final date shall be the next workday.

(e) *Inspection.* The type and quality of each lot of farmers stock peanuts delivered to an association for a price support advance shall be determined by an inspector when such peanuts are received at a warehouse under contract with an association.

(f) *Producer agreement.* To obtain a price support advance the producer shall, in writing, authorize the association to pledge peanuts delivered to the association to CCC as collateral for a warehouse storage loan, and relinquish any right to redeem or obtain possession of such peanuts.

(g) *Advance to producer.* For each lot of eligible peanuts received, the association will make a price support advance to the producer in an amount equal to the producer advance value of such peanuts, except that, in addition to the deductions specified in § 1446.5, the association will deduct from such advances and pay over to the proper State authorities any assessments or excise taxes imposed by State law, and the Southwestern Peanut Growers Association will, upon the prior agreement of the producer, deduct from such advance an amount approved by CCC, not to exceed 50 cents per net weight ton of peanuts upon which such advance was made, to be used in payment for its peanut activities outside the price support program.

(h) *Fraud of producer.* The making of any fraudulent representation by a producer in the loan documents or in obtaining a loan or advance shall render him subject to criminal prosecution under Federal law. The producer shall be personally liable to CCC, aside from any additional liability under criminal or civil frauds statutes, for the amount of such advance and for all costs which CCC would not have incurred except for the producer's fraudulent representation, together with interest upon such amounts at the rate of 12 percent per annum: *Provided*, That the producer shall be given credit for the proceeds received by CCC upon sale of the peanuts upon which such advance was made.

§ 1446.5 Producer indebtedness.

(a) *Facility and drying equipment loans.* If any installment or installments on any loan made by CCC on farm storage facilities or drying equipment are payable under the provisions of the note evidencing such loan out of any amount due the producer under this subpart, the amount due the producer, after deduction of amounts due prior lienholders, shall be applied to such installment(s).

(b) *Producers listed on county debt record.* If the producer is indebted to CCC or to any other agency of the United States and such indebtedness is listed on the county debt record, amounts due the producer under this subpart, after deduction of amounts due prior lienholders and on farm storage facilities or drying equipment, shall be applied to such indebtedness as provided in the Secretary's Setoff Regulations, Part 13 of this title.

(c) *Producer's right.* Compliance with the provisions of this section shall not deprive the producer of any right he would otherwise have to contest the justness of the indebtedness involved in the setoff action either by administrative appeal or by legal action.

§ 1446.6 Eligible producer.

(a) *Requirements.* An eligible producer is an individual, partnership, association, corporation, estate, trust or other legal entity, and whenever applicable, a State, political subdivision of a State or any agency thereof, producing peanuts as a landowner, landlord, tenant, or sharecropper on a farm on which it is determined (1) that the final acreage does not exceed the effective farm allotment, or (2) if the final acreage exceeds the effective farm allotment, that the producer did not knowingly exceed such allotment. Determinations under paragraphs (1) and (2) of this section shall be made pursuant to the marketing quota regulations and the compliance regulations. No producer on a farm in a certification county for which the farm operator fails timely to file a certification of crop or land use acreages as required by Part 718 of this title shall be eligible for price support unless the late filed certification was accepted by the county committee.

(b) *Estates and trust.* A receiver of an insolvent debtor's estate, an executor or an administrator of a deceased person's estate, a guardian of an estate or of a ward of incompetent person, and trustees of a trust estate shall be considered to represent the insolvent debtor, the deceased person, the ward or incompetent, and the beneficiaries of a trust, respectively, and the production of the receiver, executor, administrator, guardian or trustees shall be considered to be the production of the person he represents. Loan documents executed by any such person shall be accepted by CCC only if they are legally valid and such person has the authority to sign the applicable documents.

(c) *Eligibility of minors.* A minor who is otherwise an eligible producer shall be eligible for price support only if he meets one of the following requirements: (1) The right of majority has been conferred on him by court proceedings or by statute; (2) a guardian has been appointed to manage his property and the applicable price support documents are signed by the guardian; or (3) a bond is furnished under which a surety guarantees to protect CCC from any loss incurred for which the minor would be liable had he been an adult.

§ 1446.7 Eligible peanuts.

(a) *Eligible peanuts.* Peanuts eligible for price support advances shall be 1973 crop farmers stock peanuts which were produced in the United States by an eligible producer, and

(1) Which contain not more than 10 percent moisture, and which if they have been mechanically dried, contain at least 6 percent moisture;

(2) Which contain not more than 10 percent foreign material;

(3) Which were not produced in violation of a restrictive lease on federally owned land, or on land owned by the Federal Government which was occupied

by the producer without lease, permit, or other right of possession;

(4) Which are free and clear of all liens and encumbrances, including landlord's lien, or if liens or encumbrances exist on the peanuts, acceptable waivers are obtained; and

(5) In which the beneficial interest is in the producer who delivers them to the association and has always been in him or in him and a former producer whom he succeeded before they were harvested. To meet the requirements of succession to a former producer, the rights, responsibilities, and interest of the former producer with respect to the farm on which the peanuts were produced shall have been substantially assumed by the person claiming succession. Mere purchase of a crop prior to harvest, without acquisition of any additional interest in the farm on which the peanuts were produced, shall not constitute succession. Any producer in doubt as to whether his interest in the peanuts complies with the requirements of this section should, before applying for price support, make available to the ASC County Committee all pertinent information which will permit a determination with respect to succession to be made by CCC.

(6) Which are, if delivered to the association in bags in the Southwestern area, in new or thoroughly cleaned used bags which are made of material, other than mesh or net, weighing not less than 7½ ounces nor more than 10 ounces per square yard and containing no sisal fibers, are free from holes and are finished at the top with either the selvage edge of the material, binding or a hem. Such bags shall be of uniform size with approximately 2 bushel capacity.

§ 1446.8 Applicability.

The support values specified in this subpart apply to 1973-crop farmers stock peanuts in bulk or in bags, net weight basis, eligible for price support advances under this subpart. The support values announced in this subpart will not be reduced but will be increased if a combination of the supply percentage as of August 1, 1973, and the parity price on that date indicates a higher price.

§ 1446.9 National average support value.

The national average support value for 1973-crop peanuts is $310.50 per ton.

§ 1446.10 Average support values by type.

The support values by type per average grade ton of 1973-crop peanuts are:

Type	Dollars per ton
Virginia	$317.05
Runner	313.58
Southeast Spanish	305.18
Southwest Spanish	301.45
Valencia, in the Southwest area suitable for cleaning or roasting	317.05

The price for all Valencia type peanuts in the Southeast and Virginia-Carolina areas and those in the Southwest area which are not suitable for cleaning and roasting will be the same as for Spanish type peanuts in the same area.

§ 1446.11 Calculation of support values.

The support value per ton for 1973-crop peanuts of a particular type and quality shall be calculated on the basis of the following rates, premiums, and discounts (with no value being assigned to damaged kernels), except that the minimum support value for any lot of eligible peanuts of any type shall be 4 cents per pound of kernels in the lot:

(a) *Kernel value per net ton excluding loose shelled kernels.* (1) Price for each percent of sound mature and sound split kernels shall be:

Type	Dollars per ton
Virginia	4.403
Runner	4.364
Southeast Spanish	4.364
Southwest Spanish	4.364
Valencia:	
Southwest area—suitable for cleaning and roasting	4.817
Southwest area—not suitable for cleaning and roasting	4.364
Areas other than Southwest	4.364

(2) Price for each percent of other kernels:

All types	$1.40

(3) Premium for each 1 percent extra large kernels in Virginia type peanuts shall be 45 cents, except that no premium shall be applicable to any lot of such peanuts containing more than 7 percent damaged kernels.

(b) *Value of loose shelled kernels per pound.*

All types	$0.07

(c) *Damaged kernel discount.* For all types of peanuts, the discount per ton for damaged kernels shall be as follows:

Peanuts containing damaged kernels of—	Discount
1 percent	None
2 percent	$3.40
3 percent	7.00
4 percent	11.00
5 percent	25.00
6 percent	40.00
7 percent	60.00
8–9 percent	80.00
10 percent and over	100.00

(d) *Sound split kernel discounts.* For all types of peanuts, the discount per ton for sound split kernels shall be as follows:

Peanuts containing sound split kernels of—	Discount
1 through 4 percent	None
5 percent	$1.00
6 percent	1.60

Plus 80 cents for each percent of sound split kernels in excess of 6 percent.

(e) *Foreign material discount.* The discount for each full 1 percent foreign material in excess of 4 percent and not over 10 percent shall be $1.00 per ton.

(f) *Discount for aspergillus flavus mold.* Peanuts found by the Federal-State Inspection Service to have visible aspergillus flavus mold shall be discounted at the rate of $50 per net ton.

(g) *Price adjustment for peanuts sampled with other than a pneumatic sampler.* The support price for Virginia type peanuts sampled with other than a pneumatic sampler shall be reduced by $0.100 percent sound mature and sound split kernels.

(h) *Mixed type discount.* Individual lots of farmers stock peanuts containing mixtures of two or more types in which there is less than 90 percent of any one type will be supported at a rate which is $10 per ton less than the support price applicable to the type in the mixture having the lowest support value.

(i) *Location adjustments to support prices.* Farmers stock peanuts delivered to the association for price support advances in the States specified, where peanuts are not customarily shelled or crushed, shall be discounted as follows:

(1) Arizona, $25 per ton.
(2) Arkansas, $10 per ton.
(3) California, $33 per ton.
(4) Louisiana, $7 per ton.
(5) Mississippi, $10 per ton.
(6) Missouri, $10 per ton.
(7) Tennessee, $25 per ton.

(j) *Virginia type peanuts.* Virginia type peanuts, to receive peanut price support as Virginia type, must contain 40 percent or more "fancy" size peanuts, as determined by a presizer with the rollers set at 34/64 inch space. Virginia type peanuts so determined to contain less than 40 percent "fancy" size peanuts will be supported (but not classed) as though they were Runner type.

Effective date: July 11, 1973.

Signed at Washington, D.C. on July 3, 1973.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.73-14068 Filed 7-10-73;8:45 am]

Title 9—Animals and Animal Products

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

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

PART 71—GENERAL PROVISIONS

Interstate Movement

Statement of consideration. No provisions now exist whereby anaplasmosis reactors may be moved interstate, for any purpose including slaughter. Since accurate diagnostic tests are now available for anaplasmosis and treatments are also available which cure animals of the carrier state, an increasing number of livestock owners are freeing their herds of this disease. In some cases it is economically preferable for them to sell their carrier animals to slaughter. In many such cases the trade area slaughtering establishments are located across State lines and interstate movements would be involved.

Anaplasmosis is not transmissible directly from cow to cow nor does it produce the disease in man. There would,

therefore, be no danger of disease spread in movement of anaplasmosis reactors interstate to slaughter. In addition, there may be cases where it would be safe and even desirable to move anaplasmosis carriers interstate for other purposes. Such movements could be permitted under § 71.3(d)(6) where the Deputy Administrator, Veterinary Services, and the appropriate livestock sanitary officials of the receiving State concur that such movements can be made under conditions which he may prescribe to prevent the spread of disease.

The purpose of this amendment is to permit the interstate movement of anaplasmosis reactors for immediate slaughter and to provide for the Deputy Administrator, Veterinary Services, to approve movements of such reactors, other than direct to slaughter, under such conditions as he may prescribe to prevent the spread of the disease with the concurrence of appropriate livestock sanitary officials of the States involved in any such action.

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114, 114a–1, 115–117, 120–126, 134b), Part 71, Title 9, Code of Federal Regulations, is hereby amended in the following respect:

In § 71.3(d), in subparagraph (1) the word anaplasmosis is added after the reference to "actinobacillosis."

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791, as amended; secs. 1–4, 33 Stat. 1264, as amended; sec. 3, 76 Stat. 130; 21 U.S.C. 111–114, 114a, 114a–1, 115, 117, 120, 121–126, 134b; 37 FR 28464, 28477)

Effective date. The foregoing amendment shall become effective July 11, 1973.

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

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

Done at Washington, D.C., this 6th day of July, 1973.

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

[FR Doc.73-14118 Filed 7-10-73;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z]

PART 226—TRUTH IN LENDING

Advertising Credit Terms

1. Effective November 1, 1973, §§ 226.2(u), 226.6(a), 226.10(c) and 226.10(d) of Regulation Z are amended to read as set forth below. The amendments will, in large part, simplify and clarify the advertising restrictions of the regulation. For example, the amount of information which must be included in an open end credit advertisement once a specific "triggering" term is used has been reduced and the prohibition against use of the "add-on" or "discount" rate in advertisements has been clarified. Among other changes, the amendments add the "period of repayment" as a "triggering" term in open and credit which requires additional disclosures. The amendments clarify the fact that the amount of downpayment, either in dollars or percentages, triggers full disclosure.

§ 226.2 Definitions and rules of construction.

* * * * *

(u) *"Periodic rate"* means a percentage rate of finance charge which is or may be imposed by a creditor against a balance for a period. (See also § 226.5(a)(3).)

* * * * *

§ 226.6 General disclosure requirements.

(a) *Disclosures; general rule.* The disclosures required to be given by this Part shall be made clearly, conspicuously, in meaningful sequence, in accordance with the further requirements of this section, and at the time and in the terminology prescribed in applicable sections. Except with respect to the requirements of § 226.10, where the terms "finance charge" and "annual percentage rate" are required to be used, they shall be printed more conspicuously than other terminology required by this Part and all numerical amounts and percentages shall be stated in figures and shall be printed in not less than the equivalent of 10 point type, .075 inch computer type, or elite size typewritten numerals, or shall be legibly handwritten.

* * * * *

§ 226.10 Advertising credit terms.

* * * * *

(c) *Advertising of open end credit.* No advertisement to aid, promote, or assist directly or indirectly the extension of open end credit may set forth any of the terms described in paragraph (a) of § 226.7, the Comparative Index of Credit Cost, or that a specified downpayment or periodic payment is required (either in dollars or as a percentage), the period of repayment or any of the following items, unless it also clearly and conspicuously sets forth all the following items in terminology prescribed under paragraph (b) of § 226.7:

(1) An explanation of the time period, if any, within which any credit extended may be paid without incurring a finance charge.

(2) The method of determining the balance upon which a finance charge may be imposed.

(3) The method of determining the amount of the finance charge, including the determination of any minimum, fixed, check service, transaction, activity, or similar charge, which may be imposed as a finance charge.

(4) Where one or more periodic rates may be used to compute the finance charge, each corresponding annual percentage rate determined by multiplying the periodic rate by the number of periods in a year and, where there is more than one corresponding annual percentage rate, the range of balances to which each is applicable.[1]

(d) *Advertising of credit other than open end.* No advertisement to aid, promote, or assist directly or indirectly any credit sale including the sale of residential real estate, loan, or other extension of credit, other than open end credit, subject to the provisions of this Part, shall state

(1) The rate of the finance charge except as an "annual percentage rate," using that term. No other rate of finance charge may be stated, except that:

(i) Where the total finance charge includes, as a component, interest computed at a simple annual rate, the simple annual rate may be stated in conjunction with, but not more conspicuously than, the annual percentage rate, or

(ii) Where the finance charge is computed solely by the application of a periodic rate to an unpaid balance, the periodic rate may be stated in conjunction with, but not more conspicuously than, the annual percentage rate.

(2) That no downpayment is required, or the amount of the downpayment or of any instalment payment required (either in dollars or as a percentage), the dollar amount of any finance charge, the number of instalments or the period of repayment, or that there is no charge for credit, unless it also

[1] A creditor imposing minimum charges is not required to adjust the disclosure of the range of balances to which each rate would apply in order to reflect the range of the balances below which the minimum charge applies. If a creditor does not impose a finance charge when the outstanding balance is less than a certain amount, the creditor is not required to disclose that fact or the balance below which no such charge will be imposed.

clearly and conspicuously sets forth all of the following items in terminology prescribed under § 226.8:

(i) the cash price or the amount of the loan, as applicable.

(ii) in a credit sale, the amount of the downpayment required or that no downpayment is required, as applicable.

(iii) the number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended.

(iv) the amount of the finance charge expressed as an annual percentage rate. The exemptions from disclosure of an annual percentage rate permitted in paragraph (b)(2) of § 226.8 shall not apply to this subdivision.

(v) except in the case of the sale of a dwelling or a loan secured by a first lien on a dwelling to purchase that dwelling, the deferred payment price in a credit sale, or the total of payments in a loan or other extension of credit which is not a credit sale, as applicable.

2. These amendments are promulgated pursuant to section 105 of the Truth in Lending Act (15 U.S.C. § 1604). Notice of proposed rule making was published on December 29, 1972, (37 FR 28765). After consideration of all relevant matter submitted by interested parties, the range of balances to which annual percentage rates apply was reinserted in the information required to be shown under § 226.10(c)(4) once the full advertisement of open end credit terms is triggered. A technical change was made to § 226.2(u).

3. The amendments are designed to stimulate the competitive advertising of specific open end credit terms within the constraints of the statute. They also harmonize the separate requirements for open and closed end credit, where appropriate. The amendments make numerous technical changes to the existing provisions.

4. Section 226.6(a) has been clarified to provide that the requirement that the "annual percentage rate" and "finance charge" be shown more conspicuously than other terminology does not apply to advertising since such a requirement may be either impractical (eg, in radio advertisements) or inequitable (where a creditor wishes to emphasize a favorable term for competitive purposes). However an addition has been made to § 226.10(d) specifying that all required disclosures must be made "clearly and conspicuously." This requirement (which is already contained in § 226.10(c) with respect to open end credit) would prevent the advertiser from burying the required disclosures with insufficient emphasis in the text of the advertisement.

5. The amendments simplify § 226.10 (c) by deleting the present requirements of showing a number of items in open end credit advertisements once a specific credit term is advertised. The deleted terms are the periodic rates, the conditions under which other charges may be imposed, the method by which the other charges will be determined, and the minimum periodic payment required. Such advertisements must still include the annual percentage rate(s), any free ride period, and the method of determining finance charges and the balances on which they are imposed. "No downpayment" has been removed as a specific term which triggers full disclosure since the term is implied in almost any statement about an open end credit plan e.g., "charge it with your credit card."

6. The "period of repayment" has been added to § 226.10(c) as one of the specific terms requiring full disclosure. This harmonizes the requirements of open end credit with those presently applicable to closed end credit regarding the "period of repayment." For example, "up to 24 months to pay" would be a triggering term regardless of whether the credit plan involved open or closed end credit.

7. Section 226.10(d)(1) clarifies the fact that any expression of the finance charge on an annual basis in closed end credit must be solely as an "annual percentage rate" and not in conjunction with, for example, the add-on rate. With regard to the use of oral quotations of add-on or discount rates in response to consumer inquiries about the cost of credit, the Board has issued a concurrent interpretation (§ 226.101) indicating that the annual percentage rate and not the add-on or discount rate should be used in such circumstances. Under the amendment the simple interest component of the finance charge could be shown along with the annual percentage rate. For example, the interest rate on a home mortgage could also be advertised where points may result in a higher annual percentage rate. Likewise, where finance charges are computed based upon the application of a periodic rate (for example by credit unions), that rate may be shown in conjunction with the annual percentage rate—e.g., a monthly periodic rate. These additional rates could not, however, be shown more conspicuously than the annual percentage rate.

8. Sections 226.10(c) and 226.10(d)(2) have been clarified to provide that advertisement of the amount of the downpayment or other payment, either in dollars or percentages, will trigger the full disclosure requirements (whether or not the cash price is also given). The requirement for closed end credit that the amount of the downpayment must be given once full disclosure is otherwise triggered has been clarified to refer only to credit sales. (§ 226.10(d)(2)(ii)). However, statements as to downpayments remain "triggering" terms under § 226.10 (c) and (d)(2) for loans as well as credit sales. Where, for example, full disclosure is triggered by a lender's statement such as "95% loans," examples of typical extensions of credit may be used pursuant to interpretation § 226.1001 "Advertising of Credit Terms in Other Than Open End Credit" (issued 4/22/69) to comply with the full disclosure requirements. Section 226.10(d)(2)(v) has also been modified to specify that the "deferred payment price" disclosure is required in a credit sale, while the "total of payments" is required in a loan or other non-sale transaction.

By order of the Board of Governors, June 29, 1973.

[SEAL] CHESTER B. FELDBERG, *Secretary of the Board.*

[FR Doc.73-14143 Filed 7-10-73;8:45 am]

[Reg. Z]

PART 226—TRUTH IN LENDING

Use of "Annual Percentage Rate" in Oral Communications

The interpretation is designed to make it clear that in responding to oral inquiries from consumers about the cost of consumer credit, the creditor should quote the cost in terms of the annual percentage rate and not the add-on or discount rate.

Part 226 is amended by adding § 226.101 as set forth below.

§ 226.101 Use of "annual percentage rate" in oral communications.

(a) Under § 226.1(a)(2), a stated purpose of the Truth in Lending Act and Regulation Z is to assure that every customer who has need for consumer credit is given meaningful information with respect to the cost of that credit so that he may readily compare the various credit terms available to him from different sources and avoid the uninformed use of credit. Under § 226.6(a), a creditor is required to make disclosures using certain prescribed terminology, including the "annual percentage rate." The question arises as to the propriety of a creditor quoting annual rates other than "annual percentage rate" in response to consumer inquiries about the cost of credit, where such other rates could not be used in an advertisement under the proscriptions of § 226.10.

(b) The Truth in Lending Act and Regulation Z are intended to facilitate "shopping" between competitive credit plans. If a customer inquires about the cost of credit and the creditor responds by quoting an add-on or discount rate, he may mislead the customer since the use of such rates is prohibited in consumer credit advertising and such rates are significantly lower than the annual percentage rate which must be shown on the creditor's disclosure statement. The quotation of these rates can frustrate the stated purpose of the Act and prevent the customer from making an informed use of credit.

(c) In response to any oral inquiry by a customer about the cost of credit, a creditor when quoting annual rates should use only those rates permitted to be used in advertisements under § 226.10. Irrespective of the method used by the creditor to compute finance charges, the annual rate of the creditor's total finance charges should be quoted only in terms of the "annual percentage rate."

(Interprets and applies 15 U.S.C. 1663 and 15 U.S.C. 1664)

By order of the Board of Governors, June 29, 1973.

[SEAL] CHESTER B. FELDBERG, *Secretary of the Board.*

[FR Doc.73-14144 Filed 7-10-73;8:45 am]

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 73-927]

PART 526—LIMITATIONS ON RATE OF RETURN

Rates of Return

JULY 6, 1973.

The Federal Home Loan Bank Board, after consulting with the Board of Governors of the Federal Reserve System and the Board of Directors of the Federal Deposit Insurance Corporation, considers it advisable to amend Part 526 of the Regulations for the Federal Home Loan Bank System (12 CFR Part 526) in order to revise the limitations on rates of return contained therein.

The following chart summarizes the revisions:

Type of Account			Previous Maximum Rate	New Maximum Rate
1. Regular Passbook Account			5.00	5.25
2. 90-Day Notice Account			5.25	5.75
3. Certificates of Deposit				
Maturity	*Minimum** Balance*			
a. 30 days	None	*		5.25
b. 90 days	$1,000	*		5.75
c. 1-2 years	$1,000		5.75	6.50
d. 2 years	$5,000		6.00	6.50
e. 30 months	$5,000		6.00	6.75
f. 4 years	None	*		6.75
g. 4 years	$1,000	*		No Maximum Rate
h. Any CD of $100,000 or more			No Maximum Rate	No Maximum Rate

*New CD Classification.
**No Maximum Specified.

Under revised § 526.5(a)(5)(ii) no member institution may pay a return at a rate in excess of 6.75 percent on a certificate account of $1,000 or more (but less than $100,000) if, as a result of the issuance of such certificate account, the total amount of all such certificate accounts then outstanding, on which a return is being paid at a rate in excess of 6.75 percent, would exceed 5 percent of the institution's total savings accounts outstanding as of the end of its most recent distribution period for regular passbook accounts.

In addition to the 5 percent of total savings accounts limitation in said revised § 526.5(a)(5)(ii), under revised § 526.5–1(b) no member institution may pay a return at a rate in excess of 6.75 percent on any certificate account of $100,000 or more if, as a result of the issuance of such certificate account, the total of all such certificate accounts then outstanding, on which a return is being paid at a rate in excess of 6.75 percent, would exceed 5 percent of the institution's total savings accounts outstanding at the end of its most recent distribution period for regular accounts. The effect of § 526.5(a)(5)(ii) and § 526.5–1(b) is that a member institution may have a total of 10 percent of total savings accounts in certain certificate accounts for which no maximum rate of return is prescribed.

Accordingly, the Federal Home Loan Bank Board hereby amends 12 CFR Part 526 as set forth below effective July 6, 1973.

Since affording notice and public procedure on the above amendments would delay them from becoming effective for a period of time and since it is in the public interest that such amendments become effective as soon as possible, the Board hereby finds that notice and public procedure thereon are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and the Board hereby finds that publication of such amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date thereof is unnecessary since they relieve restrictions; and the Board hereby provides that such amendments shall become effective as hereinbefore set forth.

1. Section 526.3 is revised to read as follows:

§ 526.3 Maximum rate of return payable on regular accounts.

A member institution may pay a return at a rate not in excess of 5.25 percent per annum on any regular account.

2. Section 526.4 is revised to read as follows:

§ 526.4 Maximum rate of return payable on notice accounts.

A member institution may pay a return at a rate not in excess of 5.75 percent per annum on any notice account.

3. Section 526.5 is revised to read as follows:

§ 526.5 Maximum rates of return payable on certificate accounts of less than $100,000.

(a) *Maximum rates*—(1) *Maximum rate of 5.25 percent.* Except as is otherwise provided in § 526.5–1, a member institution may pay a return at a rate not in excess of 5.25 percent per annum on any certificate account having a fixed or minimum term or qualifying period of not less than 30 days.

(2) *Maximum rate of 5.75 percent.* Except as is otherwise provided in this section or in § 526.5–1, a member institution may pay a return at a rate not in excess of 5.75 percent per annum on any certificate account of $1,000 or more having a fixed or minimum term or qualifying period of not less than 90 days.

(3) *Maximum rate of 6.50 percent.* Except as is otherwise provided in this section or in § 526.5–1, a member institution may pay a return at a rate not in excess of 6.50 percent per annum on—

(i) Any certificate account of $1,000 or more having a fixed or minimum term or qualifying period of not less than 1 year but less than 2 years; and

(ii) Any certificate account of $5,000 or more having a fixed or minimum term or qualifying period of not less than 2 years.

(4) *Maximum rate of 6.75 percent.* Except as is otherwise provided in this section or in § 526.1, a member institution may pay a return at a rate not in excess of 6.75 percent per annum on—

(i) Any certificate account of $5,000 or more having a fixed or minimum term or qualifying period of not less than 30 months; and

(ii) Any certificate account having a fixed or minimum term or qualifying period of not less than 4 years.

(5) *No prescribed maximum rate.* (i) Subject to the percentage limitation contained in paragraph (a)(5)(ii) of this section and except as is otherwise provided in this section or § 526.5–1, no maximum rate of return is prescribed on any certificate account of $1,000 or more having a fixed or minimum term or qualifying period of not less than 4 years.

(ii) No member institution may pay a return at a rate in excess of 6.75 percent per annum on a certificate account of $1,000 or more (but less than $100,000) if, as a result of the issuance of such certificate account, the total amount of all such certificate accounts then outstanding, on which a return is being paid at a rate in excess of 6.75 percent per annum, would exceed 5 percent of the institution's total savings accounts outstanding at the end of its most recent distribution period for regular accounts.

(b) *Exceptions as to minimum amount.* (1) If the home office of a member institution is located in a Standard Metropolitan Statistical Area, or county not in such Area, as to which the regional Federal Home Loan Bank has determined that a mutual savings bank having an office located therein is paying a return at a rate in excess of 5.25 percent per annum on any deposit having a minimum amount lower than the corresponding minimum amount prescribed in paragraph (a) of this section for certificate accounts of the same maturity, such member institution may issue certificate accounts of the same maturity in such lower minimum amount.

(2) If the home office of a member institution is located in a State as to which the regional Federal Home Loan Bank has determined (i) that the total amount of savings capital attributable to mutual savings banks exceeds 30 percent of the total amount of savings capital attributable to mutual savings banks, savings and loan associations, building and loan associations, homestead associations, and cooperative banks and (ii) that a mutual savings bank having an office located in such State is paying a return at a rate in excess of 5.25 percent per annum on any deposit having a minimum amount lower than the corresponding minimum

amount prescribed in paragraph (a) of this section for certificate accounts of the same maturity, such member institution may issue certificate accounts of the same maturity in such lower minimum amount.

(3) With respect to certificate accounts issued under a monthly payment bonus plan providing for the payment of a bonus if regular monthly payments are made by the saver for a period of not less than 12 months, a member institution may pay a return as permitted by paragraph (a) of this section without regard to the minimum amount requirements contained in such paragraph.

4. Section 526.5–1 is revised to read as follows:

§ 526.5–1 Certificate accounts of $100,000 or more.

(a) *Rate of return.* Subject to the limitation contained in paragraph (b) of this section, no maximum rate of return is prescribed on any certificate account of $100,000 or more with a fixed or minimum term or qualifying period of not less than 30 days.

(b) *Percentage limitation.* No member institution may pay a return at a rate in excess of 6.75 percent per annum on any certificate account of $100,000 or more if, as a result of the issuance of such certificate account, the total amount of all such certificate accounts then outstanding, on which a return is being paid at a rate in excess of 6.75 percent per annum, would exceed 5 percent of the institution's total savings accounts outstanding at the end of its most recent distribution period for regular accounts.

(c) *Geographic exception.* In the case of certificate accounts issued by a member institution whose home office is located in the Commonwealth of Puerto Rico, the minimum amount requirement specified in paragraph (a) of this section shall be $50,000 intead of $100,000, and the percentage limitation contained in paragraph (b) of this section shall apply to certificate accounts of $50,000 or more with a return at a rate in excess of 6.75 percent per annum: *Provided*, That no such institution may advertise or promote any such account outside of the Commonwealth of Puerto Rico.

(Sec. 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, as amended by Public Law 91–151, sec. 2(b), 83 Stat. 371; sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1425b, 1437. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] HENRY A. CARRINGTON,
Secretary.

[FR Doc.73–14130 Filed 7–10–73;8:45 am]

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 73–925]

PART 545—OPERATIONS

Savings Accounts

JULY 6, 1973.

The Federal Home Loan Bank Board considers it advisable to amend §§ 545.1–4, 545.3 and 545.3–1 of Part 545 of the rules and regulations for the Federal Savings anl Loan System (12 CFR Part 545) in order to revise certain of the terms upon which Federal associations may accept savings accounts. Accordingly, the Board hereby amends paragraph (c)(3) and subdivisions (i) and (ii) of paragraph (f)(1) of said § 545.1–4, paragraph (b)(4) of said § 545.3, and subdivisions (i) and (ii) of paragraph (c)(3) of said § 545.3–1 to read as set forth below, effective July 11, 1973.

Paragraph (c)(3) of § 545.1–4 is revised in order to reduce the minimum permissible maturity for fixed-term savings deposits from 60 days to 30 days.

Subdivisions (i) and (ii) of paragraph (f)(1) of § 545.1–4, paragraph (b)(4) of § 545.3, and subdivisions (i) and (ii) of paragraph (c)(3) of § 545.3–1 set forth minimum penalty provisions for early withdrawals from fixed-term savings deposits, fixed-balance bonus accounts, and savings accounts evidenced by certificates. The present amendments revise those minimum penalty provisions for Federal associations so that in the event of withdrawal of all or any portion of such an account prior to the expiration of the fixed or minimum term or qualifying period of such an account, the account holder shall receive interest from the beginning of the term or period on the amount withdrawn at a rate not in excess of the rate then being paid on passbook savings accounts. In addition, the account holder shall also pay a penalty in an amount not less than the lesser of the interest at such rate for 90 days on the amount withdrawn or all interest at such rate (since issuance or renewal of the account) on the amount withdrawn. These revisions are made by the Board in coordination with the Federal Reserve Board and the Federal Deposit Insurance Corporation so that the penalty provisions prescribed by the Board and those two agencies will be uniform.

Since affording notice and public procedure on the above amendments would delay such amendments from becoming effective for a period of time and since it is in the public interest that such amendments become effective without such delay, the Board hereby finds that notice and public procedure as to such amendments are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of such amendments for the period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of such amendments would in the opinion of the Board likewise be unnecessary for the same reason, the Board hereby provides that such amendments shall become effective as hereinbefore set forth.

Part 545 of Title 12 of the Code of Federal Regulations is amended as follows.

1. Section 545.1–4 (c)(3) and (f)(1) (i) and (ii) is revised to read as follows:

§ 545.1–4 Other savings deposits.

* * * * *

(c) *Limitations.* In accepting savings deposits under the authority contained in paragraph (a) of this section, no Federal association shall:

* * * * *

(3) Accept any fixed-term savings deposit for a term of less than 30 days or more than 10 years: *Provided*, That any savings deposit may provide for renewal, at the option of the association, for successive periods not exceeding 10 years for each renewal.

* * * * *

(f) *Withdrawal prior to expiration of term.* (1) In the event of withdrawal of all or any portion of a fixed-term savings deposit prior to the expiration of its term—

(i) The depositor shall receive interest from the beginning of the term of such savings deposit on the amount withdrawn at a rate not in excess of the rate then being paid on savings deposits accepted for an indefinite period of time.

(ii) The depositor shall also pay a penalty in an amount not less than the lesser of (*a*) the interest at such rate for 90 days (3 months) on the amount withdrawn or (*b*) all interest at such rate (since issuance or renewal of the deposit) on the amount withdrawn.

* * * * *

2. Section 545.3(b)(4) is revised to read as follows:

§ 545.3 Bonus on monthly-payment and fixed-balance accounts.

* * * * *

(b) *Fixed balance accounts.* * * *

(4) In the event of withdrawal of all or any portion of any such bonus account prior to the expiration of such qualifying period, the account holder shall receive earnings from the date of issuance of such account on the amount withdrawn at a rate not in excess of the regular rate then being paid, and shall pay a penalty in an amount not less than the lesser of (i) the earnings at such rate for 90 days (3 months) on the amount withdrawn or (ii) all earnings at such rate on the amount withdrawn. If any earnings have been distributed to the account holder prior to such withdrawal, a deduction shall be made from the amount withdrawn to adjust for the penalty applicable to such earnings.

* * * * *

3. Section 545.3–1(c)(3)(i) and (ii) is revised as follows:

§ 545.3–1 Distribution of earnings at variable rates.

* * * * *

(c) *Form of certificate.* * * *

(3) In the event of withdrawal of all or any portion of any certificate account, issued pursuant to subparagraph (3) of paragraph (b) of this section, prior to completion of the time eligibility period set forth in the certificate evidencing such account—

(i) The account holder shall receive earnings from the date of issuance of such account on the amount withdrawn at a rate not in excess of the regular rate then being paid.

(ii) The account holder shall also pay a penalty in an amount not less than the lesser of (*a*) the earnings at such rate for 90 days (3 months) on the amount withdrawn or (*b*) all earnings at such rate (since issuance or renewal of the certificate account) on the amount withdrawn.

* * * * *

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

By the Federal Home Loan Bank Board.

[SEAL] HENRY A. CARRINGTON, *Secretary.*

[FR Doc.73–14128 Filed 7–10–73;8:45 am]

[No. 73–891]

PART 545—OPERATIONS

Applications by Federal Savings and Loan Associations for Branch Offices, Mobile Facilities or Satellite Offices

JUNE 27, 1973.

Certain provisions in Part 545 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR Part 545) regarding branch offices (12 CFR 545.14), mobile facilities (12 CFR 545.14–4) and satellite offices (12 CFR 545.14–5) limit the number of applications by the same Federal savings and loan association for permission to establish branch offices, mobile facilities or satellite offices that the Federal Home Loan Bank Board will consider and process at the same time. It has been pointed out to the Board that certain State supervisory authorities apply more liberal provisions to such applications by State-chartered thrift institutions or commercial banks for permission to establish similar types of offices.

The Board considers it advisable to amend the appropriate provisions in said Part 545 for the purpose of providing, in substance, that the Board will consider and process at the same time as many of such applications by a Federal association as the appropriate State authority of the State in which the applicant's home office is located will consider and process at the same time for the same savings and loan association, savings bank or similar institution or commercial bank of such State. Accordingly, the Federal Home Loan Bank Board hereby amends said Part 545 by revising §§ 545.14(b)(1)(i), 545.14–4(b)(4), and 545.14–5(c)(5) thereof to read as set forth below, effective July 11, 1973.

Since the above amendments relieve restriction, the Board hereby finds that notice and public procedure with respect to said amendments are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of said amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendments would in the opinion of the Board likewise be unnecessary for the same reason, the Board hereby provides that said amendments shall become effective as hereinbefore set forth.

Part 545 of 12 CFR Chapter V is amended as follows:

1. Section 545.14(b)(1)(i) is revised as follows:

§ 545.14 Branch office.

* * * * *

(b) *Eligibility.* (1) Except as provided in paragraph (b)(2) of this section, a Federal association shall be eligible to have an application for permission to establish a branch office (including an application for a limited facility branch office) considered and processed only if, at the date on which such application is filed with the Board:

(i) The association does not have on file with the Board any other such application, excluding any application as to which more than 4 months have elapsed since the date of publication of notice thereof; except that the limitations of this subdivision (i) shall not prohibit the consideration and processing at the same time of (*a*) both an application in which the applicant proposes, under the provisions of paragraph (j)(1) of this section, that the office applied for be a limited facility branch office and an application in which it does not so propose or (*b*) more than one branch office or more than one limited facility branch office appilcation of the same association to the extent that the appropriate State authority of the State in which the applicant's home office is located considers and processes at the same time more than one branch office application or more than one limited facility branch office application of the same savings and loan association, savings bank or similar institution or commercial bank of such State.

* * * * *

2. Section 545.14–4(b)(4) is revised as follows:

§ 545.14–4 Mobile facility.

* * * * *

(b) *Eligibility.* No application for permission to establish a mobile facility by a Federal association shall be considered or processed, except to determine the association's eligibility under the provisions of this paragraph (b), if, at the date on which such application is filed with the Board:

* * * * *

(4) The association has on file any other application for permission to establish a mobile facility with respect to which action by the Board is pending, except that the association may have on file more than one mobile facility application to the extent that the appropriate State authority of the State in which the applicant's home office is located permits to be on file at the same time more than one mobile facility application of the same savings and loan association, savings bank or similar institution or commercial bank of such State; or

* * * * *

4. Section 545.14–5(c)(5) is revised as follows:

§ 545.14–5 Satellite office.

* * * * *

(c) *Specific provisions.* Each application for permission to establish a satellite office will be considered or processed pursuant to the provisions of this section. Approval of such an application pursuant to this section will be subject to the following provisions and any other conditions, requirements, and limitations the Board may specify in a particular case:

* * * * *

(5) A Federal association may not operate more than 5 satellite offices at any one time, and may not file applications for more than 2 such offices in any 12-month period, except that a Federal association may file in the same 12-month period more than two satellite office applications to the extent that the appropriate State authority of the State in which the applicant's home office is located permits to be on file at the same time more than two satellite office applications of the same savings and loan association, savings bank or similar institution or commercial bank of such State. An application which has been disapproved shall be disregarded in determining compliance with the preceding sentence.

* * * * *

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

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR., *Assistant Secretary.*

[FR Doc.73–14111 Filed 7–10–73;8:45 am]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 73–926]

PART 563—OPERATIONS

Savings Accounts

JULY 6, 1973.

The Federal Home Loan Bank Board considers it advisable to amend §§ 563.3–1 and 563.3–2 of Part 563 of the Rules and Regulations for Insurance of Accounts (12 CFR Part 563) in order to revise certain provisions regarding savings accounts accepted by institutions insured by the Federal Savings and Loan Insurance Corporation. Accordingly, the Board hereby amends paragraph (b)(4) and subdivisions (i) and (ii) of paragraph (d)(1) of said § 563.3–1 and paragraph (b)(4) and subdivisions (i) and (ii) of paragraph (d)(1) of said § 563.3–2 to read as set forth below, effective July 11, 1973.

Paragraph (b)(4) of § 563.3–1 and paragraph (b)(4) of § 563.3–2 are each revised in order to reduce the minimum maturity for fixed-rate, fixed-term accounts and certificates evidencing other accounts from 60 days to 30 days.

Subdivisions (i) and (ii) of paragraph (d)(1) of § 563.3–1 and subdivisions (i) and (ii) of paragraph (d)(1) of § 563.3–2 set forth minimum penalty provisions for early withdrawals from fixed-rate,

fixed-term accounts and certificates evidencing other accounts. The present amendments revise those minimum penalty provisions for insured institutions so that in the event of withdrawal of all or any portion of such an account prior to the expiration of its term or completion of its eligibility term, the account holder shall receive interest from the beginning of such term on the amount withdrawn at a rate not in excess of the rate then being paid on passbook savings accounts. In addition, the account holder shall also pay a penalty in an amount not less than the lesser of the interest at such rate for 90 days on the amount withdrawn or all interest at such rate (since issuance or renewal of the account) on the amount withdrawn. These revisions are made by the Board in coordination with the Federal Reserve Board and the Federal Deposit Insurance Corporation so that the penalty provisions prescribed by the Board and those two agencies will be uniform.

Since affording notice and public procedure on the above amendments would delay such amendments from becoming effective for a period of time and since it is in the public interest that such amendments become effective without such delay, the Board hereby finds that notice and public procedure as to such amendments are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of such amendments for the period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of such amendments would in the opinion of the Board likewise be unnecessary for the same reason, the Board hereby provides that such amendments shall be come effective as hereinbefore set forth.

Part 563 of 12 CFR Chapter V is amended as follows:

1. Paragraphs (b)(4) and (d)(1)(i) and (ii) of § 563.3–1 are revised as follows:

§ 563.3–1 Fixed-rate, fixed-term accounts.

* * * * *

(b) *Limitations.* In issuing certificates evidencing fixed-rate, fixed-term accounts pursuant to the approval contained in paragraph (a) of this section, no insured institution shall:

* * * * *

(4) Accept any fixed-rate, fixed-term account for a term of less than 30 days or more than 10 years: *Provided*, That any fixed-rate, fixed-term account may provide for renewal at the option of the institution, for successive periods not exceeding 10 years for each renewal.

* * * * *

(d) *Withdrawal prior to expiration of term.* (1) Each certification issued by an insured institution for a fixed-rate, fixed-term account shall provide that, in the event of withdrawal of all or any portion of such account prior to the expiration of its term—

(i) The account holder shall receive interest from the beginning of the term of such account on the amount withdrawn at a rate not in excess of the rate then being paid on savings accounts accepted for an indefinite period of time.

(ii) The account holder shall also pay a penalty in an amount not less than the lesser of (*a*) the interest at such rate for 90 days (3 months) on the amount withdrawn or (*b*) all interest at such rate (since issuance or renewal of the account) on the amount withdrawn.

* * * * *

2. Paragraphs (b)(4) and (d)(1)(i) and (ii) of § 563.3–2 are revised as follows:

§ 563.3–2 Certificates evidencing other accounts.

* * * * *

(b) *Limitations.* In issuing certificates pursuant to the approval contained in paragraph (a) of this section, no insured institution shall:

* * * * *

(4) Issue any certificate account with a time eligibility period of not less than 30 days or more than 10 years; or

* * * * *

(d) *Provisions relating to early withdrawal.* (1) Each certificate issued by an insured institution for a certificate account shall provide that, in the event of withdrawal of all or any portion of such account prior to completion of its time eligibility period—

(i) The account holder shall receive earnings from the date of issuance of such account on the amount withdrawn at a rate not in excess of the regular rate then being paid.

(ii) The account holder shall also pay a penalty in an amount not less than the lesser of (*a*) the earnings at such rate for 90 days (3 months) on the amount withdrawn or (*b*) all earnings at such rate (since issuance or renewal of the certificate account) on the amount withdrawn.

* * * * *

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] HENRY A. CARRINGTON, *Secretary.*

[FR Doc.73–14129 Filed 7–10–73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C–2407]

PART 13—PROHIBITED TRADE PRACTICES

Miro Inc., et al.

Subpart—Advertising falsely or misleading: § 13.73 *Formal regulatory and statutory requirements:* § 13.73–90 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Miro Inc., et al., Jersey City, N.J., Docket No. C–2407, May 29, 1973]

In the Matter of Miro Inc., Herald Modes Inc., Empire Fashions, Inc., Rain-Ette Fashions Inc., and Suz-Ette Fashions Inc., Corporations, and Robert Mincow, Individually and As An Officer of Said Corporations

Consent order requiring several Jersey City, New Jersey, manufacturers and sellers of women's and misses' wearing apparel, among other things to cease misbranding its textile fiber products.

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

It is ordered, That respondents Miro Inc., Herald Modes Inc., Empire Fashions Inc., Rain-Ette Fashions Inc., and Suz-Ette Fashions Inc., corporations, their successors and assigns, and their officers, and Robert Mincow, individually and as an officer of said corporations, and respondents' agents, representatives, and employees directly or through any corporation, subsidiary, division, or any other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising or offering for sale in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile product, which has been advertised or offered for sale in commerce, or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, as forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying such products as to the name or amount of the constituent fibers contained therein.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents, 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 corporations which may affect compliance obligations arising out of this Order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

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

Issued: May 29, 1973.

By the Commision.

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

[FR Doc.73-14148 Filed 7-10-73;8:45 am]

[Docket C-2406]

PART 13—PROHIBITED TRADE PRACTICES

Pay Less Drug Stores Northwest, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* 13.170-70 Preventive or protective; § 13.195 *Safety:* 13.-195-60 Product; § 13.210 *Scientific tests.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1710 *Qualities or properties.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Pay Less Drug Stores Northwest, Inc., et al., Portland, Oregon, Docket C-2406, May 25, 1973]

In the Matter of Pay Less Drug Stores Northwest, Inc., a Corporation, House of Values, Incorporated, House of Values of Bremerton, Inc., Pay Less Drug Store of Mt. Vernon, Inc., Corporations Doing Business As House of Values, Eureka Pay Less for Drugs Company, Pay Less Drug Store of Coos Bay, Inc., Pay Less Drug Store of Pendleton, Inc., and Pay Less for Drugs, Inc., Corporations, Doing Business As Pay Less Drug Stores

Consent order requiring a Portland, Oregon, based operator of 45 retail stores in four Northwestern states, among other things to cease making deceptive safety helmets and requiring respondent to make cash refunds to deceived purchasers who return the helmets.

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

It is ordered, That respondents Pay Less Drug Stores Northwest, Inc., House of Values, Incorporated, House of Values of Bremerton, Inc., Pay Less Drug Store of Mt. Vernon, Inc., Eureka Pay Less For Drugs Company, Pay Less Drug Store of Coos Bay, Inc., Pay Less Drug Store of Pendleton, Inc., and Pay Less For Drugs, Inc., corporations, their successors and assigns, and their officers, and respondent's agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, or sale of safety helmets do forthwith cease and desist from representing, orally, in writing, or in any other manner, directly or by implication, that the Lear-Siegler "El Dorado 77 (S-80 Spoiler)," the PIP (Pacific Interchange Parts) "GP-2," the American Safety Equipment Corporation "Titan" or any other safety helmet is the world's safest or is safer than any other safety helmet, or words of similar import or meaning, or that any such product is effective in protecting the head from injury, unless respondents have a reasonable basis for such representation at the time it is made, including documentation of scientific tests or other scientific data.

It is further ordered, That respondents shall cause dissemination of clear and conspicuous public notice not less than two columns in width and of the same length and content as Exhibits A through H annexed hereto[1] in the publications noted therein. Said public notices shall be published in an equal number of issues as the original advertisements on dates approved by the Seattle Regional Office.

It is further ordered, That respondents immediately refund the respective purchase price in cash to any person who, within thirty (30) days of the date of publication of said public notices tenders a safety helmet of the type described in Exhibits A through H annexed hereto and asserts that said helmet was purchased as a result of the original false and misleading advertisement.

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

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

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a written report setting forth in detail the manner and form of their compliance with this order.

Issued: May 25, 1973.

By the Commission.

[SEAL] VIRGINIA M. HARDING, *Acting Secretary.*

[FR Doc.73-14149 Filed 7-10-73;8:45 am]

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[1] Exhibits A through H filed as part of the original document.

Title 21—Food and Drugs

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

SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Diethylcarbamazine Citrate Tablets

The Commissioner of Food and Drugs has evaluated a new animal drug application (93-512V) filed by E. R. Squibb & Sons, Inc., Georges Rd., New Brunswick, N.J. 08902, proposing the safe and effective use of diethylcarbamazine citrate tablets for the treatment of dogs. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135c is amended by revising § 135c.86 to read as follows:

§ 135c.86 Diethylcarbamazine citrate tablets.

(a) (1) *Specifications.* Diethylcarbamazine citrate tablets contain 50 or 400 milligrams of diethylcarbamazine citrate per tablet.

(2) *Sponsor.* See code No. 004 in § 135.501(c) of this chapter.

(3) *Conditions of use.* (i) The drug is used as an aid in the treatment of ascarids in dogs and cats and for the prevention of heartworm disease (*Dirofilaria immitis*) in dogs.

(ii) For the treatment of ascarids in dogs and cats, the tablets are administered orally or pulverized and given in the feed or water at a dosage level of 25 to 50 milligrams of diethylcarbamazine citrate per pound of body weight. A repeat dose should be given in 10 to 20 days to remove immature worms which may enter the intestine from the lungs after the first dose.

(iii) For the prevention of heartworm disease in heartworm endemic areas dogs should be given a daily dose of 3 milligrams of diethylcarbamazine citrate per pound of body weight.

(iv) Dogs with established heartworm infections should not receive the drug until they have been converted to a negative status.

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

(b) (1) *Specifications.* Diethylcarbamazine citrate tablets contain 100 milligrams of diethylcarbamazine citrate per tablet.

(2) *Sponsor.* See code No. 035 in § 135.501(c) of this chapter.

(3) *Conditions of use.* (i) It is used in dogs for the prevention of infection with *Dirofilaria immitis* (heartworm disease) and as an aid in the treatment of ascarid infections (*Toxocara canis* and *Toxascaris leonina*) in dogs.

(ii) For the prevention of heartworm disease in dogs the drug is given orally once a day at a dosage rate of 3 milligrams of diethylcarbamazine citrate per pound of body weight. Young dogs may

be started on the prevention program at 2 months of age. For treatment of ascarid infection in dogs, the drug is given orally at a dosage rate of 25 to 50 milligrams of diethylcarbamazine citrate per pound of body weight. A repeat dose should be given in 10 to 20 days to remove immature worms which may enter the intestines from the lungs after the initial treatment.

(iii) Use of the drug is not recommended in dogs with active *D. immitis* infections.

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

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

Effective date. This order shall be effective July 11, 1973.

Dated: July 3, 1973.

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

[FR Doc.73-14056 Filed 7-10-73;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Emergency Temporary Standard for Exposure to Organophosphorous Pesticides

Correction

In FR Doc. 73-13071 appearing at page 17214 in the issue of Friday, June 29, 1973, in § 1910.267a(c)(2), the 19th line should be deleted, and the following substituted: "respirator approved by either the U.S.".

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19653; FCC 73-732]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations in Gregory, S. Dak.

Report and order. In the matter of amendment of § 73.202(b), Table of assignments, FM Broadcast Stations. (Gregory, South Dakota) Docket No. 19653, RM-1759.

1. The Commission here considers the notice of proposed rule making in this docket, adopted November 29, 1972 (FCC 72-1086; 37 FR 26134; extension of time for comments published at 38 FR 1941), proposing amendment of the FM Table of Assignments (§ 73.202(b) of the Commission's Rules and Regulations) as concerns possible assignment of either Channel 260 or 268 to Gregory, South Dakota. The parties filing formal comments are the petitioner, West Central Investment Co., Inc. (WCI); and Midwest Radio Corporation (Midwest), licensee of Stations KWYR (daytime-only) and KWYR-FM (Channel 229), Winner, South Dakota. Ranchland Broadcasting Co., Inc. (Ranchland), licensee of AM Station KBRX (daytime-only) and applicant for FM Channel 224A at O'Neill, Nebraska (BPH-8171), filed informal comments. Midwest and Ranchland oppose assignment of a channel other than a Class A to Gregory.

2. As stated in the Notice, WCI seeks the assignment of either Channel 260 or 268 to Gregory, South Dakota. Gregory, population 1,756, is the largest community in Gregory County, population 6,710.[1] There is no FM channel assignment to the community nor is there a standard broadcast station licensed in the county. WCI states that a maximum Class A facility at Gregory would (based on assumed reasonable facilities for other stations) serve 5,229 persons and an area of 680 square miles within its 1 mV/m contour, and would bring a first FM service to 357 persons and a second FM service to 4,872 persons. In contrast with this, WCI states that if a Class C channel is assigned to Gregory it would apply for its use with facilities of 100 kW E.R.P. and antenna height of 500 feet A.A.T. With such facilities, it states that its 1 mV/m contour would contain 4,300 square miles and a population of 23,874 persons, and that 45 percent of this area would receive a first FM service (11,132 persons), and 49.7 percent of the area (12,085 persons) a second FM service.[2] These computations, prepared before the Winner station was activated, assumed that such a station would operate with 75 kW power and an antenna height of 500 feet A.A.T., and used 1960 census figures. Station KWYR-FM has since gone on the air at Winner with 100 kW power and an antenna height of 560 feet A.A.T. Midwest contends that considering the present facilities of KWYR-FM, and using 1970 Census figures, the total population within the 1 mV/m contour of a Gregory station would be 21,104, and a first FM service would be provided to only 4,670 persons. Midwest has not calculated the population that would be provided with a second FM service. However, if we accept the figure of 4,670 persons receiving a first FM service, it appears that about 15,300 persons would be receiving a second.

3. Midwest opposes the proposed assignment on the grounds that Gregory merits only a Class A channel under Commission criteria. Midwest relies on the following: A detailed showing that Gregory and its county are not as important as Winner (population 3,789) and Tripp County (population 8,171) to the area (the counties adjoin and the cities are 25 miles apart). Midwest also claims that the assignment of either Channel 260 or 268 should be denied because of the substantial preclusionary effect: 24 communities are precluded from using Channel 260 if that channel is assigned to Gregory, while 22 communities would be precluded from using Channel 268 if it is assigned there. In this respect, Midwest also asserts that the more logical assignment for Channel 260 would be at Ord, Nebraska (population 2,439), the seat of Valley County (population 5,783); and for Channel 268 would be at Redfield, South Dakota (population 2,943), the seat of Spink County (population 10,595). Midwest also contends that in determining the areas to which a Gregory station would bring a first FM service, the 50 uV/m service of other FM stations should be taken into account because of the rural nature of the Gregory area, and so should AM service.

4. We disagree with Midwest's contentions. While the assignment of either Channel 260 or 268 would preclude use of other FM stations should be taken into as Midwest claims, the number of FM channels available for assignment in the area is ample for assignment to these communities.[3] In this connection, we note that sixteen communities are subject to preclusion by either channel, and, therefore, would not be completely precluded by assigning the other channel to Gregory. Moreover, four of the 16 communities, all with populations of less than 10,000, have FM assignments; Midwest's contention as to preclusion here is that the three with Class A channels could use Class C channels and the other one with a Class C channel (in use) could use a second Class C channel.[4] Midwest's suggestion that the channels more appropriately might be assigned to Ord and Redfield are not considered as counterproposals, because it is not usual to assign a channel to a community with less than 10,000 population unless there is a showing that someone is willing and able to apply for the channel and, if assigned, to build a station if the application is granted; this also applies to other precluded communities including those in which Midwest feels the FM channel class should be changed or a second FM assignment is made. Midwest's contention that a 50 uV/m signal might provide service to rural areas (see § 73.315(b)) has no bearing for the standard as to making FM assignments is the 1 mV/m contour which is considered an FM station's predicted service contour; indeed, this very contention made by Midwest was raised and rejected in the Roanoke Rapids-Goldsboro decision, 9 F.C.C. 2d at 675-6. Midwest's reliance on service

[1] All population information is from the 1970 Census unless otherwise indicated.

[2] This comports with the so-called Roanoke Rapids-Goldsboro criteria for allocating a higher Class FM channel to a community that normally merits only a Class A channel (9 F.C.C. 2d 672, 673 (1967)). The Notice sets forth certain further information relied on by the petitioner to show the sociology, governmental activities, and economics of Gregory. We need not repeat this data here.

[3] In the circumstances, a preclusion study (see Policy to Govern Requests for Additional FM Assignments, 8 F.C.C. 2d 79 (1967)) was deemed unnecessary.

[4] Similar contentions are made with respect to three of the other eight communities precluded by Channel 260 and two of the other six communities precluded by Channel 268.

of AM stations to Gregory is not well taken; six of the 13 AM stations are daytime-only, three are Class IV stations which operate with 250 watts power at night, and the other four operate with 5 kW power and directional antennas at night. Since the nighttime operation of AM stations is severely limited by interfering signals, it is doubtful that any of the AM stations operating at night could serve an area where an FM station at Gregory would serve at night; the nearest is AM Station WNAX, Yankton, South Dakota, 105 miles from Gregory.

5. Ranchland's contention is that a Gregory station would serve the area it proposes to serve with its FM station (BPH-8171). The distance between O'Neill, Nebraska, and Gregory is 65 miles. The 1 mV/m contour of the O'Neill station would extend approximately 15 miles, while that of a Gregory station (with 100 kW and antenna height of 500 feet A.A.T.) would extend approximately 37 miles. In the circumstances, there is no overlap of service of the protected service contours.

6. Accordingly, we find that the public interest, convenience, and necessity would be served by assigning Channel 268 to Gregory, South Dakota. The rationale is that followed in assigning Channel 229 to Winner, South Dakota (5 F.C.C. 2d 188, 189–190), namely, that there is a basis for departure from our policy of making Class A assignments to smaller communities in Class B and C to metropolitan areas and larger cities where the small community is in a sparsely settled rural area located far from any metropolitan areas or population centers and assignment of the higher class channel would allow full-time service to the community and surrounding rural areas which a Class A channel could not. In this respect, there appears to be a substantial number of persons who have no FM service or are in a "grey" area. As noted in paragraph 2 above, assuming a 100 kW-500 foot Gregory station, the populations in the unserved and grey areas respectively are 4,670 and about 15,300 persons, which are quite substantial as compared to the total to be served by a Class C station at Gregory. While WCI discussed a facility of 100 kW power and 500 feet antenna height, it did not commit itself to applying for such a facility if either Channel 260 or 268 is assigned to Gregory. Further, there may be some other applicant. Thus, in order to assure reasonable first FM service, we are conditioning operation of a station on the channel with at least 75 kW E.R.P. and 500 feet A.A.T. antenna height or equivalent, which would cover an area with a slightly lesser radius. As to the choice between Channels 260 and 268, we have selected 268 for assignment to Gregory because it precludes a lesser number of and less populated communities. This assignment meets our spacing requirements.

7. Authority for this action is found in sections 4(i), 303 (g) and (r), and 307 (b) of the Communications Act of 1934, as amended.

8. *Accordingly, it is ordered*, That the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) is amended effective August 20, 1973, as concerns Gregory, South Dakota, as follows:

City	Channel No.
Gregory, South Dakota	268*

*Any application for this channel must specify at least an effective radiated power of 75 kW and antenna height of 500 feet above average terrain or equivalent.

9. *It is further ordered*, That this proceeding is terminated.

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

Adopted: July 3, 1973.

Released: July 9, 1973.

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

[FR Doc.73-14095 Filed 7-10-73;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[2d Rev. S.O. 1124]

PART 1033—CAR SERVICE

Demurrage and Free Time on Freight Cars

At a session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 29th day of June 1973.

It appearing, that an acute shortage of boxcars, gondola cars, and covered hopper cars exists throughout the country; that certain carriers are unable to furnish adequate supplies of these types of freight cars to shippers located on their lines; that these shortages of freight cars are impeding the movement of many commodities; that many freight cars are held by shippers for excessive periods awaiting loading, unloading, or disposition instructions; that such practices immobilize large numbers of freight cars needed by shippers for the transportation of other freight; and that the existing demurrage and detention rules, regulations, and practices of the railroads are ineffective to control such use of freight cars. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty day's notice.

It is ordered, That:

§ 1033.1124 Service Order No. 1124 (Demurrage and free time on freight cars).

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Application. (i) The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(ii) This order shall apply to all freight cars which are listed in the Official Railway Equipment Register, I.C.C. R.E.R. No. 386, issued by W. J. Trezise, or successive issues thereof, as having one of the mechanical designations shown on pages 1154 and 1155 under the headings:

Class "X"—Box Car Type—All Class "X" except "XT."
Class "G"—Gondola Car Type—All Class "G" except "GW."
Class "L"—Special Car Type—"LC", "LO", "LU", only.

(iii) *Exception.* This order shall not apply to cars with inside length 69 ft. 0 in. and over.

(iv) *Exception.* This order shall not apply to cars held at, or outside of ocean, Great Lakes, or river ports, while subject to the provisions of Service Order No. 1121—Demurrage and Free Time at Ports—or revisions thereof.

(v) *Exception.* This order shall not apply to freight cars of Mexican ownership while held by or for shippers at Mexican border crossings, viz:

Brownsville, Texas	Douglas, Arizona
Laredo, Texas	Naco, Arizona
Eagle Pass, Texas	Nogales, Arizona
Presidio, Texas	Calexico, California
El Paso, Texas	

(vi) *Exception.* This order shall not apply to cars subject to Freight Tariff 8-O, I.C.C. H-30, issued by B. B. Maurer, supplements thereto, or re-issues thereof, Car Demurrage Rules on Cars Used in Handling Coal or Coke Products at Coal Mines, etc.

(vii) *Exception.* The provisions of Rule 8, Item 935 of General Car Demurrage Tariff 4-J, I.C.C. H-59, issued by B. B. Maurer, supplements thereto, or re-issues thereof, or similar provisions of other applicable demurrage, detention, or storage tariffs shall govern the adjustment, cancellation, or refund of demurrage assessed as a result of the causes described in such rules.

(viii) *Exception.* Exceptions to this order may be authorized to carriers by the Railroad Service Board. Request for exceptions must be submitted in writing to R. D. Pfahler, Chairman, Railroad Service Board, Interstate Commerce Commission, Washington, D.C. 20423. Each such request must specifically identify the type of cars for which an exemption is desired and must clearly state the reasons why such cars cannot be utilized in other services.

(ix) The terms "loading", "unloading", "constructive placement", and "forwarding directions" as defined in General Car Demurrage Tariff 4-J, I.C.C. H-59, issued by B. B. Maurer, supplements thereto, or re-issues thereof, shall apply to cars subject to this order.

(x) The term "holiday" means holidays as listed in Item 25 of General Car Demurrage Tariff 4-J, I.C.C. H-59, issued by B. B. Maurer, supplements thereto, or re-issues thereof.

(2) Free time. (i) Not more than a total of 48 hours' free time, computed in accordance with the provisions of the applicable tariffs naming demurrage or detention rules and charges, shall be allowed for loading, unloading, or furnishing of forwarding or disposition instructions on cars held for orders.

(ii) If the maximum free time authorized in applicable tariffs is less than the 48-hour period described in paragraph (i) of this section, the free-time periods, if any, provided in such tariffs shall apply.

(3) Demurrage, detention, or storage charges—cars not subject to average demurrage basis. (i) After the expiration of the free-time period described in paragraph (a)(2) of this section, or without free-time allowance when none is provided, demurrage charges shall be assessed at the following rates, until car is released:

$10.00 per car per day, or fraction of a day, for each of the first two days
$20.00 per car per day, or fraction of a day, for each of the next two days
$30.00 per car per day, or a fraction of a day, for each of the next two days
$50.00 per car per day, or fraction of a day, for each subsequent day.

(ii) Except as provided in demurrage Rule 6, Section B of General Car Demurrage Tariff 4–J, I.C.C. H–59, the applicable demurrage charges provided herein will accrue on all Saturdays, Sundays, and holidays subsequent to the free time, or without free time when none is provided, including a Saturday, Sunday, or holiday immediately following the day on which the last day of free time begins, provided such last day of free time begins to run at or before 7 a.m. or expires at or before 11:59 p.m. of the day immediately prior to the Saturday, Sunday, or holiday.

(4) Cars subject to average demurrage basis. (i) One credit will be allowed for each car released before the expiration of the first twenty-four (24) hours of free time. After the expiration of forty-eight (48) hours free time (or the adjusted free time if provided in applicable tariffs), one debit per car per day, or fraction of a day, will be charged for each of the first two days. In no case shall more than one credit be allowed on any one car, and in no case shall more than four credits be applied in cancellation of debits accruing on any one car. When a car has accrued two debits, a charge of $20.00 per car per day, or fraction of a day, will be made for each of the next two days, or fraction of a day, and $30.00 per car, per day, or fraction of a day, for each of the next two days, and $50.00 per car per day, or fraction of a day, will be made for all subsequent detention. In computing time under this rule, all Saturdays, Sundays, and holidays will be counted after the free time, including a Saturday, Sunday, or holiday immediately following the day on which the last day of free time begins.

(ii) Credits earned on cars held for loading shall not be used in offsetting debits accruing on cars held for unloading, nor shall credits earned on cars held for unloading be used in offsetting debits accruing on cars held for loading. Credits earned on cars loaded and unloaded in intraplant switching service shall not be used to offset debits accruing on cars handled in other services; nor shall credits earned on cars handled in other services be used to offset debits accruing on cars loaded and unloaded in intraplant switching service.

NOTE: The term "intraplant switching service" will be applied as defined in the applicable tariffs, and will include cars of grains, seeds, or soybeans, handled in "setback service."

(iii) Credits cannot be earned by private cars subject to Rule 1, Section B, Paragraph 4(a) of General Car Demurrage Tariff 4–J, I.C.C. H–59, issued by B. B. Maurer, supplements thereto, or re-issues thereof, or subject to similar rules in other tariffs, but debits charged on such cars while under constructive placement may be offset by credits earned on other cars.

(iv) At end of the calendar month the total number of applicable credits will be deducted from the total number of debits at the ratio of two credits for one debit, and $10.00 per debit will be charged for the remainder. (See Note.) If the total number of debits are offset by credits through deduction at the above ratio of two credits for one debit, no charge will be made for the detention of the cars except as otherwise provided herein for detention beyond the second debit day, and no payment will be made by the railroad on account of such excess of credits; nor shall the credits in excess of the debits of any one month be considered in computing the average detention for another month.

NOTE: For the purpose of applying Part (iv) of this paragraph, when an odd number of credits is earned, one of such credits will be disregarded in the computation.

(v) Credits earned on cars subject to this order shall not be used in offsetting debits accruing on cars not subject to this order; nor shall debits accruing on cars subject to this order be offset by credits earned on cars not subject to this order.

(5) Existing tariff rules requiring the placement or release, as a unit, of all cars in a multiple-car shipment shall remain in effect.

(6) The demurrage, detention, or storage rates provided herein shall supersede all published storage charges expressed in cents per hundred-weight, per bushel, or other unit of measure, for all freight held in cars in excess of the free-time periods provided in Paragraph (2) herein.

(7) If the demurrage, detention, or storage rates authorized in the applicable tariffs are greater than those described herein, such higher rates shall apply.

(8) Notices of arrival, constructive placement, etc. (i) Existing tariff provisions defining constructive placement and establishing the requirements for the placement, the giving of arrival or constructive placement notice of freight destined for unloading or trans-shipment, shall apply.

(ii) If no such rules with respect to arrival, or regarding constructive placement are published in the applicable tariffs, the rules published in General Car Demurrage Tariff 4–J, I.C.C. H–59, issued by B. B. Maurer, supplements thereto, or re-issues thereof, shall apply.

(b) Rules and regulations suspended. The operation of all rules and regulations, including rates, rules, and free-time periods granted by authority of Part 1, Section 22 of the Interstate Commerce Act, insofar as they conflict with the provisions of this order, is hereby suspended.

(c) Notification of shipper required. (i) Carriers shall send or deliver a written notice to shippers or consignees of the requirements of this order at or prior to the time of actual or constructive placement of cars for loading or unloading or at the time notice of arrival or of constructive placement is given. On cars held for instructions from the shipper or qualified owner of the freight, such notices must accompany or precede the arrival notice.

(ii) If a notice described in paragraph (i) of this section has been given to a shipper or receiver at origin, destination, or hold point, no further notices of the requirements of this order need be given.

(iii) Carriers are required to maintain a copy of all notices of the requirements of this order sent to shippers, receivers, or qualified owners of freight, at the station or point from which sent.

(iv) Failure of a carrier to send and preserve copies of the notices required by Part (i) of this section shall not be deemed as nullifying the requirements of Sections (2) or (3) of this order.

(d) Effective date. This order shall become effective at 7:00 a.m., July 1, 1973.

(e) Expiration date. This order shall expire at 6:59 a.m., Oct. 1, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

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

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

By the Commission, Division 3.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-14132 Filed 7-10-73;8:45 am]

Title 15—Commerce and Foreign Trade

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

SUBCHAPTER B—EXPORT REGULATIONS

[13th Gen. Rev., Export Regs., Amdt. 63]

PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

Monitoring Exports and Anticipated Exports of Cotton

Section 376.3 is amended to read as set forth below and Supplement No. 1 to Part 376 is amended to add a new Group X, as set forth below.

Effective date: July 6, 1973.

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

In order to assist the Department of Commerce in monitoring, on a current basis, the exports of and foreign demand for cotton, the Export Control Regulations are revised to require each U.S. exporter to file, no later than Friday, July 13, 1973, a report of all anticipated exports of more than $250 of each commodity defined below. Such report will provide the number of pounds (and running bales, if specified in Schedule B) of such anticipated exports as of close of business July 5, 1973. The commodities subject to the reporting requirement set forth herein shall be listed by the appropriate numbers in Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States, U.S. Bureau of the Census, which are set forth below, and in the case of cotton classified under Sch. B No. 263.1031, also by staple length[2], by country of ultimate destination and by month of scheduled or anticipated export.

For optional sales, the report shall include that portion of the sale expected to be exported from the United States or in the case of optional class or kind of cotton the report shall include the particular class or kind of cotton expected to be exported.

A report shall be filed on Form DIB–634P–j[1], "Anticipated Exports" for the cotton commodities listed below.

Subsequent Reports. On July 16, 1973, and on the first business day of each week thereafter, each U.S. exporter shall file a report on Form DIB–634P–j setting forth as of the close of business the preceding Friday all anticipated exports of more than $250 for each separate commodity set forth below. Such report shall be made on the same basis as and shall contain all data required above for the July 13 report. Such report shall also have attached a reconciliation of all changes from the prior report which will show in aggregate form all new anticipated exports of more than $250; all cancellations of, or changes in, orders previously reported; a breakdown showing whether such cancelled orders were accepted on or before July 5, 1973 or accepted after that date; all exports made since the closing date of the prior report, whether or not such exports were made against reported or accepted orders; a breakdown of exports showing whether they were against orders accepted on or before July 5, 1973 or against orders accepted after that date; any changes in the quantities to be exported to particular countries; any changes in the month of scheduled or anticipated export; and in the case of optional sales any change in the particular class or kind of commodity expected to be exported from the U.S. Such reconciliation shall be filed on Form DIB–635P–j[1]. If there are no changes on a line of information from the prior report, the information contained in the prior report shall not be repeated but Form DIB–634P–j shall nevertheless be submitted with the statement "no change" entered on its face; in such case, Form DIB–635P–j need not be filed. If there are changes, even though these do not result in changes in the aggregates because they are offsetting, Form DIB–635P–j shall be filed showing such changes.

Manner of reporting. All reports must be filed in an original and one copy with the Office of Export Control (Attn: 547), U.S. Department of Commerce, Washington, D.C. 20230. Such reports shall be deemed filed when actually received by the Office of Export Control.

Date of export. For purposes of this reporting requirement only, a commodity shall be considered as scheduled for export on the date the exporting carrier is expected to depart from the United States.

Corrections. If, because of a carrier's earlier or delayed departure or for other reasons, data reported pursuant to the proceding paragraph are found to have been incorrect, such facts shall be set forth on Form DIB–635P–j and corrected data shall thereafter be set forth on the appropriate Form DIB–634P–j.

Who shall file reports. For purposes of this reporting requirement only, in order to prevent duplication as well as to insure complete and adequate coverage of pending orders and shipments, the exporter as the principal party in interest in the export transaction will have the sole responsibility of reporting any and all information even though there may also be a U.S. order party involved. The exporter will have the sole responsibility of reporting the anticipated exports whether the exporter employs a freight forwarder to handle the shipping of the material or delivers the material to a carrier for export out of the country.

The term "anticipated export(s)" as used herein and in the Reporting Forms means exports expected which are based upon accepted orders which are unfilled in whole or in part or upon other firm arrangements, such as exports for the exporter's own account on the basis of an order from an exporter's foreign affiliate or agent. It does not include merely hoped-for orders or volume commitments without fixed price or fixed basis for price.

Possibility of quota restrictions. U.S. exporters are advised that if controls are imposed on exports of these commodities, all unshipped export orders may be fully subject to such controls, whether the order was entered into before, on, or after July 5, 1973. In addition, exports made after July 5, 1973, may be deducted from whatever export quotas are established.

The cotton commodities subject to this reporting requirement are defined as follows:

Schedule B Number	*Commodity Description*
263.1011	American-Egyptian and Sea Island domestic raw cotton.
263.1021	Upland domestic raw cotton, staple length 1⅛ inches and over (U.S. official standard).
263.1031	Upland domestic raw cotton, staple length 1 inch (U.S. official standard).
263.1031	Upland domestic raw cotton, staple length 1⅛₂ inches (U.S. official standard).
263.1031	Upland domestic raw cotton, staple length 1⅛₆ up to 1⅛ inches (U.S. official standard).
263.1041	Upland domestic raw cotton, staple length under 1 inch (U.S. official standard).
263.1051	Raw cotton, foreign, re-exported.
263.3020	Cotton card strips.
263.3030	Cotton comber waste.
263.4000	Cotton, carded or combed (laps, silver, and roving).

Exporters are advised that this reporting requirement may be revised and expanded if the Department determines that information being received is not sufficient for accurate monitoring of anticipated exports.

Accordingly, § 376.3 of the Export Control Regulations is amended as set forth below and Supplement No. 1 to Part 376 is amended to add a new Group X, as set forth below.

1. Section 376.3 is amended to read as follows:

§ 376.3 Agricultural commodities requiring reports.

(a) *Exports and anticipated exports of certain agricultural commodities.* (1) *Initial report of unfilled orders.* (i) No later than the date shown in Column D of Supplement No. 1 to this Part 376, each U.S. exporter shall file a report of all anticipated exports (as hereinafter defined) of more than $250 of each separate agricultural commodity listed in Supplement No. 1. Such report will provide the tonnage (in metric tons) of such anticipated exports as of the close of business on the date shown in Column C, of Supplement No. 1, unless other unit of quantity is specified in Supplement No. 1. The commodities subject to the reporting requirement set forth herein

[1] The reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

[2] Report separately staple length 1 inch; 1⅛₂ inches; and 1⅛₆ up to 1⅛ inches.

[1] Copies of the forms may be obtained from all U.S. Department of Commerce District Offices and from the Office of Export Control (Attn: 547), U.S. Department of Commerce, Washington, D.C. 20230.

shall be listed by the appropriate number in Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States, U.S. Bureau of the Census, as set forth in Supplement No. 1, and in the cases of wheat and cotton also by the separate classes set forth in Supplement No. 1; by country of ultimate destination; and by month of scheduled or anticipated export. For optional sales, the report shall include that portion of the sale expected to be exported from the United States, or in the case of optional class or kind of commodity, the report shall include the particular class or kind of commodity expected to be exported.

(ii) A separate report shall be filed on the appropriate form DIB–634P (a) through (j) "Anticipated Exports" for each of the agricultural commodity groupings listed in Supplement No. 1. Form DIB–634P is promulgated in series (a) through (j) inclusive, so that each of the commodity groupings has its own particular form, designated by color coding.

(2) *Subsequent reports.* On the date shown in Column E of Supplement No. 1, and on the first business day of each week thereafter, each U.S. exporter shall file a report on the appropriate Form DIB–634P setting forth as of the close of business the preceding Friday all anticipated exports of more than $250 for each separate commodity set forth in Supplement No. 1. Such report shall be made on the same basis as and shall contain all data required under paragraph (a) (1) of this section. Such report shall also have attached a reconciliation of all changes from the prior report which will show in aggregate form all new anticipated exports of more than $250; all cancellations of, or changes in, orders previously reported; a breakdown showing whether such canceled orders were accepted on or before the date shown in Column C of Supplement No. 1 or accepted after that date; all exports made since the closing date of the prior report, whether or not such exports were made against reported or accepted orders; a breakdown of exports showing whether they were against orders accepted on or before the date shown in Column C of Supplement No. 1, or against orders accepted after that date; any changes in the quantities to be exported to particular countries; any changes in the month of scheduled or anticipated export; and in the case of optional sales any change in the particular class or kind of commodity expected to be exported from the U.S. Such reconciliation shall be filed on Form DIB–635P which is also promulgated in series (a) through (j) inclusive. If there are no changes on a line of information from the prior report, the information contained in the prior report shall not be repeated but Form DIB–634P shall nevertheless be submitted with the statement "no change" entered on its face; in such case, Form DIB–635P need not be filed. If there are any changes, even though these do not result in changes in the aggregates because they are offsetting, Form DIB–635P shall be filed showing such changes. If the date in Column C of Supplement No. 1 is different from that shown in the heading or any item of Form DIB–634P or DIB–635P, the dates on the forms should be corrected accordingly.

(3) *Reporting requirements.* (i) Manner of reporting: All reports required under this Part 376 must be filed in an original and one copy with the Office of Export Control (Attn: 547), U.S. Department of Commerce, Washington, D.C. 20230. Such reports shall be deemed filed when actually received by the Office of Export Control.

(ii) Date of export: For purposes of this section only, a commodity shall be considered as scheduled for export on the date the exporting carrier is expected to depart from the United States.

(iii) Corrections: If, because of a carrier's earlier or delayed departure or for other reasons, data reported pursuant to (ii) above are found to have been incorrect, such facts shall be set forth on Form DIB–635P (a) through (j) and corrected data shall thereafter be set forth on the appropriate Form DIB–634P (a) through (j).

(iv) Who shall file reports: For purposes of Section 376.3 only, in order to prevent duplication as well as to insure complete and accurate coverage of pending orders and shipments, the exporter as the principal party in interest in the export transaction will have the sole responsibility of reporting any and all information even though there may also be a U.S. order party involved. The exporter will have the sole responsibility of reporting the anticipated exports whether the exporter employs a freight forwarder to handle the shipping of the material or delivers the material to a carrier for export out of the country.

(v) The term "anticipated export(s)" as used herein and in the Reporting Forms means exports expected which are based upon accepted orders which are unfilled in whole or in part or upon other firm arrangements, such as exports for the exports own account on the basis of an order from the exporter's foreign affiliate or agent. It does not include merely hoped for orders or volume commitments without fixed price or fixed basis for price.

* * * * *

2. Supplement No. 1 to Part 376 is amended to add the following commodities:

Supplement No. 1 to Part 376

AGRICULTURAL COMMODITIES SUBJECT TO MONITORING

A. Schedule B Number	B. Commodity Description	C. Report Unfilled Orders as of:	D. Initial Report Due By:	E. Subsequent Reports Beginning:
	GROUP X - OTHER AGRICULTURAL COMMODITIES			
263.1011	American - Egyptian and Sea Island domestic raw cotton (Report both running bales (Rbs) and pounds (lb.))	July 5, 1973	July 13, 1973	July 16, 1973
263.1021	Upland domestic raw cotton, staple length 1 1/8 inches and over (U.S. official standard) (Report both running bales (Rbs) and pounds (lb.))	July 5, 1973	July 13, 1973	July 16, 1973
263.1031	Upland domestic raw cotton, staple length 1 inch (U.S. official standard) (Report both running bales (Rbs) and pounds (lb.))	July 5, 1973	July 13, 1973	July 16, 1973
263.1031	Upland domestic raw cotton, staple length 1 1/32 inches (U.S. official standard) (Report both running bales (Rbs) and pounds (lb.))	July 5, 1973	July 13, 1973	July 16, 1973
263.1031	Upland domestic raw cotton, staple length 1 1/16 up to 1 1/8 inches (U.S. official standard) (Report both running bales (Rbs) and pounds (lb.))	July 5, 1973	July 13, 1973	July 16, 1973
263.1041	Upland domestic raw cotton, staple length under 1 inch, (U.S. official standard) (Report both running bales (Rbs) and pounds (lb.))	July 5, 1973	July 13, 1973	July 16, 1973
263.1051	Raw cotton, foreign, reexported (Identify by staple length and country of origin) (Report both running bales (Rbs) and pounds (lb.)	July 5, 1973	July 13, 1973	July 16, 1973
263.3020	Cotton card strips (report in pounds (lb.))	July 5, 1973	July 13, 1973	July 16, 1973
263.3030	Cotton comber waste (report in pounds (lb.))	July 5, 1973	July 13, 1973	July 16, 1973
263.4000	Cotton, carded or combed (lops, sliver, and roving) (report in pounds (lb.))	July 5, 1973	July 13, 1973	July 16, 1973

[FR Doc.73-14317 Filed 7-10-73;11:29 am]

Proposed Rules

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

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[21 CFR Part 308]

BARBITURIC ACID DERIVATIVES AND SALTS

Proposed Transfer From Schedule III to Schedule II; Extension of Comment Period

A notice was published in the FEDERAL REGISTER on May 31, 1973 (28 FR 14289) proposing the transfer of amobarbital, butabarbital, cyclobarbital, heptabarbital, pentobarbital, probarbital, secobarbital, talbutal, and vinbarbital, and their salts, from Schedule III to Schedule II of the Controlled Substances Act.

Due to a delay in publication of the notice, less than 30 days was provided during which interested persons could comment. In order to correct this situation, the Director of the Bureau of Narcotics and Dangerous Drugs ordered an extension of time for filing comments to July 3, 1973. Because of additional delays in publication, a notice of extension was not published in the FEDERAL REGISTER until July 3, 1973, thereby rendering the extension ineffective. In order to provide adequate time for additional comments, the Administrator of the Drug Enforcement Administration, successor agency to the Bureau of Narcotics and Dangerous Drugs, hereby extends the time for filing until July 18, 1973.

All comments, objections, or requests for hearings must be received no later than July 18, 1973. In the event a hearing is held, the date of the hearing will be August 2, 1973, at 10:00 a.m., in Room 1210, 1405 Eye Street NW., Washington, D.C. 20537.

Dated: July 6, 1973.

JOHN R. BARTELS, Jr.,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.73-14216 Filed 7-10-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 917]

FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Notice of Proposed Rulemaking

This notice invites written comments relative to the continuation of Pear Regulation 3 (§ 917.432; 38 FR 17182). This regulation requires that all California Bartlett Max-Red Bartlett, Red Bartlett, anl Rosired Bartlett variety pears shipped in interstate commerce grade at least U.S. Combination, with not less than 80 percent grading U.S. No. 1 grade. It also requires that such pears be not smaller than 165 size, except that not to exceed 5.263 percent may be smaller but not smaller than 180 size, and provides that containers of such pears shall be marked with the variety name or the words "unknown variety". The Pear Commodity Committee, in proposing continuance, reflected that in order to assure consumers of an appropriate supply of quality fruit during 1973 such regulation should encompass the entire shipping and harvesting season for California Bartletts.

Consideration is being given to the following proposal, submitted by the Pear Commodity Committee, established pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal is to amend § 917.432 (Pear Regulation 3; 38 FR 17182) to continue the effective period of such regulation through July 31, 1974. Unless so amended the regulation would end August 4, 1973.

As proposed to be amended § 917.432 paragraph (a) would read as follows:

§ 917.432 Pear Regulation 3.

(a) *Order.* During the period July 5, 1973 through July 31, 1974, no handler shall ship:

* * * * *

Dated: July 5, 1973.

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

[FR Doc.73-14072 Filed 7-10-73;8:45 am]

Commodity Exchange Authority

[17 CFR Part 1]

CONTRACT MARKET RULE ENFORCEMENT

Proposed Requirements

Notice is hereby given in accordance with administrative procedure provisions of 5 U.S.C. 553 that the Secretary of Agriculture, pursuant to the authority of Sections 5a and 8a of the Commodity Exchange Act (7 U.S.C. 7a and 12a), is considering adding a new § 1.51 to Part 1 of the regulations under the Commodity Exchange Act (17 CFR Part 1) to read as set forth below. The purpose of the proposed regulation is to set forth the requirements for programs by the contract markets for enforcement of the provisions of the Act specified below and of their bylaws, rules, regulations, and resolutions referred to therein. Some contract markets are maintaining a passive attitude toward such enforcement while others are failing to diligently seek out violations in certain areas.

§ 1.51 Contract market program for enforcement.

(a) Each contract market shall use due diligence in maintaining a continuing affirmative action program to secure compliance with all of the provisions of sections 5, 5a, 5b, 6(a) and 6b of the Act (7 U.S.C. 7, 7a, 7b, 8, 13a) and with all of the contract market's bylaws, rules, regulations and resolutions referred to therein. Such program shall include:

(1) Surveillance of market activity for indication of possible congestion or other market situation conducive to possible price distortion;

(2) Surveillance of trading practices on the floor of such contract market;

(3) Examination of the books and records kept by contract market members relating to their business of dealing in commodity futures and cash commodities;

(4) Investigation of complaints received from customers concerning the handling of their accounts or orders;

(5) Investigation of all other alleged or apparent violation of such bylaws, rules, regulations and resolutions; and

(6) Such other surveillance, record examination and investigation as is necessary to enforce such bylaws, rules, regulations and resolutions; and

(7) A procedure which results in the taking of prompt, effective disciplinary action for any violation which is found to have been committed.

(b) Each contract market shall keep full, complete, and systematic records which will clearly set forth all action taken as a part of, and as a result of, its program required under paragraph (a) of this section.

If any interested person desires a hearing with reference to this proposed regulation, he should make a request to that effect stating the reasons therefor, addressed to the Administrator, Commodity Exchange Authority, U.S. Department of Agriculture, Washington, D.C. 20250, on or before August 27, 1973.

Written statements with reference to the subject matter of this proposal may be submitted by an interested person. Such statements should be mailed to the

Administrator of the Commodity Exchange Authority prior to August 27, 1973.

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

Issued: July 5, 1973.

ALEX C. CALDWELL,
Administrator,
Commodity Exchange Authority.

[FR Doc.73-14071 Filed 7-10-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-NW-10]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the description of the Burley, Idaho control zone and transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Operations, Procedures and Airspace Branch, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108. All communications received on or before August 10, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration.

The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108.

A new RNAV Runway 20 straight-in approach has been developed for the Burley Municipal Airport, Burley, Idaho. In order to provide controlled airspace to protect aircraft executing this procedure, it is necessary to alter the Burley, Idaho control zone and transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes the following airspace action:

In § 71.171 (38 FR 351) the description of the Burley, Idaho control zone is amended by adding the following: "* * * and within 1.5 miles each side of the 036 degree bearing from the Burley Municipal Airport extending from the 5-mile radius zone to 8 miles northeast of the airport."

In § 71.181 (38 FR 435) the description of the Burley, Idaho transition area is amended to read as follows:

BURLEY, IDAHO

That airspace extending upward from 700 feet above the surface within 5.5 miles each side of the Burley VORTAC 121 degree radial, extending from the VORTAC to 27 miles southeast of the VORTAC; within 5.5 miles each side of the Burley VORTAC 292 degree radial extending from the VORTAC to 17 miles west of the VORTAC; within 4.5 miles each side of the Burley VORTAC 344 degree radial extending to the north edge of V-500; and within 2.5 miles southeast and 6 miles northwest of the 036 degree bearing from the Burley Municipal Airport, extending to 9.5 miles north of the Burley Municipal Airport; and that airspace extending upward from 1200 feet above the surface within 8 miles south of the Burley VORTAC 074° radial extending from the VORTAC 19 miles east; within 10 miles southeast of the 223° radial extending from the VORTAC 19 miles southwest; that airspace southeast of Burley bounded on the north by V-4, on the southeast by a 33.5 mile arc centered on the Burley Airport, on the southwest by northeast edge V-101; that airspace northeast of Burley bounded on the north by V-500, on the east by an arc of a 23 mile radius circle centered on Pocatello, Idaho VORTAC, on the south by V-269 and on the west by V-365; and that airspace north of Burley bounded on the west by a line parallel to and 8 miles northwest of the centerline of V-365 extending from the Burley VORTAC to the south edge of V-500.

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

Issued in Seattle, Wash., on July 2, 1973.

J. H. TANNER,
Acting Director,
Northwest Region.

[FR Doc.73-14028 Filed 7-10-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-GL-31]

TRANSITION AREA

Proposed Alteration

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

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before August 10, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A new public VOR instrument approach procedure has been developed for the Sheboygan County Memorial Airport. In addition, the criteria for designation of transition areas have been changed. Accordingly, it is necessary to alter the Sheboygan, Wisconsin transition area to adequately protect the aircraft executing the new approach procedure.

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

In § 71181 (38 FR 435), the following transition area is amended to read:

SHEBOYGAN, WISC.

That airspace extending upward from 700 feet above the surface within an 8 mile radius of Sheboygan County Memorial Airport (latitude 43°46'18" N., longitude 87°51'08" W.).

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

Issued in Des Plaines, Ill., on June 28, 1973.

LYLE K. BROWN,
Director, Great Lakes Region.

[FR Doc.14029 Filed 7-10-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-GL-30]

TRANSITION AREA

Proposed Designation

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

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before August 10, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this

time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A new public use instrument approach procedure has been developed for the Wilmington Industrial Airport, Wilmington, Ohio based on a non-federal NDB. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Wilmington, Ohio. The new procedure will become effective concurrently with the designation of the transition area.

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

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

WILMINGTON, OHIO

That airspace extending upward from 700 feet above the surface within a 10 mile radius of the Wilmington Industrial Airport (latitude 39°25'45" N., longitude 83°48'00" W.).

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

Issued in Des Plaines, Ill., on June 22, 1973.

HAROLD W. POGGEMEYER,
Acting Director,
Great Lakes Region.

[FR Doc.73-14030 Filed 7-10-73;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 250]

[Docket No. 25592; EDR 248-A]

FOREIGN AIR CARRIERS

Priority Rules, Denied Boarding Compensation Tariffs and Reports of Unaccommodated Passengers

The Board, by circulation of notice of proposed rule making EDR-243, dated June 4, 1973 (38 FR 15085, June 8, 1973), gave notice that it had under consideration the adoption of amendments to Part 250 of the Economic Regulations (14 CFR Part 250) to expand the part so as to encompass foreign air carriers holding a permit issued by the Board pursuant to section 402 of the Act. Interested persons were invited to participate by submission of twelve (12) copies of written data, views or arguments pertaining thereto to the Docket Section of the Board on or before July 9, 1973.

Counsel for Iberia Airlines and Alitalia have requested an extension of the time for filing comments until July 23, 1973, and counsel for British Overseas Airways Corporation has requested an extension until July 30, 1973. These requests state that the carriers are presently considering the Board's proposed rule, but that they require additional time beyond the present deadline.

The undersigned finds that good cause has been shown for an extension of time for filing comments until July 23, 1973.

Accordingly, pursuant to the authority delegated in § 385.20(d) of the Board's Organization Regulations, the undersigned hereby extends the time for submitting comments to July 23, 1973.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324).

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel,
Rules and Rates.

[FR Doc.73-14112 Filed 7-10-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1005]

[Ex parte 263 (Sub-No. 2)]

LOSS AND DAMAGE CLAIMS

Net Weights for Determining Losses

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 20th day of June, 1973.

By notice dated March 19, 1973, and published in the FEDERAL REGISTER on March 28, 1973 (38 FR 8108), it was stated that a petition had been filed by Louis Padnos Iron & Metal Company seeking the institution of an investigation into the lawfulness of the practice of certain railroads in utilizing a comparison of gross weights to determine the extent of loss on shipments of scrap iron and steel. The petition was docketed for administrative handling as No. 35767, Louis Padnos Iron & Metal Co.—Petition for Investigation of Practices of Rail Carriers Respecting Handling of Loss Claims on Scrap Iron and Steel. As stated below, we have decided to institute an investigation as requested; however, we have also decided to consider the advisability of prescribing rules and regulations governing the voluntary disposition of loss claims. Therefore, we have docketed the proceeding with the number and title captioned above.

In the notice, we advised that petitioner asserts that it is entitled to reimbursement of its "full and actual loss", pursuant to section 20(11) of the Interstate Commerce Act and that such loss lawfully should be measured by the difference between origin and destination net weights. Petitioner states that it is the practice of certain railroads to pay only those claims for loss established by a comparison of gross weights.

In the past, we have had occasion to consider several matters which are necessarily connected with this petition. For example, as long ago as 1913, In re Weighing of Freight by Carrier, 28 I.C.C. 7, it was noted that inaccuracies in weighing can result in discrimination between shippers as much as do differences in rates themselves. Cognizance was taken there of the fact that accuracy in the matter of weight in connection with claims for loss becomes of increasing importance in proportion to the value of the article being transported. A prolific source of error in ascertaining correct weights was found to be improper tare weights stenciled upon cars, but it was also stated to be of great importance that cars were being delivered for loading which contain foreign substances (thereby increasing the "light" weight of the car.)

More recently, in Consignees' Obligation to Unload, 340 I.C.C. 405, we found that Rule 27 of the Uniform Freight Classification imposes upon consignees the obligation of unloading railcars with exceptions. The carriers are on notice that cars not completely unloaded must either be left on demurrage or pulled under rates for the transportation of refuse. However, petitioner has, in other representations before this Commission, given reason to believe that such is not always the case with respect to cars used for the movement of scrap iron and steel.

In Loss and Damage Claims, 340 I.C.C. 515, we determined that we have the requisite authority to prescribe rules and regulations governing the voluntary processing of loss and damage claims. While we could proceed to consider the advisability of detailed rules with respect to weighing and to completion of unloading, we believe that, if warranted, a simple rule requiring the settlement of loss claims to be based upon a comparison of net weights will best accomplish the protection of the public interest. However, if it should later appear that the proceeding should be broadened for the consideration of more detailed rules, we will take under advisement the possibility of prescribing a net-weight rule on an interim basis pending the completion of more detailed proceedings.

Wherefore, and for good cause:

It is ordered, That, to the extent indicated below, the petition be, and it is hereby, granted; and that, in all other re the petition be, and it is hereby, denied.

It is further ordered, That, upon petition and the Commission's own motion, pursuant to the authority of the National Transportation Policy (49 U.S.C. proceeding section 1) parts I, II, III, and IV of the Interstate Commerce Act (49 U.S.C. 1, 301, 901, and 1001, et seq.), including more specifically sections 1, 2, 3, 6, 12, 13, 15, and 20; 204, 208, 216, 217, 218, 219, and 220; 304, 305, 306, 307, 313, 315, and 316; 403, 404, 405, 406, 409, 412, 413, and 417; and as may be applicable, sections 553, 556, 557, and 599 of the Administrative Procedure Act (5 U.S.C. § 551, et seq.): (a) an investigation be, and it is hereby, instituted into the lawfulness of the practice of common

carriers of determining their liability for the loss of scrap iron and steel by a comparison of gross weights at origin and destination; and (b) a rulemaking proceeding be, and it is hereby, instituted for the purpose of considering the following addition to the Commission's rules and regulations governing the voluntary disposition of loss and damage claims and processing salvage, 49 CFR Part 1005, et seq.:

§ 1005.7 Weight as a measure of loss.

Where weight is used as a measure of loss, the settlement of claims shall be based upon a comparison of net weights at origin and destination.

It is further ordered, That all common carriers subject to the Interstate Commerce Act be, and they are hereby, made respondents to this proceeding.

It is further ordered, That any person other than those who responded to the notice issued in connection with No. 35767 intending to participate in this proceeding shall notify this Commission by filing with the Commission's Office of Proceedings, Room 5342, 12th Street and Constitution Avenue, N.W., Washington, D.C., 20423, on or before July 31, 1973, an original and one copy of a statement of his intention to participate; and that a revised service list shall then be prepared and made available to persons responding to this order and to the notice issued in connection with No. 35767, containing the names and addresses of all parties to this proceeding, upon whom copies of all pleadings must be served; thereafter, the nature of further proceedings will be designated.

And it is further ordered, That notice of this proceeding be given by posting a copy in the office of the Commission's Secretary for public inspection and by delivering a copy to the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested parties.

This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Evironmental Policy Act of 1969.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-14131 Filed 7-10-73;8:45 am]

Notices

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

DEPARTMENT OF STATE

[Public Notice CM-43]

STUDY GROUP 8 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Notice of Meeting

The Department of State announces that Study Group 8 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on July 31, 1973, at 9:30 a.m. in the theatre (first floor), COMSAT Building, 950 L'Enfant Plaza South, SW., Washington, D.C. Study Group 8 studies matters relating to systems of radio communications and radiodetermination for the mobile services. The agenda for the meeting will include consideration of draft documents being developed as proposed contributions by the U.S. to the international meeting of Study Group 8 in 1974.

Members of the general public who desire to attend the meeting on July 31 will be admitted up to the limit of the capacity of the meeting room. Entry to the COMSAT Building will be facilitated if arrangements are made in advance of the meeting. Therefore, it is suggested that prior to July 31, 1973, members of the general public who plan to attend the meeting should inform their name, affiliation and address to Mr. Raymond E. Simonds (Chairman, U.S. Study Group 8), RCA Frequency Bureau, 2000 L Street, NW., Washington, D.C. 20036; the telephone number is Area Code 202, 659-3320.

Dated July 2, 1973.

GORDON L. HUFFCUTT,
Chairman,
U.S. National Committee.

[FR Doc.73-14034 Filed 7-10-73;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Order No. 175-5]

OFFICE OF INDUSTRIAL ECONOMICS

Transfer to Assistant Secretary for Tax Policy

Correction

In FR Doc. 73-11979 appearing on page 15741 in the issue of Friday, June 15, 1973, the Treasury Order Number should read as set forth above in brackets.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

PROVISIONAL OUTER CONTINENTAL SHELF LEASING

Proposed Schedule

JULY 5, 1973.

Pursuant to the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U.S.C. 1331-1343) and the regulations issued thereunder (43 CFR 3301.2), notice is hereby given that a proposed schedule of provisional Outer Continental Shelf (OCS) oil and gas lease sales has been prepared by the Department of the Interior. A copy of this schedule follows.

The revised proposed sale schedule provides for three sales per year and mainly consists of sales in the Gulf of Mexico. In accordance with the President's April 18, 1973, Energy Message to Congress, sales offshore California and beyond the 200 meter isobath have also been included.

This schedule is intended to give notice to all interested parties of possible leasing actions. A decision whether to hold any of the lease sales listed will not be made until completion of all necessary studies of the environmental impact and the holding of public hearings; as a result of the environmental, technical and economic studies employed in the decision-making process, a decision may, in fact, be made not to hold any sale shown on this schedule. Moreover, the holding of the Cook Inlet Sale will be contingent upon the outcome of pending litigation with Alaska regarding jurisdiction of this area.

Copies of the proposed leasing schedule may be obtained from (1) the Director, Bureau of Land Management (Attn: 393), Washington, D.C. 20240, or from (2) the Manager, Gulf OCS Office, Bureau of Land Management, Suite 3200, 1001 Howard Avenue, New Orleans, Louisiana 70113.

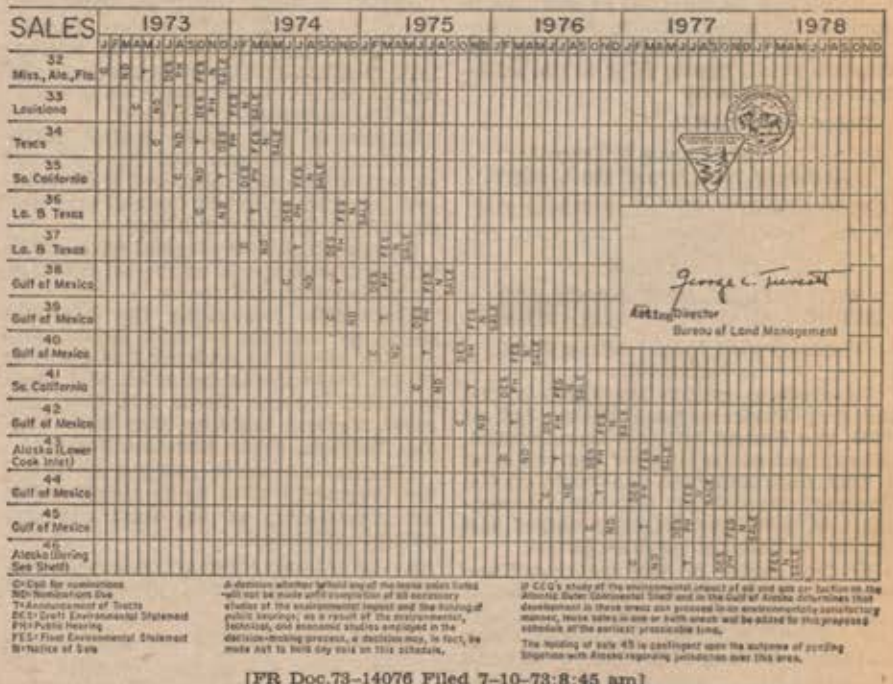
Interested parties may submit comments concerning the tentative schedule to the Director, Bureau of Land Management (Attn: 393), Washington, D.C. 20240.

GEORGE L. TURCOTT,
Acting Director,
Bureau of Land Management.

Approved:

JOHN C. WHITAKER,
Acting Secretary of the Interior.

PROPOSED SCHEDULE - PROVISIONAL OCS LEASING — July 1973



[FR Doc.73-14076 Filed 7-10-73;8:45 am]

Office of the Secretary

[INT FES 73-34]

PROPOSED CARSON CITY-LAKE TAHOE POWER TRANSMISSION LINE

Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Bureau of Outdoor Recreation of the Department of the Interior has prepared a final environmental statement on the proposal by Sierra Pacific Power Company to construct 16 miles of 120KV power transmission line from Carson City, Nevada to Incline Village, Lake Tahoe, through Nevada', Lake Tahoe State Park. Because the park is a federally assisted Land and Water Conservation Fund project, the approval of the Secretary of the Interior is needed for conversion of certain parklands to a non-related park use.

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

Office of Communications, Department of the Interior, Room 7229, Washington, D.C. 20240, Telephone (202) 343-9383

Office of Information, Bureau of Outdoor Recreation, Department of The Interior, Room 4225, Washington, D.C. 20240, Telephone (202) 343-6020

Office of the Regional Director, Bureau of Outdoor Recreation, 450 Golden Gate Avenue, San Francisco, California 94102

State Clearinghouse, Chief, Budget Division, Department of Administration, Blasdel Building, Carson City, Nevada 89701

Metropolitan Clearinghouse, Washoe County Regional Planning Commission, P.O. Box 1286, Reno, Nevada 89504

Regional Clearinghouse, Tahoe Regional Planning Agency, P.O. Box 869, South Lake Tahoe, California 95705

Copies may be obtained by writing the National Technical Information Service, Department of Commerce, Springfield, Virginia 22151. Please refer to the statement number above.

Dated: July 3, 1973.

LAURENCE E. LYNN Jr.,
Assistant Secretary of the Interior.

[FR Doc.73-14077 Filed 7-10-73;8:45 am]

[INT FES 73-35]

WILD FREE-ROAMING HORSE AND BURRO MANAGEMENT REGULATIONS

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management, Department of the Interior, has prepared a final environmental statement on the proposed regulations for the management of wild free-roaming horses and burros on national resource lands.

Review copies of the statement are available for inspection in Room 5643 of the Interior Building, 18th and C Streets NW., Washington, D.C., and in all State and District Offices of the Bureau of Land Management. A limited supply of sale copies is also available at $3.00 per copy, from the Director (130), Bureau of Land Management, U.S. Department of the Interior, Washington, D.C. 20240. Other copies will be placed on sale when printed by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, at a price to be announced.

LAURENCE E. LYNN Jr.,
Assistant Secretary of the Interior.

JULY 3, 1973.

[FR Doc.73-14078 Filed 7-10-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

BRYANT SWAMP WATERSHED PROJECT, N.C.

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental statement for the Bryant Swamp Watershed Project, Bladen County, North Carolina, USDA-SCS-ES-WS-(ADM)-73-19(D).

The environmental statement concerns a plan for watershed protection, flood prevention, and drainage. The planned works of improvement include conservation land treatment, 22.9 miles of channel modification and 6 grade-control structures.

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

Soil Conservation Service, USDA, South Agriculture Building Room 5227, 14th and Independence Avenue, SW., Washington, D.C. 20250

Soil Conservation Service, USDA, Room 544, Federal Building, New Bern Avenue, Raleigh, North Carolina 27611

Copies of the draft environmental tional Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please use name and number of statement above when ordering. The estimated cost is $3.50.

Copies of the draft environmental statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Jesse L. Hicks, State Conservationist, Soil Conservation Service, Room 544, P.O. Box 27307, Federal Building, New Bern Avenue, Raleigh, North Carolina 27611.

Comments must be received on or before August 28, 1973, to be considered in the preparation of the final environmental statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated June 29, 1973.

JOSEPH W. HAAS,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.73-14032 Filed 7-10-73;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

FLORIDA 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 (Public Law 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: 37-00294-01-59800. Applicant: Florida State University, Department of Chemistry, Tallahassee, Fla. 32306. Article: Flash Photolysis Apparatus Type FP-2R. Manufacturer: Northern Precision Co., Ltd., United Kingdom. Intended use of article: The article is intended to be used in flash-kinetic-spectroscopy studies of the triplet decay characteristics of flexible organic molecules. The functioning of those molecules as acceptors and donors of triplet excitation is to be determined using the same technique. In these experiments a very intense flash of light is used to excite the molecules to higher electronically excited states. The article will also be used in undergraduate and graduate level courses to introduce students to advanced laboratory techniques in specialized areas of chemistry as well as to supervise independent and original research by students as part of the requirements for graduation with honors at the BA and BS level and the obtention of Masters or Ph.D. degrees.

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 applicant's study of triplet excited states of flexible organic molecules at liquid nitrogen temperatures requires a minimum flash duration, highest flash energy and a vertical geometry to accommodate the dewar flask cooling the sample cell. The foreign article provides a 30 microsecond flash width at half peak height at an energy of 1000 joules and the needed vertical cell geometry. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated June 8, 1973 that the combination of capabilities described above are pertinent to the purposes for which the article is intended to be used. HEW also advised that it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which the 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.

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

[FR Doc.73-14079 Filed 7-10-73;8:45 am]

UNIVERSITY OF CALIFORNIA

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 (Public Law 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: 73-00377-01-77030. Applicant: University of California, at San Diego, Department of Chemistry, Post Office Box 109, La Jolla, CA 92037. Article: NMR Spectrometer system, Model PS-100 with variable temperature controller, automatic "Y" gradient control unit, and Carbon-13 Fourier transform system. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for physical, chemical, dynamic and structural studies on organic, inorganic and polymeric materials. Nmr studies of ^{1}H, ^{19}F, ^{13}C and ^{31}P will be carried out, including the following projects:

(a) Measurements of chemical shifts and coupling constants as functions of temperature, concentration, and solvent.

(b) Temperature dependent studies of both T_1 and T_2 for the above nuclei, including 180-t-90 and Carr-Purcell pulse sequences.

(c) Determination of reaction rates by lineshape analysis as a function of temperature.

(d) Broadline nmr studies on polymeric solids to determine linewidths, second moments, and lineshapes as a function of temperature.

(e) Nuclear Overhauser experiments as an aid to spectral analysis and a quantitative measure of spin-lattice cross relaxation.

(f) Measurement of very small coupling constants, ca. 0.05 Hz, by spin echo spectroscopy (Fourier transformation of modulated Carr-Purcell spin echo decays).

(g) Studies of transverse cross relaxation and its effect on the pulse spacing dependence of apparent T_2 value in Carr-Purcell experiments.

(h) Generation and testing of new pulse sequences, such as the phase alternated θ pulse sequence, which yields spectra with scaled chemical shifts.

(i) Extension of studies to ^{15}N relaxation as soon as economically feasible.

The article will also be used to train graduate and postdoctoral students in both FT and CW nmr spectroscopy.

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

Decision: Application approved. No instrument or apparatus or 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 provides the capability for variable radio frequency (rf) phase. The most closely comparable domestic instrument, the Model XL-100 System, manufactured by Varian Associates (Varian) does not provide the capability for variable rf phase. The National Bureau of Standards advised in its memorandum dated June 8, 1973 that the capability for variable rf phase is pertinent to the applicant's intended research purposes.

For these reasons, we find the Model XL-100 System is not 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.

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

[FR Doc.73-14080 Filed 7-10-73;8:45 am]

National Oceanic and Atmospheric Administration

FOUKE CO.

Economic Hardship Exemption Application and Hearing

Notice is hereby given that the following named corporation has filed an application for exemption from the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361, 86 Stat. 1027 (1972)) on grounds of undue economic hardship as authorized by Section 101(c) of the Act, and § 216.13 of the Interim Regulations Governing the Taking and Importing of Marine Mammals (37 FR 28177, 28182, December 21, 1972) for the importation of marine mammal skins as hereinafter described for the purposes stated.

The Fouke Company, Route 1, P.O. Box 168, Whitehorse Road, Greenvillie, South Carolina 29611, seeks to import from the Republic of South Africa as many as 70,000 raw skins of Cape seals (*Arctocephalus pusillus*) for processing and subsequent sale at public auction.

The applicant states, inter alia, that: (1) The skins would be from animals taken during June, July and August, 1973 in the Republic of South Africa during the annual harvest from seal herds managed under conservation programs administered by the Government of the Republic of South Africa, and would be imported into the United States between the time of taking and October 21, 1973.

(2) The skins would be processed into finished fur seal pelts for sale to professional fur buyers at the Applicant's facility in Greenville, South Carolina.

(3) If the exemption is not granted, the Applicant will suffer undue economic hardship in that he will be deprived of over 50 percent of his business for the year. An immediate result of this would be a higher unit cost to the Applicant for the processing of skins for other suppliers which would jeopardize existing contracts with those suppliers. Longer range results would be the loss of the South African source of supply and, consequent upon the significant diminution of the Appplicant's business, the loss of all or a considerable portion of its peculiarly skilled work force. Cumulatively, these occurrences could force the Applicant out of business in the reasonably immediate future.

In order to solicit comments from the interested members of the public, notice is hereby given that a hearing will be held on the application described above beginning at 10:00 a.m. local time July 24, 1973, in the East Board Room, Greenville Chamber of Commerce, 24 Cleveland Street, Greenville, South Carolina.

Individuals and organizations may submit written comments for the official record to the Director, National Marine Fisheries Service, Washington, D.C. 20235, telephone 202-343-4543 or to the Regional Director, National Marine Fisheries Service, Southeast Region, William C. Cramer, Federal Office Building, 144 First Avenue South, St. Petersburg, Florida 33701, telephone 813-893-3141. Written comments will be accepted for the official record provided they are postmarked or received by midnight on August 7, 1973.

Documents submitted in connection with this application, other than confidential information, are available for inspection in the Office of the Director, National Marine Fisheries Service, Washington, D.C. and in the Office of the Regional Director, National Marine Fisheries Service, St. Petersburg, Florida. Any person wishing to comment on this application may write to either or both of these offices.

All statements and opinions contained in this notice in support of the application are those of the Applicant.

Dated: July 6, 1973.

ROBERT W. SCHONING,
Acting Director, National Marine Fisheries Service.

[FR Doc.73-14073 Filed 7-10-73;8:45 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the GSA Patent Licensing Regulations.

Copies of Patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22151, at the prices cited. Requests for copies of patent applications must include the PAT-APPL number and the title. Requests for licensing information should be directed to the address cited with each copy of the patent application.

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231, at $0.50 each. Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. ATOMIC ENERGY COMMISSION
Assistant General Counsel for Patents
Washington, D.C. 20545
PAT-APPL-157 139
Method for Measuring the Amount of Cold Working in a Stainless Steel Sample
Filed 28 June 71
PC$3.00/MF$0.95
PATENT—3,678,446
Coaxial Cable Connector
Filed 2 June 70, Patented 18 July 72
Not available NTIS
PATENT—3,698,890
Aluminum Alloy
Filed 13 Aug 70, Patented 17 Oct 72
Not available NTIS
PATENT—3,701,061
Radiofrequency Window Assembly Having Shielded Solder Joints and Reweldable Replacement Flanges
Filed 20 Oct 70, Patented 24 Oct 72
Not available NTIS
PATENT—3,702,420
Electrical Surge Diverting Connector
Filed 21 Dec 71, Patented 7 Nov 72
Not available NTIS

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
National Institutes of Health
Chief, Patent Branch
Westwood Building
Bethesda, Maryland 20014
PAT-APPL-354 099
A Topical Agent for Control of Post-Burn Evaporative Water and Calorie Losses
Filed 24 Apr 73
PC$3.00/MF$1.45
PATENT—3,726,597
Controlled Environment Culture System for Light Microscopy
Filed 9 Mar 72, Patented 10 Apr 73
Not available NTIS

U.S. DEPARTMENT OF THE INTERIOR
Branch of Patents
18th and C Street, N.W.
Washington, D.C. 20240
PATENT—3,730,781
Method of Improving Creep-Resistance of Alloys
Filed 8 Dec 71, Patented 1 May 73
Not available NTIS
PATENT—3,729,306
Purification of Rare-Earth Metals
Filed 28 Apr 69, Patented 24 Apr 73
Not available NTIS

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
Assistant General Counsel for Patent Matters
NASA—Code GP-2
Washington, D.C. 20546
PAT-APPL—350 250
Refractory Porcelain Enamel Passive Thermal Control Coating for High Temperature Alloys
Filed 11 Apr 73
PC$3.00/MF$1.45

[FR Doc.73-14025 Filed 7-10-73;8:45 am]

Office of the Secretary

ESTIMATES OF VOTING AGE POPULATION; JULY 1, 1972

In accordance with the requirements of the Federal Election Campaign Act of 1971 (P.L. 92-225), notice is hereby given that the population of voting age on July 1, 1972, for States, Congressional Districts, the District of Columbia, the Commonwealth of Puerto Rico, and the Territories of Guam and the Virgin Islands is as shown in the following table.

FREDERICK B. DENT,
Secretary of Commerce.

ESTIMATES OF THE POPULATION OF VOTING AGE FOR STATES, CONGRESSIONAL DISTRICTS, AND SELECTED OUTLYING AREA: JULY 1, 1972

(IN THOUSANDS)

State and Congressional District	Population 18 and over
UNITED STATES	139,172
Alabama	2,249
1	315
2	326
3	326
4	348
5	320
6	333
7	325
Alaska	194
Arizona	1,262
1	326
2	323
3	313
4	299
Arkansas	1,326
1	315
2	336
3	356
4	319
California	13,910
1	340
2	338
3	327
4	323
5	348
6	345
7	347
8	322
9	316
10	309
11	323
12	346
13	317
14	309
15	324
16	320
17	424
18	319
19	289
20	341
21	296
22	306
23	320
24	322
25	278
26	382
27	302
28	353
29	318
California—Con.	
30	342
31	307
32	355
33	320
34	287
35	304
36	300
37	322
38	298
39	337
40	346
41	307
42	348
43	333
Colorado	1,560
1	317
2	315
3	300
4	318
5	310
Connecticut	2,083
1	356
2	348
3	352
4	342
5	344
6	341
Delaware	369
District of Columbia	527
Florida	5,087
1	302
2	318
3	297
4	336
5	372
6	392
7	317
8	341
9	304
10	366
11	357
12	356
13	337
14	358
15	334
Georgia	3,067
1	292
2	296
3	289
4	321
5	305
6	322
7	316
8	302
9	321
10	303
Hawaii	526
1	264
2	262
Idaho	487
1	252
2	235
Illinois	7,508
1	301
2	299
3	315
4	309
5	302
6	336
7	273
8	307
9	373
10	316
11	338
12	297
13	303
14	300
15	311
16	296
17	306
18	316
19	309
20	319
21	323
22	323
23	298
24	337
Indiana	3,477
1	300
2	323
3	315
4	313
5	316
6	307
7	339
8	322
9	314
10	318
11	311
Iowa	1,924
1	322
2	312
3	318
4	327
5	330
6	316
Kansas	1,538
1	300
2	319
3	307
4	295
5	317
Kentucky	2,191
1	324
2	307
3	309
4	302
5	318
6	320
7	310
Louisiana	2,348
1	294
2	309
3	285
4	301
5	294
6	298
7	283
8	284
Maine	683
1	345
2	338
Maryland	2,697
1	332
2	342
3	345
4	333
5	328
6	349
7	314
8	335
Massachusetts	3,937
1	334
2	318
3	318
4	335
5	310
6	327
7	329
8	365
9	320
10	326
11	327
12	331
Michigan	5,876
1	307
2	317
3	313
4	313
5	304
6	320
7	293
8	303
9	305
10	320
11	326
12	302
13	299
14	320
15	306
16	312
17	317
18	298
19	301
Minnesota	2,542
1	312
2	322
3	299
4	312
5	342
6	314
7	324
8	319
Mississippi	1,426
1	278
2	273
3	284
4	288
5	303
Missouri	3,223
1	294
2	305
3	320
4	333
5	319
6	333
7	349
8	332
9	315
10	322
Montana	468
1	239
2	229
Nebraska	1,021
1	349
2	336
3	336
Nevada	347
New Hampshire	513
1	254
2	259
New Jersey	4,986
1	327
2	362
3	328
4	325
5	323
6	329

State and Congressional District	Population 18 and over
New Jersey—Con.	
7	323
8	334
9	342
10	317
11	351
12	335
13	322
14	341
15	326
New Mexico	657
1	339
2	318
New York	12,626
1	307
2	295
3	294
4	295
5	321
6	337
7	340
8	365
9	361
10	347
11	318
12	267
13	364
14	295
15	339
16	343
17	335
18	398
19	322
20	369
21	257
22	368
23	332
24	329
25	318
26	312
27	324
28	327
29	322
30	313
31	321
32	316
33	307
34	314
35	306
36	307
37	315
38	311
39	316
North Carolina	3,468
1	305
2	303
3	301
4	333
5	322
6	319
7	304
8	314
9	310
10	324
11	333
North Dakota	411
Ohio	7,130
1	313
2	301
3	312
4	304
5	307
6	307
7	306
8	309
9	312
10	323
11	296
12	316
13	300
14	314
15	325
16	311
17	305
18	320
Ohio—Continued	
19	316
20	305
21	294
22	320
23	315
Oklahoma	1,797
1	289
2	297
3	313
4	291
5	298
6	308
Oregon	1,487
1	385
2	366
3	362
4	374
Pennsylvania	8,174
1	326
2	318
3	309
4	344
5	328
6	339
7	318
8	317
9	323
10	338
11	342
12	327
13	328
14	331
15	337
16	319
17	333
18	327
19	326
20	314
21	323
22	330
23	333
24	323
25	320
Rhode Island	668
1	335
2	334
South Carolina	1,719
1	283
2	302
3	294
4	292
5	291
6	256
South Dakota	444
1	225
2	219
Tennessee	2,710
1	346
2	354
3	336
4	348
5	334
6	325
7	343
8	325
Texas	7,614
1	334
2	347
3	309
4	328
5	315
6	330
7	358
8	228
9	313
10	348
11	338
12	304
13	317
14	308
15	294
16	297
17	325
Texas—Continued	
18	297
19	312
20	305
21	325
22	299
23	303
24	323
Utah	690
1	344
2	345
Vermont	304
Virginia	3,182
1	312
2	303
3	322
4	302
5	317
6	329
7	334
8	309
9	329
10	322
Washington	2,310
1	341
2	322
3	331
Washington—Con.	
4	329
5	348
6	328
7	311
West Virginia	1,209
1	303
2	312
3	295
4	298
Wisconsin	2,965
1	320
2	339
3	339
4	333
5	339
6	327
7	331
8	319
9	316
Wyoming	226
OUTLYING AREAS	
Puerto Rico	1,619
Guam	45
Virgin Islands	42

[FR Doc.73-13896 Filed 7-10-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-640]

DIAMOND LABORATORIES, INC.

Tetracycline Hydrochloride Capsules; Notice of Drugs Deemed Adulterated

In an announcement in the FEDERAL REGISTER of July 8, 1970 (35 FR 10966, DESI 0012NV), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group on Tetrazon Capsules (marketed under the Myzon Laboratories label), Tetracycline Hydrochloride Capsules (marketed under the Trans-World label) and Tetra-D Capsules; marketed by Diamond Laboratories, Inc., 2358 Southeast 43d Street, Des Moines, IA 50304.

Said announcement provided the manufacturer and all interested parties a 6 month period in which to submit new animal drug applications for the above named products. Diamond Laboratories, Inc. submitted no new animal drug applications for these products.

Therefore, based on the information before him, the Commissioner concludes that the above named products are adulterated within the meaning of section 501(a)(5) of the Federal Food, Drug, and Cosmetic Act, in that they are not the subject of approved new animal drug applications pursuant to section 512 of the act. Notice is given to Diamond Laboratories, Inc. and all interested persons that effective July 23, 1973, all stocks of the above named drugs for use in animals within the jurisdiction of the Federal Food, Drug, and Cosmetic Act are deemed adulterated within the meaning of the act and are subject to appropriate regulatory action.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 501(a)(5), 512, 52 Stat. 1049, as amended, 82 Stat. 343-351; 21 U.S.C. 351(a)(5), 360b) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: July 2, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-14060 Filed 7-10-73;8:45 am]

[Docket No. FDC-D-639; NADA No. 9-370V]

NORDEN LABORATORIES, INC.

Purified Oxytocic Principal (Double Strength); Notice of Withdrawal of New Animal Drug Application

In the FEDERAL REGISTER of February 13, 1969 (34 FR 2146), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on Purified Oxytocic Principal (Double Strength), new animal drug application (NADA) No. 9-370V; marketed by Norden Laboratories, Inc., 601 West Cornhusker Highway, Lincoln, NB 68501.

Norden Laboratories, Inc. requested that approval of NADA No. 9-370V be withdrawn.

Based on the grounds set forth in said announcement and the firm's request, the Commissioner concludes that approval of said NADA should be withdrawn. 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), approval of NADA No. 9-370V, including all amendments and supplements thereto, is hereby withdrawn effective on July 23, 1973.

Dated: July 2, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-14059 Filed 7-10-73;8:45 am]

MANUFACTURERS AND DISTRIBUTORS OF PRESCRIPTION DRUGS

Drugs for Human Use Affected by Drug Efficacy Study Implementation; Permission for Certain Drugs to Remain on the Market

A notice was published in the FEDERAL REGISTER of December 14, 1972 (37 FR 26623) informing manufacturers and distributors of prescription drugs for human use of the future schedule for implementation of the drug efficacy study. That notice listed certain drugs, together with the justification of their medical need, which may remain on the market pending completion of scientific studies to determine effectiveness, and provided for future additions to or deletions from that list.

The notice of December 14, 1972 did not provide for any controlled release preparations to remain on the market pending completion of scientific studies. The Commissioner of Food and Drugs has been petitioned, as provided by said notice, to permit a controlled release form of the coronary vasodilator pentaerythritol tetranitrate to remain on the market pending completion of such studies. The Commissioner concludes that controlled release forms of peripheral and coronary vasodilators may remain on the market, on a product-by-product basis, pending completion of scientific studies which show, by appropriate methodology, that the product is released in a defined manner which would then permit well controlled clinical trials to determine effectiveness to be performed. It is required that the data from studies concerning product release be submitted to the Food and Drug Administration no later than November 1, 1973, in order to receive consideration under paragraph XIV of the court order prior to the date by which the Commissioner is required by paragraph V of the court order to take the next step in implementing the Drug Efficacy Study. Protocols for studies concerning product release may be discussed with the Division of Clinical Research (BD-220), Office of Scientific Coordination, Bureau of Drugs.

In the notice of December 14, 1972, paragraph 3, Group II PERIPHERAL VASODILATORS listed oral forms of cyclandelate, nicotinyl tartrate, dioxyline phosphate, and nylidrin hydrochloride as peripheral vasodilator which may remain on the market provided that scientific studies are undertaken. Other peripheral vasodilators were published as possibly effective July 11, 1972 (37 FR 13565) (DESI 6403); i.e., parenteral and standard oral forms of tolazoline hydrochloride, parenteral and standard oral forms of isoxsuprine hydrochloride, parenteral nylidrin hydrochloride, standard oral form of azapetine phosphate, and standard oral form of phenoxybenzamine hydrochloride. They were inadvertently omitted from the notice of December 14, 1972. The lists of coronary and peripheral vasodilators are amended to read as follows:

I. CORONARY VASODILATORS (ANTI-ANGINAL DRUGS) (SINGLE ACTIVE DRUG ENTITY)

Isosorbide dinitrate (sublingual forms and standard oral forms)
Mannitol hexanitrate (standard oral
Trolnitrate phosphate (standard oral form)
Pentaerythritol tetranitrate (standard oral form)
Dipyridamole (standard oral form)

forms)

ACTIVE DRUG ENTITY)

Cyclandelate (standard oral forms)
Nicotinyl tartrate (standard oral forms)
Nicotinyl alcohol (standard oral form)
Dioxyline phosphate (standard oral form)
Nylidrin hydrochloride (parenteral and standard oral forms)
Tolazoline hydrochloride (parenteral and standard oral forms)
Isoxsuprine hydrochloride (parenteral and standard oral forms)
Azapetine phosphate (standard oral form)
Phenoxybenzamine hydrochloride (standard oral form)

On or before September 10, 1973, persons interested in conducting clinical studies to determine effectiveness of coronary or peripheral vasodilators are required to notify the Administration of such intent and the date when such studies are expected to begin; and in the case of peripheral vasodilators, to submit protocols.

In the FEDERAL REGISTER of September 18, 1970 (35 FR 14629) (DESI 8173), the Food and Drug Administration published its conclusions concerning Benoquin (monobenzone) Lotion and Ointment stating that monobenzone was regarded as possibly effective for its labeled indications as a depigmenting agent. The Commissioner concludes that this drug should remain on the market pending additional scientific studies. Accordingly, a new section is added to the list of drugs which may remain on the market, to read as follows:

XIII. MONOBENZONE

A FEDERAL REGISTER announcement published September 18, 1970 (35 FR 14629) (DESI 8173) stated that Benoquin (monobenzone) Lotion and Ointment were regarded as possibly effective for their recommended uses in depigmentation. The NAS/NRC panel commented that the products should not be generally used in the conditions for which they are labeled; however that they may be of value in some patients who have small cosmetically disfiguring defects, and should be available to them. Since no alternative depigmenting agents are available, these preparations may remain on the market pending additional clinical studies to determine effectiveness.

Every manufacturer or distributor of monobenzone lotion or ointment who intends to, but has not already begun studies required to determine effectiveness, or who has begun studies but has not yet discussed the protocols with the Food and Drug Administration, is required to communicate with the Division of Anti-Infective Drug Products (BD-140), Office of Scientific Evaluation, Bureau of Drugs on or before September 10, 1973, to discuss and agree to undertake the studies necessary to justify continued marketing of the product.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 701, 52 Stat. 1052-1053, as amended; 21 U.S.C. 355, 371), the Administrative Procedure Act (5 U.S.C. 553, 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: July 2, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-14061 Filed 7-10-73;8:45 am]

SCIENCE ADVISORY BOARD OF THE NATIONAL CENTER FOR TOXICOLOGICAL RESEARCH

Notice of Establishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776), the Food and Drug Administration announces the establishment by the Secretary, DHEW, on June 2, 1973, of the following public advisory committee:

Designation. Science Advisory Board of The National Center for Toxicological Research.

Purpose. The board will (1) advise the Director, National Center for Toxicological Research, in establishing and implementing a research program that will assist the Commissioner of Food and Drugs and the Administrator, Environmental Protection Agency, in fulfilling their regulatory responsibilities; and (2) provide the extra-agency review in assuring that research programs and methodology development at National Center for Toxicological Research are scientifically sound and pertinent to environmental problems.

Authority for this board will expire June 2, 1974, unless the Secretary, DHEW, formally determines that continuance is in the public interest.

Dated: July 3, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-14058 Filed 7-10-73;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Notice of Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463) that the National Advisory Council on Indian Education will hold two meetings in July, 1973. Firstly, the National Council subcommittee on Talent Search will be held at the Cosmopolitan Hotel, 18th and Broadway, Denver, Colorado on July 12, 13, and 14 from 8:00 a.m. to 5:00 p.m. daily, local time. Secondly, the full membership of the National Council will be held at the San Francisco Hilton Hotel, Mason and O'Farrell, San Francisco, California on July 26, 27 and 28 from 8:00 a.m. to 7:00 p.m. daily, local time.

This Council was established on June 23, 1972, by the Indian Education Act, title IV, section 442(a) of Public Law 92-318, the Education Amendments of 1972. The Council is to advise the Commissioner of Education with respect to the administration of any programs in which Indian children or adults participate or from which they can benefit; review applications for assistance and make recommendations to the Commissioner with respect to their approval; evaluate programs and projects carried out under any program of the Department of Health, Education and Welfare in which Indian children or adults can

participate or from which they can benefit, and disseminate the results of such evaluations; provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations; assist the Commissioner in developing criteria and regulations for the administration and evaluation of grants; and submit to the Congress an annual report of its activities.

The meeting of the Council or subcommittees thereunder, shall be open to the public. The agenda for the proposed meeting of the Subcommittee Talent Search involves the reviewing of applications and interviewing candidates for the Executive Directorship position of the Council, and setting up procedures for selecting a list of nominees for Deputy Commissioner of Indian Education position to submit to the Council in preparation to making recommendations to the U.S. Commissioner of Education.

The agenda of the National Council meeting involves reports of the Talent Search Committee, budget committee, legislative committee on 1974 funding, location of the National Council Headquarters and an overall Council review of the system for reviewing proposals by Council members.

Because of limited space for the meeting, all persons wishing to attend should request reservations from the National Advisory Council on Indian Education, room 4032, U.S. Office of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202, phone 202-963-4894.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on Indian Education temporarily located at the Washington address above.

Signed at Washington, D.C. on July 6, 1973.

FRANK B. MCGETTRICK,
Acting Deputy Commissioner on Indian Education.

[FR Doc.73-14103 Filed 7-10-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-104]

ILLINOIS

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Illinois, dated April 27, 1973, and published May 3, 1973 (38 FR 11013), amended May 4, 1973, and published May 10, 1973 (38 FR 12260); amended May 14, 1973, and published May 18, 1973 (38 FR 13063); and amended May 30, 1973, and published June 5, 1973 (38 FR 14800), is hereby further amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 26, 1973:

The County of:
Johnson

Dated: July 5, 1973.

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

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.73-14066 Filed 7-10-73;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS ARKANSAS NUCLEAR ONE, UNIT ONE, SUBCOMMITTEE MEETING

Notice of Meeting

JULY 9, 1973.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Arkansas Nuclear One, Unit One, will hold a meeting on July 26, 1973, in Room 1046, 1717 H Street, NW., Washington, D.C. The purpose of this meeting will be to review the application of the Arkansas Power and Light Company for a license to operate Unit One, which is located near Russellville, Arkansas.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

THURSDAY, JULY 26, 1973, 9:30 A.M.-3:30 P.M.

Review of the application for an operating license (presentations by the AEC Regulatory Staff and Arkansas Power and Light Company and its consultants, and discussions with these groups).

In connection with the above agenda item, the Subcommittee will hold an executive session at 8:30 a.m. which will involve a discussion of its preliminary views, and an executive session at the end of the day, consisting of an exchange of opinions of the Subcommittee members and internal deliberations and formulation of recommendations to the ACRS. In addition, prior to the executive session at the end of the day, the Subcommittee may hold a closed session with the Regulatory Staff and Applicant to discuss privileged information relating to plant security, nuclear fuel design, and the analysis of containment pressure transients, if necessary.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the executive sessions at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommedations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b); and that a closed session may be held, if necessary, to discuss certain documents which are privileged, and fall within exemption (4) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect such privileged information and to protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than July 19, 1973, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon the application for an operating license and related documents which are on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and through the Librarian, Arkansas River Valley Regional Library, Dardanelle, Arkansas 72834.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:00 p.m., and 3:00 p.m. on the day of the meeting, July 26, 1973.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled, and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on July 24, 1973, to the Office of the Executive Secretary of the Committee (telephone: 301-973-5651) between 8:30 a.m. and 5:15 p.m. local time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) A copy of the transcript of the open portions of the meeting will be available within approximately 24 hours at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 and within approximately five days at the Arkansas

River Valley Regional Library, Dardanelle, Arkansas 72834. Copies of the minutes of the meeting will be made available, on request, at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 on or after September 24, 1973. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Acting Advisory Committee, Management Officer.

[FR Doc.73-14297 Filed 7-10-73;10:54 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON LOFT

Notice of Meeting

JULY 9, 1973.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232(.b), the Advisory Committee on Reactor Safeguards' Subcommittee on LOFT will hold a meeting on July 25, 1973 in the Basement Conference Room of the AEC Idaho Operations Office at Holmes Avenue and Second Street, Idaho Falls, Idaho. The LOFT facility is located on the National Reactor Test Site in Idaho.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

WEDNESDAY, JULY 25, 8:30 A.M.-3:30 P.M.

The Subcommittee will hear presentations by representatives of Aerojet Nuclear Company regarding the LOFT facility and the associated experimental program and discussions of safety related items will be held with Aerojet and cognizant AEC Program Division personnel.

In connection with the above agenda item, the Subcommittee will hold an executive session beginning at 8:00 a.m. which will involve a discussion of its preliminary views and an exchange of opinions of individual Subcommittee members present and internal deliberations for the purpose of identifying items to be emphasized or pursued further in the discussions to follow. I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the executive session at the beginning of the meeting will consist of an exchange of opinions and, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than July 18, 1973 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon information pertinent to the LOFT facility and associated experimental program on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statements and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of not more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3:00 p.m. on the day of the meeting.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on July 23, 1973 to the Office of the Executive Secretary of the Committee (telephone: 301-973-5651) between 8:30 a.m. and 5:15 p.m. e.d.t.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) A copy of the transcript of the open portions of the meeting will be available within approximately 24 hours at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545. Copies of the minutes of the meeting will be made available, on request, at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 on or after September 25, 1973. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Acting Advisory Committee, Management Officer.

[FR Doc.73-14298 Filed 7-10-73;10:54 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, THREE MILE ISLAND NUCLEAR STATION, UNIT 1, SUBCOMMITTEE MEETING

Notice of Meeting

JULY 9, 1973.

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards' Subcommittee on the Three Mile Island Nuclear Station will hold a meeting on July 25, 1973 in Room 1046, 1717 H Street, NW., Washington, D.C. The purpose of this meeting will be to review the application of the Metropolitan Edison Company and Jersey Central Power and Light Company for a license to operate Unit 1 which is located in Londonderry Township of Dauphen County, approximately 10 miles southeast of Harrisburg, Pennsylvania.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

WEDNESDAY, JULY 25, 1973, 9:30 A.M.-3:30 P.M.

Review of the application for an operating license (presentations by the AEC Regulatory Staff and Metropolitan Edison Company, Jersey Central Power and Light Company, and their consultants, and discussions with these groups).

In connection with the above agenda item, the Subcommittee will hold an executive session at 8:30 a.m. which will involve a discussion of its preliminary views, and an executive session at the end of the day, consisting of an exchange of opinions of the Subcommittee members and internal deliberations and formulation of recommendations to the ACRS. In addition, prior to the executive session at the end of the day, the Subcommittee may hold a closed session with the Regulatory Staff and Applicant to discuss privileged information relating to plant security, nuclear fuel design, and the analysis of containment pressure transients, if necessary.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the executive sessions at the beginning and end of the meeting will consist of an exchange of opinions and formulation of the recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b); and that a closed session may be held, if necessary, to discuss certain documents which are privileged, and fall within exemption (4) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect such privileged information and to protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than July 18, 1973, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be

based upon the application for an operating license and related documents which are on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and through the Government Publications Section, State Library of Pennsylvania, Education Building, Box 1601, Harrisburg, Pennsylvania, 17126.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:00 p.m. and 3:00 p.m. on the day of the meeting, July 25, 1973.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled, and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on July 23, 1973, to the Office of the Executive Secretary of the Committee (telephone: 301-973-5651) between 8:30 a.m. and 5:15 p.m. local time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) A copy of the transcript of the open portions of the meeting will be available within approximately 24 hours at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and within approximately five days at the Government Publications Section, State Library of Pennsylvania, Education Building, Harrisburg, Pennsylvania, 17126.

Copies of the minutes of the meeting will be made available, on request, at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 on or after September 25, 1973. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Acting Advisory Committee, Management Officer.

[FR Doc.73-14296 Filed 7-10-73;10:54 am]

[Docket Nos. 50-324 and 50-325]

CAROLINA POWER & LIGHT CO.

Availability of Applicant's Amendments to Environmental Report and AEC Draft Environmental Statement; Correction

The FEDERAL REGISTER notice of availability (38 FR 15543) issued on June 13, 1973, indicated that two addresses were given incorrectly. The first address given incorrectly was for the State Clearinghouse. The correct address for the State Clearinghouse should be Office of Planning Coordinator, Clearinghouse and Information Center, 116 West Jones Street, Raleigh, North Carolina 27603 and the second address given incorrectly was for Cape Fear Council of Governments. The correct address for the Cape Fear Council of Governments is One North Third, Suite 206, Wilmington, North Carolina 28401.

Dated at Bethesda, Md., this 5th day of July 1973.

For the Atomic Energy Commission.

GORDON K. DICKER,
Chief, Environmental Projects Branch 2, Directorate of Licensing.

[FR Doc.73-14065 Filed 7-10-73;8:45 am]

[Docket Nos. 50-440, 50-441]

DUQUESNE LIGHT CO. ET AL

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 Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company, The Cleveland Electric Illuminating Company and the Toledo Edison Company (the applicants), for construction permits for two boiling water nuclear reactors designated as the Perry Nuclear Power Plant, Units 1 & 2 (the facilities), each of which is designed for initial operation at approximately 3579 thermal megawatts with a net electrical output of approximately 1205 megawatts. The proposed facilities are to be located near Lake Erie in Lake County, Ohio. The plant site is approximately 35 miles northeast of Cleveland, Ohio, and 21 miles southwest of Ashtabula, Ohio. The hearing will be scheduled to begin in the vicinity of the site of the proposed facilities.

The Board will be designated by the Atomic Energy Commission (Commission) or the Chairman of the Atomic Safety and Licensing Board Panel. Notice as to its membership will be published in the FEDERAL REGISTER.

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 applicants have 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 applicants and the applicants have 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 applicants are technically qualified to design and construct the proposed facilities;

3. Whether the applicants are financially qualified to design and construct the proposed facilities; and

4. Whether the issuance of permits for construction of the facilities will be inimical to the common defense and security or to the health and safety of the public.

Issue pursuant to National Environmental Policy Act of 1969 (NEPA).

5. Whether, in accordance with the requirements of Appendix D of 10 CFR Part 50, the construction permits should be issued as proposed.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4(n), the Board will determine

(1) without conducting a de novo evaluation of the application, whether the application and the record of the proceeding contain sufficient information, and the review of the application by the Commission's regulatory staff has been adequate, to support the findings proposed to be made by the Director of Regulation on Items 1–4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the issuance of the construction permits proposed by the Director of Regulation; and (2) determine whether the review conducted by the Commission pursuant to NEPA has been adequate. In the event that this proceeding is not contested, the Board will convene a prehearing conference of the parties at a time and place to be set by the Board. It will also set the schedule for the evidentiary hearing. Notice of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as issues in this proceeding, Items 1–5 above as a basis for determining whether the construction permits should be issued to the applicants.

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 specifield 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 compiled with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken; and (3) determine whether the construction permits should be issued, denied, or appropriately conditioned to protect environmental values.

For further details, see the application for construction permits dated March 28, 1973, and amendments thereto, and the applicants' Environmental Report dated March 28, 1973, 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 Perry Public Library, 3753 Main Street, Perry Township, Ohio 44081 for inspection by members of the public between the hours of 12 noon to 8 p.m. Monday through Friday and from 12 noon 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 August 10, 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 August 10, 1973. A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR 2.714(a)(1)–(4) and 2.714(d).

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have all the rights of the applicants 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 applicants not later than July 31, 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 Gerald Charnoff, Esq., Shaw, Pittman, Potts, Trowbridge & Madden, 910 17th Street, NW, Washington, D.C. 20006, attorney for the applicants.

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 Germantown, Md., this 5th day of July 1973.

UNITED STATES ATOMIC ENERGY COMMISSION,
GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.73-14064 Filed 7-10-73;8:45 am]

[Docket No. PRM-50-7]

GENERAL ELECTRIC CO.

Notice of Filing of Petition for Rule Making

Notice is hereby given that General Electric Company, Vallecitos Nuclear Center, Pleasanton, California, by letter dated June 15, 1973, has filed with the Atomic Energy Commission a petition for rule making to amend the Commission's regulation Licensing of Production and Utilization Facilities, 10 CFR Part 50.

The petitioner requests that the Commission amend the exception to the definition of "production facility" set out in § 50.2(a)(3)(iii). The exception in § 50.2(a)(3)(iii) applies to facilities in which processing of irradiated materials containing special nuclear material is conducted pursuant to a license issued under Parts 30 and 70 of the Commission's regulations, or equivalent regulations of an Agreement State, for the receipt, possession, use, and transfer of irradiated special nuclear material, which authorizes the processing of the irradiated material on a batch basis for the separation of selected fission products and limits the process batch to "not more than 15 grams of special nuclear material." The petitioner requests that the process batch limit be changed to "not more than 100 grams of special nuclear material."

The exception set out in § 50.2(a)(3)(iii) was issued by the Commission on April 16, 1970 (35 FR 6175) in response to an earlier petition for rule making (PRM-50-3) filed by the General Electric Company. The petitioner in the current petition states that the earlier petition was based on a series of planned experiments and operations envisaged at that time and that the petitioner recognized that the 15-gram special nuclear material limit, which it requested as one of the limitations of the exception, was arbitrary. The petitioner states also that the 15-gram limitation was considered to be well within a quantity range several orders of magnitude below that which would require the "production facility" classification contemplated by subsection 11 v. of the Atomic Energy Act of 1954, as amended.

The petitioner states further that it has conducted activities involving the processing of irradiated material on a batch basis, has developed and demonstrated sound procedures and practices for the separation of selected fission products from special nuclear material, and that plans are being made for continuation of those operations which would require the incorporation of modest increases, up to 100 grams in the batch sizes of special nuclear material.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the petition may be obtained by writing the Rules and Proceedings Branch at the below address.

All interested persons who desire to submit written comments or suggestions concerning the petition for rule making should send their comments to the Rules and Proceedings Branch, Office of Administration—Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545 on or before September 10, 1973.

Dated at Germantown, Md., this 5th day of July 1973.

For the Atomic Energy Commission.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.73-14100 Filed 7-10-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25080]

GAC CORP.

Proposed Approval of Application

Application of GAC Corporation pursuant to section 408 of the Federal Aviation Act of 1958, as amended, Docket 25080.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded until July 19, 1973, within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., July 5, 1973.

[SEAL] WILLIAM B. CALDWELL, Jr.,
Director, Bureau of Operating Rights.

[Docket 25080]

GAC CORP.

ORDER OF APPROVAL

Issued under delegated authority.

GAC Corporation (GAC), Modern Air Transport, Inc. (Modern) and GAC Properties, Inc. (Properties)[1] request approval, pursuant to the third proviso of section 408(b) of the Federal Aviation Act of 1958, as amended (the Act), whereby Properties,[2] a wholly-owned subsidiary of GAC, will organize a property development association to be known as River Ranch Airpark Association (Association)[3] to sell homesite lots on land adjacent to an airfield now owned by Properties[4] at River Ranch Shores, a Properties community development in Florida.

The applicants submit that the airfield and adjacent homesites will be developed so that Association property owners will have access to the airfield for the purpose of operating small propeller aircraft.

The applicants further state that eventual control of the Association including the airfield, will pass from Properties to the Association membership when property owner membership reaches a sufficient number to permit them to elect a majority of the officers and directors in the Association.

In support of their request, applicants state that Modern has not had, and will not have, anything whatever to do with the Association airfield, and no officer or director of Modern will serve as an officer or director of the Association.

No comments relative to the application have been received.

Notice of intent to dispose of the application without hearing has been published in the Federal Register and a copy of such notice has been furnished by the Board to the Attorney General not later than one day following such publication both in accordance with section 408(b) of the Act.

Upon consideration of the foregoing, it is concluded that GAC is a person controlling an air carrier (Modern) and that the Association will be a person engaged in a phase of aeronautics, both within the meaning of section 408 of the Act, and that the indirect control of the Association by GAC through its wholly-owned subsidiary, Properties, is subject to section 408(a)(6) thereof.[5] It has been further concluded that the control relationships do not affect the control of an air carrier directly engaged in the operations of aircraft in air transportation, do not result in creating a monopoly and thereby tend to restrain competition, nor do they appear to jeopardize any other air carrier. Furthermore, no person disclosing a substantial interest in this proceeding is currently requesting a hearing and it is found that the public interest does not require a hearing. The Board has previously approved relationships involving the control of airport facilities by an air carrier[6] and the instant application does not appear to raise new substantive issues. Under the circumstances it does not appear that the control relationships described herein will be inconsistent with the public interest or that the requirements of section 408 will be otherwise unfulfilled.

[1] The Board previously approved the acquisition of Modern, a certificated supplemental carrier, by Gulf American Corp. (now Properties) in 1966 pursuant to Order E-23825. Gulf American was itself acquired by GAC in 1969, the Board disclaiming jurisdiction over the transaction in Order 69-2-110. As a result of a 1972 corporate reorganization approved by Board Order 72-3-24, Modern became a direct subsidiary of GAC.

[2] The principal business of Properties is the development of communities and the sale of homesites and other real property.

[3] According to the applicants the Association will be a Florida corporation not for profit. Furthermore, the Association will not issue any shares of stock and membership in the Association will be based on ownership of Association homesites.

[4] The applicants state that the airport is licensed by the state of Florida as a restricted airport site and is currently used for non-paying passengers and company personnel of Properties.

[5] Jurisdiction is asserted by virtue of the common control by a person (GAC) of an air carrier (Modern), on the one hand, and a person (Properties) controlling a person engaged in a phase of aeronautics (the Association), on the other hand. See 49 USC 1378(a)(6).

[6] Pan American World Airways, Inc. Farmingdale and Teterboro Airport Operation, Dockets 19045 and 19046, Order 68-9-120, September 25, 1968.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.13, it is found that the foregoing control relationships should be approved without a hearing pursuant to the third proviso of section 408(b) of the Act.

Accordingly, it is ordered, That:

The control relationships described herein between GAC Corporation, Modern Air Transport, Inc., GAC Properties, Inc. and River Ranch Airpark Association be and they hereby are approved under section 408 of the Act.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-14113 Filed 7-10-73;8:45 am]

[Docket No. 25063]

LAKER AIRWAYS LTD.

Postponement of Hearing Regarding Enforcement Proceeding

At the request of Counsel for Laker Airways Limited, looking toward a settlement equitably of the issues in this proceeding, and Counsel for the Bureau of Enforcement concurring, hearing in the above-styled proceeding is postponed indefinitely, and further procedural matters shall be held in abeyance.

Dated at Washington, D.C., July 5, 1973.

[SEAL] RICHARD M. HARTSOCK,
Administrative Law Judge.

[FR Doc.73-14114 Filed 7-10-73;8:45 am]

COMMISSION ON THE BANKRUPTCY LAWS OF THE UNITED STATES

NOTICE OF MEETINGS

The Commission on the Bankruptcy Laws of the United States will meet on July 16 and 17, 1973, in Room 2226 of the Rayburn House Office Building between the hours of ten o'clock in the morning and five o'clock in the afternoon to consider the final draft of its report on the Bankruptcy Act.

FRANK R. KENNEDY,
Executive Director.

[FR Doc.73-14033 Filed 7-10-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[Dockets No. 145 etc.]

ALDRIN AND DIELDRIN; REGISTRATIONS AND TOLERANCES OF PESTICIDES

Notice of Hearing

Notice is hereby given, pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135 *et seq.*), as amended by the Federal Environmental Pesticide Control Act of 1972 (86 Stat. 973), that a public hearing in the consolidated proceedings thereunder involving the cancellation of registrations of pesticides containing aldrin and dieldrin will begin on Tuesday, August 7, 1973, at 9:30 a.m., local time, in Davenport, Iowa. The place of hearing will be announced later. Subsequently, the hearing will move to various locations, including Indianapolis, Indiana, Kansas City, Missouri, Texas and Florida, before convening in Washington, D.C.

Notice is further given that this hearing is also for the purpose of receiving evidence in connection with the petitions filed by Shell Chemical Company (34 FR 1274; 34 FR 2215; 36 FR 2824) for additional tolerances for residues of aldrin and dieldrin in meat, milk, eggs, and certain other food commodities under section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a) and the petition of Environmental Defense Fund, Inc. (36 FR 21223) for setting, in effect, a zero tolerance for residues of aldrin and dieldrin under section 408 of the Federal Food, Drug, and Cosmetic Act and for establishing tolerances under section 406 thereof (21 U.S.C. 346) providing for a systematic reduction of residue tolerances consistent with declining residues which would result from cancellation of the registrations of these pesticides, which petitions were consolidated into these proceedings under the Federal Insecticide, Fungicide, and Rodenticide Act by the December 7, 1972 Determination and Order of the Administrator. (37 FR 26463).

Comments or objections to the petition of Environmental Defense Fund, Inc. were filed by American National Cattlemen's Association, Denver, Colorado (requesting at least 0.3 parts per million of aldrin and dieldrin in the fat of meat); William E. Tomlinson, Jr., Agricultural Experiment Station, Cranberry Station, East Wareham, Massachusetts (objects to repeal of established finite tolerances for residues of dieldrin on cranberries); Libby, McNeil & Libby, Janesville, Wisconsin (stepwise lowering of tolerances more reasonable than immediate zero tolerance); Joe Capizzi, Oregon State University and W. H. Kosesan, Oregon State Department of Agriculture (certain uses of aldrin and dieldrin, primarily preplant, ornamental or structural pest control uses, essential to effective pest control in Oregon); J. E. Legates, North Carolina State University (continuing essential need for aldrin and dieldrin in the production of apples and corn, the protection of wooden structures and the control of the Japanese and Whitefringed beetle); Northrup, King and Company, Minneapolis, Minnesota (essential use of aldrin and dieldrin on seed); Industry Committee on Citrus Additives and Pesticides, Inc., Claremont, California (oppose zero tolerance for any agricultural chemical); Environmental Defense Fund, Inc. (iterates request for zero tolerances); and Shell Chemical Company (deny proposal for repeal of tolerances at this time).

Appearances pursuant to section 180.16 of the rules of practice under section 408 of the Federal Food, Drug, and Cosmetic Act (40 CFR 180.16) may be filed with the Hearing Clerk, Environmental Protection Agency, Room E-1019, Waterside Mall, 401 M Street, SW, Washington, D.C. 20460, by August 2, 1973. Opportunity for additional appearances later in the hearing will be afforded interested persons.

For information concerning the issues involved and other details of these proceedings, interested persons are referred to the dockets of these proceedings on file with the Hearing Clerk, Environmental Protection Agency.

HERBERT L. PERLMAN,
Chief Administrative Law Judge.

JULY 6, 1973.

[FR Doc.73-14096 Filed 7-10-73;8:45 am]

N,N-BIS-(PHOSPHONOMETHYL) GLYCINE

Notice of Extension of Temporary Tolerance

The Monsanto Co., 800 N. Lindbergh Boulevard, St. Louis MO 63166, was granted a temporary tolerance for residues of the plant regulator *N,N*-bis-(phosphonomethyl) glycine in or on sugarcane at 1.5 parts per million on July 24, 1972, in connection with Pesticide Petition No. 2G1233 (notice was published in the FEDERAL REGISTER of July 29, 1972 (37 FR 15340)).

The firm has requested a 1-year extension to obtain additional experimental data. It is concluded that such extension will protect the public health. A condition under which this temporary tolerance is extended is that the plant regulator will be used in accordance with the temporary permit which is being issued concurrently and which provides for distribution under the Monsanto Co., name.

As extended, this temporary tolerance expires July 24, 1974.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038).

Dated: June 6, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-14097 Filed 7-10-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 655]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JULY 2, 1973.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's Rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

9568-C2-P-73 Mobilfone of Boston (KCA240) C.P. to change antenna location #3 to Nobscot Hill, Framingham, Massachusetts operating on 454.050 MHz.

9570-C2-P-73 Telephone Answering Service of Fayetteville, Inc. (New) C.P. for a new 1-way signaling station to operate on 152.24 MHz at 727 McGilvary Street, Fayetteville, North Carolina.

9571-C2-P-73 Bennett Radio Paging Service (New) C.P. for a new 1-way signaling station to operate on 152.24 MHz at 511 Fort Street, Port Huron, Michigan.

9572-C2-P-73 South Central Bell Telephone Company (KIC344) C.P. to change antenna system, replace transmitter and to change power at 201 Court Avenue, Memphis, Tennessee on frequencies: 157.77 157.86 157.89 and 157.98 MHz (Test)

9573-C2-P-(3)-73 Arrowhead Business Radio, Inc. (KPJ901) C.P. add control frequency: 454.350 MHz at 3189 Miller Trunk Highway, Duluth, Minnesota.

9580-C2-P-(2)-73 Intra State Telephone Company (KSJ807) C.P. to change antenna system, location and to replace transmitter, operating on 152.51 and 152.75 MHz at 100 North Cherry Street, Galesburg, Illinois.

9582-C2-P-(4)-73 Radio Paging, Inc. (KKI-4945) C.P. to add transmitters, operating on 35.58 MHz at Loc. #2: 1100 E. Holcomb Blvd, Houston, Texas, Loc. #3: 910 West Belt Drive North, Houston, Texas, Loc. #4: 9300 Airline Drive, Houston, Texas, Loc. #5: 401 Mayo Shell Road, Galena Park, Texas.

9584-C2-P-73 Edwards Radio Common Carrier (New) C.P. for a new 2-way station to operate on 152.12 MHz at Hwy. 55, 1.25 miles SE of Rocksprings, Texas.

9585-C2-P-73 Mobile Radio Communications (KSV904) C.P. to change antenna system, and location to 6500 Tower Drive Platte Woods, Missouri, operating on 158.70 MHz. (1-way signalling, Loc. #2)

9587-C2-TC-73 Euclid Telecommunications, Inc. (KQC880) Consent to Transfer of Control from Herbert Fitzgerald, TRANSFEROR to D.M.G., Inc., TRANSFEREE. Station: KQC880 Euclid, Ohio.

Renewals of Licenses expiring July 1, 1973. TERM: July 1, 1973 to July 1, 1978.

The Concord Telephone Company, Inc	KFL872
Same as above	KFL871
Hamilton Telephone Company	KOP325
Leaco Rural Telephone Coop., Inc.	KLB782
Same as above	KLB783
Project Mutual Telephone Cooperative Association, Inc.	KOH281
Quincy Telephone Company	KIY727

Major Amendments

1743-C2-P-73 (New) Gulf Central Communications and Electronics, Inc. Amend to Substitute Gulf Central Communications and Electronics, Inc. for Lafayette Radiofone. Change location from 1302 Maude St., Abbeville, Louisiana, to the KATC-TV tower, 5.8 miles West of Kaplan, Louisiana.

Corrections

9092-C2-TC-(2)-73 Phone Depots, Inc., d/b/as Mobilefone Radio System. Amend to change name of first transferor from Levey to Levy and to add names of transferees: Fannye Ettilinger, William Lloyd, Harry, Daniel D., and Max I. Lefcort and Abraham Friedman, also changing call signs from KCA743 and KCA748 to KCA748 and KEA254. All other particulars to remain as reported on Public Notice 653 dated June 18, 1973. Southwestern Bell Telephone Company. Correct to add the following call signs missing from the renewal list of Public Notice 653 dated June 18, 1973:

KAA690	KDT208
KAA692	KKA833
KAA698	KLB572
KAA890	KLB576
KAQ635	KLB772
KAQ640	KLB796
KAQ642	KLB605
KBM510	KLB606
KDN411	

Indiana Bell Telephone Company. Correct to add KSD326 and correct sign KIB622 from the renewal list on Public Notice No. 650 dated May 29, 1973.

Wisconsin Bell Telephone Company. Omitted call sign KQZ766 from the renewal list on Public Notice No. 653 dated June 18, 1973.

RURAL RADIO SERVICE

9588-C6-P-73 The Mountain States Telephone and Telegraph Company (New) C.P. for a new rural subscriber station to operate on 158.01 MHz at 44.2 Miles E. of Gobernador, New Mexico.

9589-C6-P-73 Pacific Northwest Bell Telephone Company (WOG82) C.P. to change antenna and to add unguyed pole for antenna support, operating on 157.95 MHz at 9.8 miles East of McKenzie Bridge, Lane, Oregon.

9590-C6-P-73 Same as above (New) C.P. for a new rural subscriber station to operate on 157.86 MHz at 6.9 Miles West of Huntington, Oregon.

POINT-TO-POINT MICROWAVE RADIO SERVICE

9354-C1-P-73 The Offshore Telephone Company (New) Block 269, South Marsh Island Area, Gulf of Mexico. Lat. 29 07 52 N.—Long. 91 53 33 W. C.P. for a new station on freq. 2162.0V MHz toward Block 63, Eugene Island Area, Gulf of Mexico.

9355-C1-P-73 Same (New) Block 63, Eugene Island Area, Gulf of Mexico. Lat. 29 10 27 N.—Long. 91 32 01 W. C.P. for a new station on freq. 2112.0V MHz toward Block 269, South Marsh Island, Gulf of Mexico.

9356-C1-P-73 Same (New) Block 250, Eugene Island Area, Gulf of Mexico. Lat. 28 31 18 N.—Long. 91 38 42 W. C.P. for a new station on freq. 2128.0H MHz toward Block 296B, South Marsh Island, Gulf of Mexico.

9357-C1-P-73 Same (New) Block 306A, Eugene Island, Gulf of Mexico. Lat. 28 19 23 N.—Long. 91 36 25 W. C.P. for a new station on freq. 2118.4V MHz toward Block 296B, South Marsh Island, Gulf of Mexico.

9358-C1-P-73 Same (New) Block 296A, Eugene Island Area, Gulf of Mexico. Lat. 28 20 48 N.—Long. 91 33 34 W. C.P. for a new station on freq. 2115.2H MHz toward Block 296B, Eugene Island.

9359-C1-P-73 Same (New) Block 306B, Eugene Island Area, Gulf of Mexico. Lat. 28 17 45 N.—Long. 91 35 13 W. C.P. for a new station on freq. 2121.6H MHz toward Block 296B, Eugene Island.

9360-C1-P-73 Same (New) Block 296B, Eugene Island Area, Gulf of Mexico. Lat. 28 20 33 N.—Long. 91 32 15 W. C.P. for a new station on freq. 2168.4H MHz toward Block 296A; freq. 2168.4V MHz toward Block 306A; freq. 2168.4H MHz toward Block 306B; freq. 2178.0V MHz toward Block 250.

9361-C1-P/ML-73 American Telephone & Telegraph Company (KEL79) 811 10th Avenue, New York, New York. Lat. 40 45 59 N.—Long. 73 59 27 W. C.P. and Mod. of License to add (2) Western Electric, TD-2 transmitters on freq. 3990 4070 MHz toward Roslyn Harbor, N.Y. & add freq. 3990H 4070H MHz toward Roslyn Harbor, N.Y.

9362-C1-P/ML-73 Same (KYS89) Roslyn Harbor, 0.1 Mile N.E. of Roslyn, New York. Lat. 40 45 59 N.—Long. 73 59 27 W. C.P. and Mod. of License to add (4) Western Electric, TD-2 transmitters on freq. 3950 4030 MHz toward Huntington, N.Y. & New York, N.Y. and add freq. 3950V 4030V MHz toward Huntington, N.Y.; freq. 3950H 4030H MHz toward New York, N.Y.

JULY 2, 1973

9363-C1-P/ML-73 American Telephone and Telegraph Company (KOB95) 1.9 Miles East of Huntington, New York. Lat. 40 49 48 N.—Long. 73 21 12 W. C.P. and Mod. of License

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

to add (2) Western Electric, TD-2 transmitters on freq. 3990 4070 MHz toward Roslyn Harbor, N.Y. and add freq. 3990V 4070V MHz toward Roslyn Harbor, N.Y.

9364-C1-ML-73 Same (KAC62) 1 Mile West of Broomfield, Colorado. Lat. 39 54 48 N.—Long. 105 05 57 W. Mod. of License to change the polarization from Horizontal to Vertical on freqs. 3730 3810 3970 4050 4130 MHz toward Brooks Tower Building, Denver, Colo. via Passive Repeater.

9366-C1-ML-73 Lafourche Telephone Company, Inc. (KLH71) Leeville, Louisiana. Lat. 29 14 48 N.—Long. 90 12 27 W. Mod. of License to change antenna system on freq. 5974.8V 6093.5V MHz toward Golden Meadow, La.

9367-C1-P-73 General Telephone Company of Kentucky (KYS40) 0.4 Mile NNW of Finley, Kentucky. Lat. 37 28 03 N.—Long. 85 20 25 W. C.P. to add freq. 11365V MHz toward new point of communication at Lebanon, Ky.

9368-C1-P-73 Same (New) 144 East Main Street, Lebanon, Kentucky. Lat. 37 34 12 N.—Long. 85 15 03 W. C.P. for a new station on freq. 10915V MHz toward Finley, Ky.

9369-C1-P-73 St. Joseph Telephone and Telegraph Company (New) 502 Fifth Street, Port St. Joe, Florida. Lat. 29 48 42 N.—Long. 85 18 02 W. C.P. to change freq. from 6204.7 6382.6 MHz to freq. 5945.2V MHz toward Mitchell, Fla.

9370-C1-P-73 Same (New) 8 Miles from Appalachicola Airport, East Point, Florida, Lat. 29 44 11 N.—Long. 84 53 7 W. C.P. for a new station on freq. 2162.4H MHz toward Carabelle, Fla.

9371-C1-P-73 Same (New) One Mile North, Alligator Point, Florida. Lat. 29 54 56 N.—Long. 84 22 11 W. C.P. for a new station on freq. 2167.2V MHz toward Carabelle, Fla.

9372-C1-P-73 Same (KJB36) Avenue H at Commerce Street, Appalachicola, Florida. Lat. 29 43 48 N.—Long. 84 59 11 W. C.P. to change antenna system and add freq. 2112.4H MHz toward new point of communication at East Point, Fla.

9373-C1-P-73 Same (KJB38) First and Curtice Streets, Carabelle, Florida. Lat. 29 51 01 N.—Long. 84 39 37 W. C.P. to change antenna system and add freq. 2117.2V MHz toward new point of communication at Alligator Point, Fla.

9374-C1-P-73 St. Joseph Telephone and Telegraph Company (KJB41) Tyndall Air Force Base near Hwy. 98, San Blas, Florida. Lat. 30 05 21 N.—Long. 85 36 39 W. C.P. to change antenna system, power, replace transmitter and change freq. from 6189.8 6367.7 MHz to freq. 6404.8V MHz toward new point of communication at Lullwater Beach, Fla., Repeater Site.

9375-C1-P-73 Same (KJB39) Near State Hwy. 386, Mitchell, Florida. Lat. 30 02 55 N.—Long. 85 17 18 W. C.P. to change antenna system, power, replace transmitter and change freq. from 5967.4 6145.3 MHz to 6256.5V MHz toward new point of communication at Mule Creek, Fla.; change freq. from 5952.6 6130.5 MHz to 6197.2H MHz toward Port St. Joe, Fla.

9376-C1-P-73 Same (KJX25) Tyndall Air Force Base, Near Hwy. 98, San Blas, Florida. Lat. 30 04 33 N.—Long. 85 36 32 W. C.P. to change antenna system on freq. 6004.5 6063.8 MHz toward Panama City, Fla. via Passive Reflector.

9377-C1-MP-73 MCI Telecommunications Corporation (WPY73) 4.9 Miles SE of Riley, New Mexico. Lat. 34 19 47 N.—Long. 107 10 06 W. Mod. of C.P. to change station location, radio path azimuth toward Red Mesa and Victorino to 98° 6' and 312° 40', respectively.

9378-C1-MP-73 Same (WPY74) Victorino, 6.2 Miles NW of Field, New Mexico. Lat. 34 35 59 N.—Long. 107 31 24 W. Mod. of C.P. to change radio path azimuth toward Riley to 132° 28'.

9379-C1-P-73 Same (New) 5.9 Miles SSW of Scholle, New Mexico. Lat. 34 20 44N.—Long. 106 27 06 W. C.P. for a new station on freq. 6404.8V MHz toward Red Mesa, and 6404.8V MHz toward Dalies.

9380-C1-P-73 Same (New) 3.2 Miles NNE of Dalies, New Mexico. Lat. 34 48 58 N.—Long. 106 50 27 W. C.P. for a new station on freq. 6152.8V MHz toward Scholle and 6152.8V MHz toward Albuquerque, N. Mex.

9381-C1-P-73 Eastern Microwave, Inc. (New) Salem, 2.3 Miles SSW of Salem, Ohio. Lat. 40 51 30 N.—Long. 80 52 15 W. C.P. for a new station on freq. 11425.0H 11585.0H MHz toward new point of communication at Aliquippa Tower, Pa. on azimuth 124° 50'.

9382-C1-P-73 Same (New) Aliquippa Tower, 3.5 Miles SSW of Aliquippa, Pennsylvania. Lat. 40 34 14 N.—Long. 80 19 51 W. C.P. for a new station on freq. 10975.0H 11135.0H MHz toward new point of communication at Pittsburgh, Pa. on azimuth 113° 51'; freq. 10975.0V 11135.0V MHz toward new point of communication at Aliquippa, Pa. on azimuth 50° 17'; and freq. 10975.0H 11135.0H MHz toward new point of communication at Ellwood City, Pa. on azimuth 5° 57'.

9383-C1-P-73 Eastern Microwave, Inc. (New) Pittsburgh, 2850 Berthoud Street, Pittsburgh, Pennsylvania. Lat. 40 26 46 N.—Long. 79 57 51 W. C.P. for a new station on freq. 11665.0V 11345.0V MHz toward a new point of communication at Bell Point Hill, Pa. on azimuth 74° 53'; freq. 11665.0H 11345.0H MHz toward new point of communication at Bethel Park, Pa. on azimuth 203° 37'; freq. 11665.0H 11345.0H MHz toward new point of communication at Carnegie, Pa. on azimuth 250° 36'; freq. 11665.0H 11345.0H MHz toward new point of communication at Etna, Pa. on azimuth 18° 35'; freq. 11665.0V 11345.0V MHz toward new point of communication at McKees Rocks, Pa. on azimuth 288° 53'; freq. 11665.0V 11345.0V MHz toward new point of communication at Mt. Lebanon, Pa. on azimuth 213° 49'; freq. 11665.0H 11345.0H MHz toward a new point of communication at Universal, Pa. on azimuth 80° 46'; and freq. 11665.0V 11345.0V MHz toward a new point of communication at Westview, Pa. on azimuth 321° 32'.

9384-C1-P-73 Same (WDD82) Bell Point Hill, 0.9 Mile SE of Bell Point, Pennsylvania. Lat. 40 32 03 N.—Long. 79 31 59 W. C.P. to add freq. 10735.0H 10895.0H MHz toward new point of communication at Scottdale, Pa. on azimuth 185° 56'.

9385-C1-P-73 Same (New) Bethel Park, 2 Miles S. of Bethel Park, Pennsylvania. Lat. 40 17 36 N.—Long. 80 03 05 W. C.P. for a new station on freq. 10735.0V 10895.0V MHz toward new point of communication at Glassport, Pa. on azimuth 78° 23'; freq. 10735.0V 10895.0V MHz toward new point of communication at McKeesport, Pa. on azimuth 80° 08'; freq. 10735.0H 10895.0H MHz toward new point of communication at Monongahela, Pa. on azimuth 131° 18'; freq. 10735.0H 10895.0H MHz toward a new point of communication at Washington, Pa. on azimuth 220° 32'; and freq. 10735.0H 10895.0H MHz toward new point of communication at West Homestead, Pa. on azimuth 46° 17'.

9413-C1-P-73 Florida Telephone Corporation (New) Howey, Florida. Lat. 28 42 47 N.—Long. 81 46 29 W. C.P. for a new station on freq. 2178.0V MHz toward Leesburg, Fla.

9414-C1-P-73 Same (KIO66) 425 North Third St., Leesburg, Florida. Lat. 28 48 54 N.—Long. 81 52 38 W. C.P. to change antenna system and add freq. 2128.0V MHz toward new point of communication at Howey, Fla.

9415-C1-P-73 Central Telephone Company, Inc. (KRR53) Alvord, Texas. Lat. 33 21 28 N.—Long. 97 41 41 W. C.P. to change antenna system and add freq. 6019.3V 6137.9V MHz toward Chico, Tex.; freq. 6063.8H MHz toward new point of communication at Sunset, Tex.

9416-C1-P-73 Same (New) Montague, Texas. Lat. 33 39 52 N.—Long. 97 43 15 W. C.P. for a new station on freq. 5974.8H MHz toward Saint Jo, Tex.

9417-C1-P-73 Same (New), Saint Jo, Texas. Lat. 33 43 42 N.—Long. 97 31 38 W. C.P. for a new station on freq. 5974.8H MHz toward Sunset, Tex.; freq. 6004.5H MHz toward Montague, Tex.

9418-C1-P-73 Central Telephone Company, Inc. (New) Sunset, Tex. Lat. 33 27 19 N.—Long. 97 45 56 W. C.P. for a new station on freq. 6063.8H MHz toward Alvord, Tex.; freq. 6256.5H MHz toward Saint Jo, Tex.

9420-C1-MP-73 Thru 9467-C1-MP-73 American Telephone and Telegraph Company. It is proposed that the outstanding construction permits for the following stations be modified to change the type of authorized transmitters from FM4000KA-01 to FM4000KA-02 and to increase output power from 1.0 to 1.5 watts and 3.0 watts when used in a protected configuration. (All other particulars same as reported in Public Notice, dated 12-27-72, File Nos. 966-982-C1-P-73, 1243-1244-C1-P-73; Public Notice, dated 1-2-73, File Nos. 1285-1305-C1-P-73; Public Notice, dated 4-3-73, File No. 3452-C1-73; Public Notice, dated 5-24-73, File Nos. 4618-4626-C1-MP-73.

9574-C1-P-73 KHC Microwave Corporation (New) 2.5 Miles North of Flatwoods, Louisiana. Lat. 31 25 09 N.—Long. 92 52 18 W. C.P. for a new station on freqs. 5974.8H 6034.2H MHz toward Wheeling, La. on azimuth 13° 27'.

9575-C1-P-73 Same (New) 14 Miles East of Wheeling, Louisiana. Lat. 31 44 59 N.—Long. 92 46 45 W. C.P. for a new station on freqs. 6197.2V 6256.5V MHz toward Oshkosh, La. on azimuth 326°15'.

9576-C1-P-73 Same (New) 0.5 Miles NW of Oshkosh, Louisiana. Lat. 32 02 06 N.—Long. 93 00 11 W. C.P. for a new station on freqs. 5945.2V 6004.5V MHz toward Jordan Mountain, La. on azimuth 13° 20'.

9577-C1-P-73 Same (New) Jordan Mountain, 3.5 Miles North of Liberty Hill, Louisiana. Lat. 32 23 17 N.—Long. 92 54 16 W. C.P. for a new station on freqs. 6226.9H 6286.2H MHz toward Noles Landing, La. on azimuth 288° 12'.

9578-C1-P-73 Same (New) 4 Miles North of Noles Landing, Louisiana. Lat. 32 29 59 N.—Long. 93 18 27 W. C.P. for a new station on freqs. 5945.2V 6004.5V MHz toward Bossier City, La. on azimuth 272°17'.

9579-C1-P-73 Video Service Company (New) 3.0 Miles SW of Anderson, Indiana. Lat. 40 04 41 N.—Long. 85 43 27 W. C.P. for a new station on freq. 11465.0H 11625.0H MHz toward Muncie, Ind.; freq. 11465.0V MHz toward New Castle, Ind.

9591-C1-P-73 Andrew Tower Rental, Inc. (KLN79) 6.5 Miles WNW of Comanche, Texas. Lat. 31 54 54 N.—Long. 98 42 08 W. C.P. to add point of communication on freqs. 6197.-2H 5934.5H MHz toward Rising Star, Tex. on azimuth 312° 20'.

9592-C1-P-73 General Telephone Company of Kentucky (KYC58) 151 Walnut Street, Lexington, Kentucky. Lat. 38 02 45 N.—Long. 84 29 39 W. C.P. to add freqs. 11325V 11565H MHz toward Centerville, Ky.

9593-C1-P-73 Eastern Microwave, Inc. (KZA86) Tyrone Mountain, 6.0 Miles NW of Tyrone, Pennsylvania (Lat. 40 43 56 N.—Long. 78 19 33 W.): C. P. (a) to change frequencies to 10775.0H MHz and 10935.0H

MHz toward Little Flat Tower (WDD79), Pennsylvania, on azimuth 87 degrees/04 minutes and (b) to add frequency 11095.0H MHz toward same point of communication (Little Flat Tower).

9594-C1-P-73 Same (WDD79) Little Flat Tower, 2.2 Miles SE of Boalsburg, Pennsylvania (Lat. 40 45 11 N.—Long. 77 45 18 W.): C. P. (a) to change frequencies to 11385.0V MHz and 11545.0V MHz toward Lewistown, Pennsylvania, on azimuth 128 degrees/18 minutes, and (b) to add frequency 11225.0V MHz toward same point of communication (Lewistown). See file nos. 8001 and 8002-C1-P-73.

9595-C1-P-73, United Video, Inc. (WAY25) Joplin, Missouri (Lat. 37 04 49 N.—94 33 25 W.): C. P. to change transmitters and to increase output power to 5.0 watts (power split toward Miami, Oklahoma; Pittsburg, Kansas; and Neosho, Missouri) on existing frequencies. (NOTE: United has requested Special Temporary Authority.)

8814-C1-P/ML-73 American Television Relay, Inc. (KNK38) Blue Ridge Mountain, California (Lat. 34 21 09 N.—Long. 117 40 26 W.): C. P. to change frequency to 6019.3H MHz toward Barstow and Victorville, California.

9596-C1-MP-73 Penn Service Microwave Company (WQQ37) Wyoming Mountain, 4.0 Miles SSE of Wilkes-Barre, Pennsylvania (Lat. 41 11 52 N.—Long. 75 49 22 W.): Mod. of C. P. (a) to relocate receive site to 2.0 Miles East of Idestown (Lat. 41 20 45 N.—Long. 76 01 08 W.), Pennsylvania, on azimuth 313 degrees/30 minutes and (b) to replace transmitting equipment.

9597-C1-P-73 American Television Relay, Inc. (KRW88) 1.0 Mile West Silver City, New Mexico (Lat. 32 46 25 N.—Long. 108 18 34 W.): C. P. to relocate receive site at Hurley, New Mexico, to Lat. 32 42 49 North—Long. 108 08 27 West.

9598-C1-P-73 Tower Communications Systems Corp. (New) Fremont, Ohio (Lat. 41 21 16 N.—Long. 83 05 29 W.): C. P. for new station—frequencies 11225.0V MHz and 11465.0V MHz toward Bellevue, Ohio, on azimuth 117 degrees/50 minutes.

9599-C1-P-73 Same (New) 3.5 Miles West of Bellevue, Ohio (Lat. 41 16 49 N.—Long. 82 54 19 W.): C. P. for new station—frequencies 10735.0H MHz and 10975.0H MHz toward Hartland, Ohio, on azimuth 1009 degrees/12 minutes.

9600-C1-P-73 Same (New) Hartland, 4.5 Miles SW of Clarksfield, Ohio (Lat. 41 10 13 N.—Long. 82 29 26 W.): C. P. for new station—frequencies 11265.0V MHz and 11505.0V MHz toward Litchfield, Ohio, on azimuth 94 degrees/10 minutes.

9601-C1-P-73 Same (New) Litchfield, 6.5 Miles West of Medina, Ohio (Lat. 41 08 31 N.—Long. 81 59 42 W.): C. P. for new station—frequencies 10735.0V MHz and 10975.0V MHz toward Akron, Ohio, on azimuth 104 degrees/20 minutes.

9618-C1-P-73 Southwestern Bell Telephone Company (New) 5.7 Miles SSW of Davis, Oklahoma. Lat. 34 25 04 N.—Long. 97 08 56 W. C.P. for a new station on freq. 5945.2H MHz toward Ardmore, Okla.

9619-C1-P-73 Same (New) 126 "C" Street, NW, Ardmore, Oklahoma. Lat. 34 10 32 N.—Long. 97 07 51 W. C.P. for a new station on freq. 6197.2H MHz toward Davis, Okla.

9620-C1-P-73 South Central Bell Telephone Company (KJW75) 217 West Second Street, Paintsville, Kentucky. Lat. 37 48 52 N.—Long. 82 48 38 W. C.P. to add freq. 11075V MHz toward Hagerhill, Ky.

9621-C1-P-73 Same (KIV66) Approximately 1.5 Miles SE of Paintsville, Kentucky. Lat. 37 47 45 N.—Long. 82 48 05 W. to change power and change freq. from 6234.3 MHz to 6271.4V MHz toward Louisa, Ky.; add freq. 6390.0V MHz toward Louisa, Ky.; correct azimuth on freq. 11525V MHz toward Paintsville, Ky. to 338° 39'.

9622-C1-P-73 Same (KVH96) Approximately 0.4 Mile SW of Louisa, Kentucky. Lat. 38 06 36 N.—Long. 82 36 36 W. C.P. to change power, replace freq. 5982.3 with freq. 6019.3V MHz toward new point of communication at Hagerhill, Ky.; add freq. 6137.9V MHz toward Hagerhill, Ky.

9625-C1-P-73 New England Telephone and Telegraph Company (KCL84) South Uncanoonuc Mountain, Goffstown, New Hampshire. Lat. 42 59 00 N.—Long. 71 35 23 W. C.P. to change antenna system & power on freq. 11545.0H MHz toward Littleton, Mass.

9626-C1-P-73 Same (KTF47) 1.6 Miles South of Littleton, Massachusetts. Lat. 42 31 29 N.—Long. 71 27 49 W. C.P. to change power on freq. 11135.0H MHz toward Goffstown, N.H.

9627-C1-P-73 Interdata Communications, Inc. (WOG70) 8200 Ridge Avenue, Roxborough, Pennsylvania. Lat. 40 03 33 N.—Long. 75 14 20 W. C.P. to add freq. 6256.5V MHz toward Chester.

9628-C1-MP-73 Same (WIU91) Mod. of C.P. to change station location to 3.0 Miles WNW of Chester, Pennsylvania. Lat. 39 50 51 N.—Long. 75 29 45 W. Change freq. toward new point of communication at Roxborough to 6034.2V MHz and to change freq. toward North East to 5945.2H MHz.

9629-C1-MP-73 Same (WIU90) 2.8 Miles NE of North East, Maryland. Lat. 39 37 13 N.—Long. 75 53 37 W. Mod. of C.P. to change point of communication for freq. 6256.5H from Five Points to Chester.

Major Amendments

766-C1-P-73 MCI Telecommunications Corporation (Formerly MCI Texas-Pacific, Inc.) (WPY72) Red Mesa, 11.8 Miles S. of Blue Springs, New Mexico. C.P. to add freq. 6152.8V MHz toward new point of communication at Scholle. Delete Albuquerque and Monticello as points of communication.

6375-C1-P-70 Same (New) 505 Marquette, N.W., Albuquerque, New Mexico. C.P. to add freq. 6404.8H MHz toward new point of communication at Dalies. Delete Red Mesa as a point of communication. (All other particulars same as reported on Public Notices, dated 4-20-70 and 8-14-72.)

7470-C1-P-73 Microwave Communications Corp. (KNM53) St. John Mtn., 27.0 Miles West of Willow, California. Lat. 39 26 05 N.—Long. 122 41 32 W. Application amended to change from Horizontal to Vertical the polarity of freq. 6063.8 MHz toward Mtn. Sanhedrin, Calif. on azimuth 284°43'.

7002-C1-MP-73 Data Transmission Company (WKR35) 7220 N. Stemmons Freeway, Dallas, Texas. Change freq. toward Cedar Hill to 6197.2V MHz.

7003-C1-MP-73 Same (WKR36) 4 Miles East of Rosser, Texas. Change freq. toward Cedar Hill to 6404.8H MHz. (All other particulars same as reported on Public Notice, dated 4-2-73.)

[FR Doc.73-13979 Filed 7-10-73;8:45 am]

[FCC 73-685]

BROADCASTING OF INFORMATION CONCERNING HORSE RACES

Memorandum Opinion and Order In Regard Clarification

1. The Commission has before it a request filed May 3, 1973, by Harness Tracks of America (HTA), that the Commission clarify its Memorandum Opinion and Order of April 3, 1973, "In the Matter of Broadcasting of Information Concerning Horse Races" (FCC #73-355) (38 FR 9531), for the purpose of "making it clear beyond any doubt that the nature of the advertising permitted O.T.B. (New York City Off-Track Betting Corporation) will be equally acceptable for advertising the pari-mutuel tracks which are licensed by the states for the same purposes that O.T.B. has been authorized." HTA specifically requests the Commission to add the words "pari-mutuel tracks" to its Memorandum Opinion and Order of April 3rd in order to make it expressly applicable to pari-mutuel betting. HTA states that it represents substantially all of the principal pari-mutuel Harness tracks in this country and Canada.

2. We think it is clear from a reading of the three principal Commission documents in this area, i.e. the 1964 Policy Statement,[1] the 1971 Declaratory Ruling,[2] and the previously mentioned April 3, 1973 Memorandum Opinion and Order,[3] that the Commission is using the same standard in issuing guidance to legalized on and off-track betting, and that legalized pari-mutuel betting may be advertised in the same manner as legalized off-track betting.

In the 1964 Policy Statement, which remains the basic expression of Commission policy in this area, it was clearly stated that the Commission did not intend to:

> * * * inhibit the broadcasting of appropriate news, publicity and advertising concerning horseracing. Horseracing and parimutuel betting at racetracks are, of course, permitted in many States. Indeed, the revenues derived from such legal parimutuel betting are of considerable significance to many States. These factors underscore the established role of horseracing, a role which the Commission recognizes and one which we do not wish to disturb.[4]

3. The 1971 Declaratory Ruling and the April 3, 1973, ruling were directed to OTB advertising because both rulings had been requested by OTB and were concerned with specific questions raised by OTB in regard to its advertising and promotional programs. It should be additionally noted that both rulings were interpretations of the 1964 Policy Statement. In the April 3, 1973 ruling we pointed out: "The revised ruling forbids advertising which directly aids or encourages illegal gambling. It permits advertisements which only induce people to follow the State's legalized betting course."[5] We think it is apparent from that statement, along with other expressions of Commission policy in this area, that the Commission's stated policy regarding broadcasting of horseracing information is currently applicable to the "State's legalized betting course," whether that course be limited to pari-mutuel tracks or includes off-track betting facilities such as New York's OTB.

4. *Accordingly, it is ordered*, That the Request to Clarify Memorandum Opinion and Order filed by Harness Tracks

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[1] 36 FCC 1571.
[2] 32 FCC2d 705.
[3] FCC 73-355.
[4] 36 FCC 1571, 1573
[5] FCC 73-355 at para. 13.

of America is granted to the extent set forth herein.

Adopted: June 27, 1973.

Released: June 29, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-14093 Filed 7-10-73;8:45 am]

CABLE TELEVISION FEDERAL/STATE-LOCAL ADVISORY COMMITTEE

Steering Committee Meetings

JUNE 5, 1973.

The Steering Committee of the Cable Television Federal/State-Local Advisory Committee will hold open meetings on July 12 and 13, 1973 at 9:30 a.m. The meetings will be held in Room 6331 of the Cable Television Bureau offices located at 2025 M Street, NW., Washington, D.C.

The agenda for the meetings will be a discussion with members of the CTAC Steering Committee on two issues to be included in the final report and a discussion on the two drafts of Part II of the report.

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

[FR Doc.73-14094 Filed 7-10-73;8:45 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below-indicated vessels, pursuant to Part 542 of Title 46 CFR and section 11 (p) (1) of the Federal Water Pollution Control Act, as amended.

Certificate No.:	Owner/Operator and Vessels
01033	Britain Steamship Company Limited: Westminister Bridge
01055	Farrell Lines Incorporated: African Lighting African Planet
01072	Kommanditselskabet AF 26.9 9. 1966 (Komplementar: P.F.S. Heering): Heering Elsie
01092	Thor Dahls Hvalfangerselskap A/S: Thorstind
01094	St. Andrews Shipping Co. Ltd.: Dunblane
01095	British Steam Shipping Co. Ltd.: Duncraig Sir Andrew Duncan
01125	N.V. Ubem S.A. (Union Belge D'Enterprises Maritimes): Marly II
01172	H. Clarkson and Company Limited: Belines Binsnes
01181	Smith Sorensen Tankrederi A/S: Orator
01190	A/S Gerrards Rederi & A/S Gerrards Rederi II: Gervalla
01431	The Bolton Steam Shipping Co., Ltd.: Ribera
01519	Rederi - Aktieselskabet "Myren" Copenhagen: Angantyr
01533	Henry Nielsen OY/AB: White Rose
01574	Fearnley & Eger: Fernland
01637	Sidarma Societa Italiana Di Armemento S.p.A.: Lazzaro Mocenigo
01641	The Bank Line Limited: Nessbank
01861	BP Tanker Company, Ltd.: British Honor
01891	Canal Barge Line: CKC 51 CKC 54
01904	Waterman Steamship Corporation: Topa Topa
01950	E.M.J. Colocotronis C/O J. Colocotronis & Others: Katingo
01986	Aktiebolaget Transmarin: URSA
02003	Rederiet for M/S "Canadia": Canadia
02022	C. T. Gogstad & Co.: LIDO
02167	Sartori & Berger: Olhoern
02246	Blue Star Line Ltd.: Newcastle Star
02260	Caribaldi Soc. Cooperativa Di Navigazione A Responsabilita, Limitata: Bonmar
02295	The Great Eastern Shipping Co. Ltd.: Jag Shanti
02388	Cabahamas Corporation Limited: Cabatern
02501	Standard Oil Co. of California: Recoverer
02581	Atler Marine Corporation: Paterelias
02728	Societe Ivoirienne De Transport Maritime: Bambara
02846	Heritage Navigation Company, Ltd.: Mekari
02862	Ocean Shipping & Enterprises, Ltd.: Ocean Splendour
02870	Isthmian Lines, Inc.: Steel Designer
02872	States Marine International, Inc.: Gopher State
02892	Meljoy Transportation Company, Inc.: GWG 202
02911	Sig. Bergesen D.Y. & Company: Berge Siglion
02959	Kokuyo Kaiun Kaisha: Sachikawa Maru
02961	Kobe Kisen Kabushiki Kaisha: Shinsei Maru No. 5
03004	Rederi AB Soya: Soya-Baltic
03034	Swansea Marine Panama S.A.: Olympic Breeze
03145	Zepagas Shipping Corporation: Archontas
03281	Northern Lines, Corporation: Don Salvador
03441	Japan Line K.K.: Asia Maru No. 2
03482	Ryutsu Kaiun Kabushiki Kaisha: Ryujinmaru
03489	Sanwa Shosen K.K.: Yamaoki Maru
03576	Aktieselskapet Vigra: Anco Star
03673	Naysika Compania Naviera S.A.: Nausica
03742	Bauer Dredging Co. Inc.: ST-6
03980	Morgan Towing & Transportation Co., Inc.: Seaboard 32 Signal Hill
04002	Compagnie Des Messageries Maritimes: Indus
04019	Nord-Transport Strandheim & Stens: Hanseat
04050	A/S Uglands Rederi: Margarita
04172	Eklof Marine Corp.: Esso Barge No. 15
04210	Anderson Petroleum Transportation Co. Inc.: Propane
04228	Compagnie Maritime Belge (Lloyd Royal) S.A.: Lusambo
04284	Oil Base Inc.: #320 #324
04324	San Cecilio Compania Naviera S.A.: Kythnos Sifnos
04337	Zephyr Shipping Corporation: Anemos
04433	Allied Chemical Corporation: MG 20 MG 22 MG 25 ARC 80 ARC 82 JN 101 JN 102
04601	American Tunaboat Association: Conquest
04659	Big Star Barge & Boat Company: Star Sun
04834	Tidewater Barge Lines Inc.: "6"
04865	Naviera De Castilla S.A.: Pielagos
04939	Panocean Ship Management Limited: Post Challenger Post Ranger Postrover Postrunner
05114	N.V. Stoomvaartmaatschappij "De Maas": Pooldrecht
05283	Peter Pan Seafoods, Inc.: Aldebaran
05292	N.V. Scheepvaart - Handelmij "Westerpark": Ketty
05379	River Lines Company: Barge Placer Barge Sonoma

Certificate No.:	Owner/Operator and Vessels
05520---	Union Carbide Corporation: PC-2902 Wasson No. 1 Wasson No. 5 Wasson No. 8
05686---	M/V Cabrillo: Cabrillo
05854---	Levin Metals Corporation: DE-433
06062---	Tramontana Shipping Corporation: Tramontana
06148---	First Omega Shipping Inc.: Omega
06233---	Kabushiki Kaisha Nikko: Nikko Maru No. 15
06314---	Fukumaru Gyogyo Kabushiki Kaisha: Fuku Maru No. 5 Fuku Maru No. 38
06490---	Jorgen J. Lorentzen: Thomas
06528---	Sirius Navigation Corporation: Pola N
06535---	Kommandittselskapet A/S Quinarius & Co.: Quin Duchess
06776---	Nelson Seeschiffahrts-Agentur & Reedereiges mbH: Salzachtal
07281---	Styico Compania Naviera S.A.: Brothers
07287---	Charles Barge Corp.: ST-107
07297---	Armadora Hidalga S.A.: Angelmar
07597---	F. A. M. Flota Argentina Mineralera S.A. De Navegacion C.I.F.M.I.: Punta Indio
07640---	Exxon Company, U.S.A.: Exxon Miami

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-14125 Filed 7-10-73;8:45 am]

[Independent Ocean Freight Forwarder License 712]

JOHN H. FAUNCE, INC.

Order of Revocation

John H. Faunce, Inc., 721 Chestnut Street, Philadelphia, Pennsylvania 19106 voluntarily surrendered its Independent Ocean Freight Forwarder License No. 712 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) Section 7.04 (f) (dated 5/1/72);

It is ordered, That Independent Ocean Freight Forwarder License No. 712 be and is hereby revoked effective June 20, 1973, without prejudice to reapply for a license at a later date.

It is further ordered, that a copy of this order be published in the FEDERAL REGISTER and served upon John H. Faunce, Inc.

AARON W. REESE,
Managing Director.

[FR Doc.73-14126 Filed 7-10-73;8:45 am]

[Independent Ocean Freight Forwarder License 24]

E. D. SHERMAN STEAMSHIP CO. AND AGENCY

Order of Revocation

On June 20, 1973, the Federal Maritime Commission received notification that Edward D. Sherman, d/b/a E. D. Sherman Steamship Company and Agency, 19 Congress Street, Boston, Massachusetts 02109 wishes to voluntarily surrender its Independent Ocean Freight Forwarder License No. 24 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) Section 7.04(f) (dated 5/1/72);

It is ordered, That Independent Ocean Freight Forwarder License No. 24 of Edward D. Sherman, d/b/a E. D. Sherman Steamship Company and Agency be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 24 be and is hereby revoked effective June 20, 1973, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Edward D. Sherman, d/b/a E. D. Sherman Steamship Company and Agency.

AARON W. REESE,
Managing Director.

[FR Doc.73-14127 Filed 7-10-73;8:45 am]

U.S. GULF/COLOMBIA NORTHBOUND AND SOUTHBOUND FREE ACCESS AGREEMENT

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, N.W., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 31, 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:

Lloyd Strickland, Vice President
Lykes Bros. Steamship Co., Inc.
Lykes Center
300 Poydras Street
New Orleans, Louisiana 70130

Agreement No. 10064, between Flota Mercante Grancolombiana S.A. and Lykes Bros. Steamship Co., Inc., provides for the establishment of a regular coordinated service between the parties in the trade between United States Gulf of Mexico ports and ports in Colombia. The intent is that the lines will (1) have free access to the total import/export cargoes available without any governmental restrictions; (2) become associate companies upon approval of the agreement; and (3) mutually collaborate to have cargo not carried by one party to be carried by the other party.

Agreement No. 10064 will remain in effect indefinitely unless earlier canceled as provided therein.

Dated: July 5, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-14124 Filed 7-10-73;8:45 am]

FEDERAL POWER COMMISSION

MAJOR PIPELINE COMPANIES

Schedule of Meetings on 1973-74 Operations

The Commission's staff wishes to meet with the senior officials of the major gas pipelines to discuss the capability of these companies to serve their anticipated requirements during the coming year. The pattern will be similar to previous years' meetings with groups of companies having some community of interest meeting at the same time. Some companies have operations extending across two or more groups and accordingly are requested to send representatives to more than one meeting.

The purpose of the meetings is to anticipate, if possible, emergency situations in the coming winter and possible problems in filling storage this summer. These conferences are not intended to affect the resolution of issues pending in any Commission proceedings. The conferences will be open to the public and all interested parties are encouraged to attend. To this end notice will be placed in the Commission's calendar of events and in the FEDERAL REGISTER.

At these meetings we would like to discuss, both on an individual company and on a regional basis, such subjects as current supply availability, present and projected levels of storage, anticipated supply additions—both of a short term and long term nature, anticipated requirements, and other related matters. Of

particular concern will be any indication of curtailment projections by or to a pipeline and other operational adjustments that may become necessary.

Replies to my letter of April 10, 1973, requesting historical and projected supply and requirements for the period April 1972 through March 1974 will provide a useful basis for our discussions.

These meetings will be held in the offices of FPC at 10:00 a.m. on the days indicated in the schedule below.

FRANK C. ALLEN,
Acting Chief, Bureau of Natural Gas.

SCHEDULE OF PIPELINE COMPANY MEETINGS ON 1973–74 OPERATIONS TO BE HELD AT 10:00 A.M. ON DATE INDICATED

GROUP 1—JULY 17, 1973

Arkansas Louisiana Gas Company
Cities Service Gas Company
Lone Star Gas Company

GROUP 2—JULY 20, 1973

El Paso Natural Gas Company
Colorado Interstate Gas Company
Mountain Fuel Supply Company
Pacific Gas Transmission Company
Transwestern Pipeline Company

GROUP 3—JULY 24, 1973

Michigan Wisconsin Pipe Line Company
Midwestern Gas Transmission Company
Natural Gas Pipeline Company of America
Northern Natural Gas Company
Panhandle Eastern Pipe Line Company
Trunkline Gas Company

GROUP 4—JULY 31, 1973

United Gas Pipe Line Company
Mississippi River Transmission Corporation
Natural Gas Pipeline Company of America
Southern Natural Gas Company
Texas Eastern Transmission Corporation
Texas Gas Transmission Corporation

GROUP 5—AUGUST 2, 1973

Algonquin Gas Transmission Company
Columbia Gas Transmission Corporation
Consolidated Gas Supply Corporation
Tennessee Gas Pipeline Company
Texas Eastern Transmission Corporation
Texas Gas Transmission Corporation
Transcontinental Gas Pipe Line Corporation

[FR Doc.73-14295 Filed 7-10-73;10:54 am]

[Docket Nos. CP 72-223, etc.]

NATURAL GAS PIPE LINE COMPANY OF AMERICA AND TEXACO INC.

Notice of Further Postponement of Procedural Dates

JULY 2, 1973.

Notice is hereby given that the procedural dates set by the order issued May 23, 1973, as modified by notices issued June 13, 1973, June 22, 1973, and June 28, 1973, are further modified as follows:

Service of evidence by applicants and persons in support of the applications, July 17, 1973.
Service of answering evidence by applicants and interveners, July 27, 1973.
Commencement of hearing, August 7, 1973.

Action on the request for a prehearing conference will be by subsequent order.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-14019 Filed 7-10-73;8:45 am]

FEDERAL RESERVE SYSTEM

ASB INVESTMENT CO.

Acquisition of Bank

ASB Investment Company, Flint, Michigan, has applied in separate applications for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire between 10.9 and 12.2 percent of the voting shares of Great Lakes Bancorp. Inc., Kalamazoo, Michigan, and thereby acquire, indirectly, 90 per cent or more of the voting shares of Industrial State Bank & Trust Company, Kalamazoo, The Owosso Savings Bank, Owosso, and Alpena Savings Bank, Alpena, all in Michigan. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the applications should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 28, 1973.

Board of Governors of the Federal Reserve System, July 3, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-14083 Filed 7-10-73;8:45 am]

ALABAMA BANCORPORATION

Order Approving Acquisition of Bank

Alabama Bancorporation, Birmingham, Alabama, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the successor by merger to J. C. Jacobs Banking Company, Inc., Scottsboro, Alabama ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is the largest banking organization in Alabama, controlling five banks with total deposits of $972.6 million, representing 14.3 percent of total deposits of commercial banks in Alabama.[1] Acquisition of Bank (deposits of $17.7 million) would not significantly increase the concentration of banking resources in Alabama.

There are four banking organizations with three banks and one branch in Jackson County (the relevant market). Bank is the second largest organization in the market, holding 27.8 percent of total market deposits as of June 30, 1972. The largest bank in Jackson County controls over 40 percent of the deposits in the market as of the same date. A subsidiary of the second largest holding company in the State has a branch in the market. It is unlikely that approval of the proposed transaction would lead to domination of the area's other banks by Bank.

Applicant's subsidiary closest to Bank is located 64 miles distant, and there is no existing competition between this subsidiary or any of Applicant's other subsidiary banks and Bank. Moreover, Applicant's mortgage banking subsidiary, Engel Mortgage Company, has not originated mortgage loans in Jackson County for several years and does not presently compete with Bank. It does not appear likely that meaningful competition between Bank and Applicant would develop in the future in view of Alabama's restrictive banking laws and the limited prospects of the market for de novo entry.[2] On the basis of the record before it, the Board concludes that consummation of the proposal herein will not result in any significant increase in concentration of banking resources in Alabama nor have any adverse effect on competition in any relevant area.

Considerations relating to the managerial and financial resources and future prospects of Applicant, its subsidiary banks, and Bank are satisfactory and consistent with approval of the application. Considerations relating to the needs of the community to be served lend some weight for approval of the application since Applicant's acquisition of Bank will enable the latter to expand its services within the market. The Board finds that approval of the application is in the public interest.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta, pursuant to delegated authority.

By order of the Board of Governors,[3] effective July 3, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-14081 Filed 7-10-73;8:45 am]

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[1] All banking data are as of December 31, 1972 except where otherwise noted, and represent bank holding company formations and acquisitions approved by the Board through May 31, 1973.

[2] Income levels in Jackson County are significantly below those of the State as a whole, while the population per banking office (3,700) relative to the State average (6,300) makes Scottsboro an unattractive location for de novo entry.

[3] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Bucher and Holland. Absent and not voting: Chairman Burns and Governors Daane and Brimmer.

AMERICAN BANCSHARES, INC.

Acquisition of Bank

American Bancshares, Incorporated, North Miami, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Executive Bank of Fort Lauderdale, Fort Lauderdale, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than July 28, 1973.

Board of Governors of the Federal Reserve System, July 5, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-14082 Filed 7-10-73;8:45 am]

CONTINENTAL BANKSYSTEM, INC.

Order Denying Formation of Bank Holding Company

Continental Banksystem, Inc., St. Paul, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) for formation of a bank holding company through acquisition of 60 percent or more of the voting shares of St. Anthony Park State Bank, St. Paul, Minnesota ("St. Anthony Park"); 53 percent or more of the voting shares of Roseville State Bank, Roseville, Minnesota ("Roseville Bank"); 59 percent or more of the voting shares of Peoples National Bank, Mora, Minnesota ("Mora Bank"); and 70 percent or more of the voting shares of Citizens State Bank of Montgomery, Montgomery, Minnesota ("Montgomery Bank").

At the same time Applicant has applied for the Board's approval under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire a majority of the voting shares of Peoples Credit Company of Mora, Minnesota, Inc., Mora, Minnesota ("Peoples Credit Company"), a company which engages in the activities of a non-real estate agricultural credit corporation. Such activity has been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a)(2)).[1]

Notice of the application, affording opportunity for interested persons to submit comments and views has been given in accordance with sections 3 and 4 of the Act (38 FR 11011, 11034). The time for filing comments and views has expired, and none has been timely received. The Board has considered the applications in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)), and the considerations specified in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant was organized in 1970 for the purpose of becoming a bank holding company and has no operating history. The four banks to be acquired have aggregate deposits of $49 million representing .5 percent of the total commercial bank deposits in Minnesota.[2] Applicant would become the tenth largest bank holding company and the twelfth largest banking organization in the State.

St. Anthony Bank (deposits of $10.3 million) and Roseville Bank (deposits of $15 million) are located about three miles apart in a northwestern section of St. Paul, Minnesota and an adjacent northern suburb respectively. There is a small amount of service area overlap between the two banks and some competition would be eliminated by this proposed transaction. The Twin Cities market, however, is highly concentrated with the two largest banking organizations holding 70 percent of the market deposits. In view of this concentration and the large number of commercial banking alternatives (75) in the market and the fact that by this proposed transaction both banks may become more viable competitors to the dominant banking organizations in the market, the slight elimination of competition is not a signficant adverse factor.

Mora Bank (deposits of $13.5 million) is located in rural area of Kanabec County, Minnesota, 60 miles north of St. Paul. Montgomery Bank (deposits of $10 million) is located in a rural area of La Sueur County, Minnesota, 50 miles southwest of St. Paul. Neither of these banks compete with the other or with St. Anthony Bank or Roseville Bank. In view of the distances involved and the Minnesota prohibition against branching it is unlikely that any such competition would develop in the future.

Peoples Credit Company (outstanding loans of $1.3 million) originates and services non-real estate agricultural loans in the same market area serviced by Mora Bank. Since Mora Bank is affiliated with Peoples Credit Company, St. Anthony Bank and Roseville Bank do not make agricultural loans, and Montgomery Bank is 110 miles away, there is no elimination of competition through this acquisition. The proposed acquisitions will not produce any adverse competitive effects and may be slightly procompetitive if they result in a holding company capable of offering new competition to the dominant banking organizations in the State.

While Applicant proposes to offer additional services and improve the facilities and increase the hours of operation of the banks to be acquired, the Mora, Montgomery and Twin City markets are being adequately served at present. Considerations relating to the convenience and needs of the communities to be served are consistent with and lend slight weight for approval.

While the above considerations are consistent with approval, section 3(c) of the Bank Holding Company Act directs the Board to take into consideration the financial and managerial resources and future prospects of Applicant and banks to be acquired; these give rise to serious questions in connection with this proposal. Even if successful in completing a private equity offering of $2 million, which must be effected prior to the consummation, Applicant will still have acquisition debt remaining equal to 66 per cent of equity capital accounts. Applicant's plan to eliminate this debt by a public or private placement equity offering of $2 million during 1975 is questionable under conditions the Applicant projects. Earnings prospects as projected by the Applicant are essentially dependent on earnings of the proposed subsidiaries, and these do not appear sufficient to service the debt in the interim period and still maintain a viable organization. This strain on earnings in turn will make the projected 1975 placement more questionable. Applicant has failed to show alternative plans or ability to meet its debt should its 1975 equity offering fail or become impossible to complete.

The Board has on many occasions stated that a holding company should be a source of strength for its subsidiary banks rather than vice versa. Applicant, however, will be required to use bank earnings to support its acquisition debt and will be unable to provide additional capital funds should the need arise. In addition, the acquisition of the majority interest of one of the banks contemplates the payment of $125,000 in deferred compensation over five years to the majority shareholder in return for his services as chief executive officer of the bank and for making himself available part-time to perform services for Applicant. Since the bank already has an adequately compensated chief executive officer, and the majority shareholder is principally involved in operating his own construction firm, there appears to be no economic justification for this compensation arrangement. The capital position of this bank is at present only marginally satisfactory, and the proposed compensation agreements would adversely affect its financial position and future prospects.

The Board concludes that the excessive debt to be incurred by Applicant in this proposed transaction, the consequent strain on subsidiary bank earnings to service the debt, and the reliance without alternative plans on an uncertain public placement to repay his debt present adverse circumstances bearing on financial condition, managerial responsibility and future prospects of the Applicant and banks. These circumstances are not outweighed by any procompetitive factors or by considerations relating to convenience and needs of the communities to be served. Accordingly, the Board is of the opinion that approval of this application is not in the public interest and should be denied.

[1] In view of the Board's Order denying the formation of the bank holding company, action with respect to the § 4(c)(8) application has been rendered moot.

[2] All banking data are as of June 30, 1972 and reflect bank holding company formations and acquisitions through April 30, 1973.

On the basis of the record, the application is denied for the reasons summarized above.

By order of the Board of Governors,[3] effective July 2, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-14145 Filed 7-10-73;8:45 am]

EXCHANGE BANCORPORATION, INC.

Acquisition of Bank

Exchange Bancorporation, Inc., Tampa, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire at least 80 per cent of the voting shares of the following banks: Madeira Beach Bank, Madeira Beach, Florida; and First Gulf Beach Bank and Trust Company, St. Petersburg, Florida. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than July 28, 1973.

Board of Governors of the Federal Reserve System, July 5, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-14084 Filed 7-10-73;8:45 am]

FIRST NATIONAL STATE BANCORPORATION

Acquisition of Bank

First National State Bancorporation, Newark, New Jersey, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Mechanics National Bank of Burlington County, Burlington Township, New Jersey. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 18, 1973.

Board of Governors of the Federal Reserve System, July 3, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-14146 Filed 7-10-73;8:45 am]

[3] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer, Sheehan, Bucher, and Holland.

HAWKEYE BANCORPORATION

Acquisition of Bank

Hawkeye Bancorporation, Des Moines, Iowa, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 79 per cent or more of the voting shares of Farmers Savings Bank, Grundy Center, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 29, 1973.

Board of Governors of the Federal Reserve System, July 2, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-14147 Filed 7-10-73;8:45 am]

MERCANTILE BANCORPORATION, INC.

Acquisition of Bank

Mercantile Bancorporation, Inc., St. Louis, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Cape State Bank and Trust Company, Cape Girardeau, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank, to be received not later than July 23, 1973.

Board of Governors of the Federal Reserve System, June 29, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-14063 Filed 7-10-73;8:45 am]

FIRST CITY BANCORPORATION OF TEXAS, INC.

Order Approving Acquisition of Bank

First City Bancorporation of Texas, Inc., Houston, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of First Professional Bank, National Association, Houston, Texas ("Bank"), a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the third largest banking organization in Texas and the largest in the Houston banking market (approximated by the Houston SMSA), controls 15 banks with total deposits of $1,812.5 million, which represents 5.96 per cent of total commercial bank deposits in the State, and 20.04 per cent of all such deposits in the Houston market.[1] In addition, Applicant owns voting shares in 13 other banks with aggregate deposits of $372.9 million—which represents an additional 1.22 per cent of the State's total commercial bank deposits.[2] Consummation of the proposed acquisition would not immediately increase Applicant's share of commercial bank deposits either in Texas or in the Houston market. Applicant's nearest present subsidiary, Highland Village State Bank, is located six miles away, outside Bank's proposed service area. Within that service area, Bank will face significant competition from three other commercial banks, including the tenth largest banking organization in the Houston market. Accordingly, the Board concludes that consummation of the proposed acquisition would not adversely affect competition in any relevant area.

The financial and managerial resources of Applicant, its present subsidiary banks, and Bank are satisfactory. Considerations relating to the convenience and needs of the communities to be served lend weight toward approval, since Bank will be located near the rapidly expanding Texas Medical Center and will provide an additional source of services to customers in or near this complex. It is the Board's judgment that the proposed acquisition is in the public interest and that the application should be approved

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after that date, and (c) First Professional Bank, National Association, Houston, Texas, shall be opened for business not later than six months after the effective date of this order. Each of the periods described in (b) and (c) may be

[1] Banking data are as of June 30, 1972, adjusted to reflect holding company acquisitions and formations approved through May 31, 1973.

[2] The Board's Order of January 4, 1973, conditions approval of Applicant's acquisitions of Highland Village State Bank, Houston, Texas, and of First State Bank of Clear Lake City, Clear Lake City, Texas, upon divestiture of direct or indirect control of all voting shares in excess of five per cent of both South Main Bank and Heights State Bank, both of Houston, Texas. The figures above do not reflect any such divestiture.

extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[1] effective July 3, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-14085 Filed 7-10-73;8:45 am]

FIRST INTERNATIONAL BANCSHARES, INC.

Order Approving Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent (less directors' qualifying shares) of the voting shares of the successor by merger to The First National Bank of Odessa, Odessa, Texas ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, presently the second largest bank holding company in Texas, controls two banks[2] with aggregate deposits of approximately $1.7 billion,[3] representing 5.6 percent of the total commercial bank deposits in the State. Acquisition of Bank would increase Applicant's share of State deposits by .17 per cent and would not result in a significant increase in the concentration of banking resources in the State.

Bank (approximately $52 million in deposits) is the third largest of nine banks in the Midland-Odessa SMSA and accounts for 11.7 per cent of the commercial bank deposits in the market. The first and second largest banks in the market account for 42 and 18 per cent of the commercial bank deposits, respectively. Consummation of the proposal herein would constitute Applicant's initial entry into the Midland-Odessa SMSA.

Applicant's subsidiary bank closest to Bank is located in Dallas, more than 300 miles away. There is no meaningful present competition between Applicant's subsidiary banks and Bank. Furthermore, in view of the distances involved and Texas' restrictive branching law, there is little probability that any significant amount of competition would develop in the future between these institutions. Although Applicant could enter the market de novo or through the acquisition of a smaller bank, Applicant's acquisition of Bank is not regarded as having a substantially adverse effect on potential competition because Applicant's acquisition of Bank would not result in Applicant's gaining a dominant share of the market's banking resources, nor would it appear to preclude the possibility of other holding companies entering the market. The Board concludes, therefore, that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Bank, and of Applicant and its present subsidiary banks, are regarded as satisfactory; and Applicant intends to increase Bank's equity capital upon consummation of the transaction. Considerations relating to the banking factors are consistent with approval of the application. Although the major banking needs of the residents in the area are being adequately served at the present time, the proposed affiliation is likely to result in expansion of the range of services presently offered by Bank. Considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[1] effective July 3, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-14086 Filed 7-10-73;8:45 am]

FIRST INTERNATIONAL BANCSHARES, INC.

Order Approving Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent (less directors' qualifying shares) of the voting shares of the successor by merger to The First National Bank of Harlingen, Harlingen, Texas ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, presently the largest bank holding company in Texas, controls two banks[2] with aggregate deposits of approximately $2.1 billion,[3] representing 6.1 per cent of the total commercial bank deposits in the State. Acquisition of Bank would increase Applicant's share of State deposits by 0.2 per cent and would not result in a significant increase in the concentration of banking resources in the State.

Bank (approximately $62 million in deposits) is the second largest of nine banks in the Brownsville-Harlingen-San Benito SMSA and accounts for 22.8 per cent of the commercial bank deposits in the market. The first and third largest banks in the market account for 24.3 and 17.3 per cent of the commercial bank deposits, respectively. Consummation of the proposal herein would constitute Applicant's initial entry into this market.

Applicant's subsidiary closest to Bank is located in Houston, approximately 300 miles away, and there is no meaningful present competition between Applicant's subsidiary banks and Bank. In view of the distances involved and Texas' restrictive branching law, there appears to be little likelihood for the development of any significant amount of future competition between these institutions. Although Applicant could enter the market de novo or through the acquisition of a smaller bank, Applicant's acquisition of Bank is not regarded as having a substantially adverse effect on potential competition because size disparity among the top banks is narrow enough so that Applicant's acquisition of Bank would not result in Applicant's gaining a dominant share of the market's banking resources, nor would it appear to preclude the possibility of other holding companies entering the market. The Board concludes,

[1] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan, and Holland. Absent and not voting: Chairman Burns and Governors Daane and Bucher.

[2] In addition to its two subsidiary banks, Applicant indirectly owns interests of between 5 and 25 per cent in 13 banks. Applicant states that it intends to acquire five of these banks, and to divest its minority interest in each of the remaining eight banks.

[3] All banking data are as of June 30, 1972, and reflect holding company formations and acquisitions approved through May 31, 1973.

[1] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan and Holland. Absent and not voting: Chairman Burns and Governors Daane and Bucher.

[2] In addition to its two subsidiary banks, Applicant indirectly owns interests of between 5 and 25 per cent in 13 banks. Applicant states that it intends to acquire five of these banks, and to divest its minority interest in each of the remaining eight banks.

[3] All banking data are as of December 31, 1972, and reflect holding company formations and acquisitions approved through May 31, 1973.

therefore, that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Bank, and of Applicant and its present subsidiary banks, are regarded as satisfactory; and Applicant intends to increase the equity capital of Bank upon consummation of the transaction. Considerations relating to the banking factors are consistent with approval of the application. Although the major banking needs of the residents in the area are being adequately served at the present time, the proposed affiliation is likely to result in expansion of the range of services presently offered by Bank. Considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[2] effective July 3, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-14087 Filed 7-10-73;8:45 am]

FIRST & MERCHANTS CORP.

Order Approving Acquisition of Bank

First & Merchants Corp., Richmond, Virginia, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares of the successor by merger to the Peoples Bank of Stafford, Falmouth, Virginia ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls three banks with aggregate deposits of $1,011 million, representing 9.4 per cent of the total commercial bank deposits in Virginia, and is the third largest banking organization in the State. (All banking data is of December 30, 1972.) Bank has four offices and controls $15.7 million in deposits, representing .15 per cent of the commercial bank deposits in Virginia. Bank ranks third in its market. Consummation of the proposed acquisition will not significantly increase concentration of banking resources in the State.

The market area of Bank includes the city of Fredericksburg, Stafford County, and Spotsylvania County. There is no significant competition between Applicant's banking subsidiaries and Bank at the present time, and the possibility of future competition is remote because Virginia law prevents Applicant's subsidiary banks from branching *de novo* into the market. Bank is the third largest of four banks located in the market and is considerably smaller than the two leading banks. Applicant's acquisition of Bank would not result in Applicant's gaining a dominant share of the market's banking resources, nor would it appear to preclude the possibility of other bank holding companies entering the market.

Applicant's subsidiary, First Mortgage Corporation, Richmond, Virginia, does compete directly with Bank for loans secured by new one-to-four family residential properties. That competition is not substantial at present, nor does the Board believe that it would likely attain significant proportions in the future, if the application were not approved.

Consummation of the proposed acquisition would not appear, therefore, to eliminate or foreclose significant existing or potential competition between Applicant or any of its subsidiaries and Bank, and the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources of Applicant and its subsidiaries are generally satisfactory. Applicant has agreed to add capital to Bank and Bank's management appears satisfactory. Future prospects for Applicant and Bank are considered good. Applicant plans to make Bank more aggressive in its investments and loans (and Bank will have a larger lending limit) by financing dealer floor plans, by purchasing installment paper, and by more aggressive retail banking in general. Hence, factors relating to convenience and needs of the community are consistent with approval. It is the Board's judgment that the proposed transaction is in the public interest and should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Board of Governors,[1] effective July 3, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-14088 Filed 7-10-73;8:45 am]

GREAT LAKES HOLDING CO.

Acquisition of Bank

Great Lakes Holding Company, Kalamazoo, Michigan, has applied in separate applications for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire between 28.6 and 31.8 per cent of the voting shares of Great Lakes Bancorp, Inc., Kalamazoo, Michigan and thereby acquire, indirectly, 90 per cent or more of the voting shares of Industrial State Bank & Trust Company, Kalamazoo, The Owosso Savings Banks, Owosso, and Alpena Savings Bank, Alpena, all in Michigan. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the applications should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 28, 1973.

Board of Governors of the Federal Reserve System, July 3, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-14090 Filed 7-10-73;8:45 am]

GREAT LAKES BANCORP, INC.

Formation of Bank Holding Company

Great Lakes Bancorp, Inc., Kalamazoo, Michigan, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 90 per cent or more of the voting shares and 90 per cent or more of the preferred nonvoting shares of Industrial State Bank & Trust Company, Kalamazoo, and 90 per cent or more of the voting shares of The Owosso Savings Bank, Owosso, and Alpena Savings Bank, Alpena, all in Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 28, 1973.

[2] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan and Holland. Absent and not voting: Chairman Burns and Governors Daane and Bucher.

[1] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns.

Board of Governors of the Federal Reserve System, July 3, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-14089 Filed 7-10-73;8:45 am]

PHILADELPHIA NATIONAL CORP.

Proposed Retention of Congress Factors Corporation

Philadelphia National Corporation (formerly PNB Corporation), Philadelphia, Pennsylvania, has applied, pursuant to §§ 4(c)(8) and (13) of the Bank Holding Company Act (12 U.S.C. 1843 (c)(8)) and (13) and § 225.4(b)(2) of the Board's Regulation Y, for permission to transfer and retain voting shares of Congress Factors Corporation, Philadelphia, Pennsylvania. Those shares are presently held by The Philadephia National Bank, a wholly-owned (except for directors' qualifying shares) subsidiary of Philadelphia National Corporation. Congress Financial Corporation, Philadelphia, Pennsylvania, and Congress Credit Corporation, Philadelphia, Pennsylvania, are both subsidiaries of Congress Factors Corporation. Notice of the application was published on April 17, 1973 in The New York Times, a newspaper circulated in New York City, New York; on April 17, 1973, in the Miami Herald, a newspaper circulated in Miami, Florida; on April 18, 1973, in The Philadelphia Daily News, a newspaper circulated in Philadephia, Pennsylvania; and on April 19, 1973 in El Mundo, a newspaper circulated in the island of Puerto Rico, in each of which locations Congress Factors Corporation and/or one or more of its subsidiaries maintains offices.

Applicant states that Congress Factors Corporation engages in the activities of factoring, that is, the purchasing, principally on a non-recourse basis, of accounts receivable, and commercial financing, that is, the making of loans to commercial customers, secured by accounts receivable, inventory, equipment, and/or real estate; Congress Financial Corporation and Congress Credit Corporation engage in the activity of commercial financing. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Philadelphia.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 30, 1973.

Board of Governors of the Federal Reserve System, July 5, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-14091 Filed 7-10-73;8:45 am]

RAILROAD RETIREMENT BOARD

ACTUARIAL ADVISORY COMMITTEE

Notice of Public Meeting Regarding Railroad Retirement Accounts

Notice is hereby given in accordance with Public Law 92-463 that the Actuarial Advisory Committee with respect to the Railroad Retirement Accounts will hold a meeting on July 26 and 27, 1973, at the offices of the Chief Actuary of the Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois. The agenda for the meeting will include a review of the results of the twelfth actuarial valuation of the railroad retirement system, a review of the draft of the report on the valuation, and the drafting of the Committee's report to the Railroad Retirement Board.

The meeting will be open to the public. Persons wishing to submit written statements or to make oral presentations should address their communications or notices to the RRB Actuarial Advisory Committee, c/o Chief Actuary, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611.

Dated: July 3, 1973.

[SEAL] R. F. BUTLER,
Secretary of the Board.

[FR Doc.73-14031 Filed 7-10-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5361]

ALABAMA POWER CO.

Proposed Issue and Sale of First Mortgage Bonds

JULY 2, 1973.

Notice is hereby given, that Alabama Power Company ("Alabama"), an electric utility subsidiary company of The Southern Company, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Alabama proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, up to $100,000,000 principal amount of its First Mortgage Bonds, — percent Series, having a term of not less than 5 years and not more than 30 years. Alabama will decide on the terms of the bonds prior to the filing of the registration statement. The interest rate (which shall be a multiple of ⅛%) and the price, exclusive of accrued interest, to be paid to Alabama (which shall be not less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under an Indenture, dated as of January 1, 1942, between Alabama and Chemical Bank, as Trustee, as heretofore supplemented and as to be further supplemented by a Supplemental Indenture to be dated as of August 1, 1973, which includes a prohibition until August 1, 1978 against refunding the bonds with the proceeds of funds borrowed at a lower effective interest cost.

Alabama proposes to use the proceeds from the sale of the bonds together with: (1) cash contributions to capital of $65,000,000 by The Southern Company ($27,000,000 of which had been received through May 31, 1973) heretofore authorized by the Commission (Holding Company Act Release No. 17824), (2) proceeds from the sales of additional first mortgage bonds ($75,000,000 principal amount) and 300,000 shares of preferred stock (par value $30,000,000), which Alabama proposes to issue later in 1973; and (3) cash on hand in excess of operating requirements, interest and dividends, to finance its 1973 construction program (estimated at $364,710,000), to pay short-term promissory notes payable in the form of bank notes and commercial paper notes incurred for such purpose, and for other lawful purposes. Alabama estimates that no additional financing will be required for construction purposes during 1973, except for the issuance and sale of short-term bank notes and commercial paper notes authorized by the Commission (Holding Company Act Release No. 17824). It is estimated that approximately $7,000,000 of notes payable will be outstanding at December 31, 1973.

It is stated that the Alabama Public Service Commission has approved the proposed issuance and sale of the bonds by Alabama. No other State commission and no 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 supplied by amendment.

Notice is further given that any interested person may, not later than July 26, 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 which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary,

Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the 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 application, as filed or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulation promulgated under the Act, or the Commission may grant exemption from such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

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

[FR Doc.73-14044 Filed 7-10-73;8:45 am]

CLOROX CO.

Applications for Unlisted Trading Privileges and Opportunity for Hearing

JULY 3, 1973.

In the matter of applications of the Midwest Stock Exchange, Inc. for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following company, which securities is listed and registered on one or more other national securities exchanges:

The Clorox Company..... File No. 7-4414

Upon receipt of a request, on or before July 19, 1973 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

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

[FR Doc.73-14036 Filed 7-10-73;8:45 am]

[File No. 500-1]

GREAT REPUBLIC FINANCIAL CORP.

Order Suspending Trading

JUNE 29, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, and all other securities of Great Republic Financial Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10:00 a.m. June 29, 1973 through July 8, 1973.

By the Commission.

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

[FR Doc.73-14052 Filed 7-10-73;8:45 am]

HUGHES TOOL CO.

Applications for Unlisted Trading Privileges and Opportunity for Hearing

JULY 3, 1973.

In the matter of applications of the Midwest Stock Exchange, Inc. for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following company, which securities is listed and registered on one or more other national securities exchanges:

Hughes Tool Co..... File No. 7-4413

Upon receipt of a request, on or before July 19, 1973 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

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

[FR Doc.73-14037 Filed 7-10-73;8:45 am]

[812-3473]

IDS NEW DIMENSIONS FUND, INC.

Application for Exemption

JULY 3, 1973.

Notice is hereby given that IDS New Dimensions Fund, Inc. (the "Fund"), 1000 Roanoke Building, Minneapolis, Minnesota 55402, which is registered as a diversified, open-end management investment company under the Investment Company Act of 1940 (the "Act"), has filed an application pursuant to section 6(c) of the Act for exemption from section 22(d) of the Act and Rule 22c-1 under the Act to permit a public offering of shares of the Fund in Japan to Japanese and other non-United States nationals in accordance with Japanese law and regulations, but under terms and with sales charges which differ from the terms and charges described in the prospectus of the Fund that is used in the United States. 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.

Section 22(d) of the Act provides, in substance, that no registered investment company may sell any redeemable security issued by it except either to or through a principal underwriter for distribution or at a current public offering price described in its prospectus. The current public offering price includes the sales charge, if any, and is subject to the terms and options, such as rights of accumulation, automatic withdrawal, and purchases under a letter of intent, as are described in the prospectus.

Rule 22c-1 under the Act provides, in pertinent part, that a redeemable security may be sold only at a price based on the current net asset value of the security which is next computed after receipt of an order to purchase such security.

Yamaichi Securities Co. Ltd. ("Yamaichi"), a Japanese securities dealer, proposes to purchase at least $10,000,000 of shares of the Fund for the purpose of reselling such shares in Japan to Japanese and other non-United States nationals by means of a block offering to be completed within a short period of time either by Yamaichi directly or by selected dealers. Yamaichi proposes to

purchase such shares at the net asset value computed in accordance with Rule 22c–1, plus an underwriting commission of 1 percent to be paid to Investors Diversified Services, Inc. ("IDS"), the investment adviser of, and principal underwriter for, the Fund. This arrangement would ensure that the Fund would receive full net asset value for its shares as required by the Act. However, resale of such shares in Japan would be subject to Japanese regulation and Japanese marketing practices which require, as a practical matter, that the block offering be made pursuant to terms different from those described in the Fund's United States prospectus.

For the purpose of computing the sales prices of shares in the initial block offering, the net asset value of the Fund would be the lesser of the net asset value paid by Yamaichi or that next computed after the receipt by Yamaichi or a selected dealer of a purchase order. After the initial block offering, Yamaichi intends to make additional shares available in Japan at prices based on net asset values of the Fund computed in accordance with Rule 22c–1, but with sales loads as described herein. Further block offerings might be made in the same manner as the proposed initial block offering, depending on market reception to the Fund.

Shares of the Fund would be sold in Japan according to a schedule of sales charges different from the one used in the United States. The respective schedules set different break points and provide, generally speaking, for lower sales loads in Japan on smaller purchases and higher sales loads in Japan for larger purchases. Applicant represents that the proposed different schedule of sales charges to be used in Japan is necessary because permissible sales charges in Japan are determined by the various securities dealers' associations as a matter of self-regulation and that such associations have an understanding among themselves tantamount to a requirement that sales commissions to be charged in Japan in connection with the sale of foreign investment company securities should be somewhat closely related to those sales charges currently prevailing with respect to the sale of shares of Japanese investment trusts with similar objectives. Applicant also states that the sales charges to be imposed in Japan are more or less similar to those charged by other foreign investment trusts marketing shares in Japan and that it would be competitively impossible to charge higher rates.

The Japanese regulation and marketing practices also require certain other variations from the terms of offering contained in the Fund's United States prospectus. Such options as rights of accumulation, systematic withdrawal, aggregation of purchases by "any person" under Rule 22d–1, purchases under a letter of intent, and exchange of shares of the Fund for shares of other investment companies in the IDS complex would not be available under the proposed offering in Japan because they are not consistent with the present practice in that country. Because the terms and sales charges pursuant to which shares of the Fund would be required to be sold in Japan would differ from the terms and sales charges described in the current prospectus of the Fund that is used in the United States, the public offering price in Japan would differ from the public offering price described in the Fund's current prospectus.

Section 6(c) of the Act permits the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and the Rules and Regulations promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

The Fund represents that the exemptions requested from the provisions of section 22(d) of the Act and Rule 22c–1 under the Act, pursuant to section 6(c), so as to permit the sale of its securities in Japan, are necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 23, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponement thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

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

[FR Doc.73–14043 Filed 7–10–73;8:45 am]

KELLOGG CO.

Applications for Unlisted Trading Privileges and Opportunity for Hearing

JULY 3, 1973.

In the matter of applications of the Midwest Stock Exchange, Inc. for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stocks of the following company, which securities is listed and registered on one or more other national securities exchanges:

Kellogg Company ..... File No. 7–4415

Upon receipt of a request, on or before July 19, 1973 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

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

[FR Doc.73–14041 Filed 7–10–73;8:45 am]

[File No. 500–1]

MADJAC DATA COMPANY, INC.

Order Suspending Trading

JUNE 29, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Madjac Data Company, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from

10:00 a.m. (EDT) on June 29, 1973 and continuing through July 8, 1973.

By the Commission.

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

[FR Doc.73-14051 Filed 7-10-73;8:45 am]

[811-2185]

MASSACHUSETTS BAY INCOME SHARES

Proposal To Terminate Registration

JULY 3, 1973.

Notice is hereby given that the Commission proposes, pursuant to section 8 (f) of the Investment Company Act of 1940 ("Act"), to declare by order upon its own motion that Massachusetts Bay Income Shares ("Fund"), 441 Stuart Street, Boston, Massachusetts 02116, registered under the Act as an open-end diversified management investment company, has ceased to be an investment company.

Fund was organized as a Massachusetts corporation on December 31, 1970, and filed a Notification of Registration on Form N-8A and a Registration Statement on Form N-8B-1 with the Commission on April 19, 1971.

Fund presently has no assets or shareholders and has no intention of making a public offering of its shares. Its Registration Statement under the Securities Act of 1933 was declared abandoned by the Commission on November 1, 1972.

Section 8(f) of the Act, provides, in pertinent part, that when the Commission finds a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order, which may be issued upon the Commission's own motion when appropriate, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 27, 1973 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Fund at the address set forth above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated herein, unless an order for a hearing shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

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

[FR Doc.73-14042 Filed 7-10-73;8:45 am]

[File No. 500-1]

ORECRAFT, INC.

Order Suspending Trading

JULY 3, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.04 per value, and all other securities of Orecraft, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 4, 1973 through July 13, 1973.

By the Commission.

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

[FR Doc.73-14035 Filed 7-10-73;8:45 am]

[File No. 500-1]

PACE INDUSTRIES, INC.

Order Suspending Trading

JUNE 28, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value, and all other securities of Pace Industries, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 12:15 p.m. (EDT) on June 28, 1973 and continuing through July 7, 1973.

By the Commission.

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

[FR Doc.73-14047 Filed 7-10-73;8:45 am]

[File No. 500-1]

PELOREX CORP.

Order Suspending Trading

JULY 3, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value, and all other securities of Pelorex Corporation, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 5, 1973 through July 14, 1973.

By the Commission.

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

[FR Doc.73-14039 Filed 7-10-73;8:45 am]

[File No. 500-1]

PHOTON, INC.

Order Suspending Trading

JULY 3, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1.00 par value and all other securities of Photon, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 4, 1973 through July 13, 1973.

By the Commission.

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

[FR Doc.73-14038 Filed 7-10-73;8:45 am]

[70-5357]

POTOMAC EDISON CO. ET AL.

Proposed Issue and Sale of Short-Term Notes

JULY 2, 1973.

Notice is hereby given that Monongahela Power Company ("Monongahela"), 1310 Fairmont Avenue, Fairmont, West Virginia 26554, The Potomac Edison Company ("PE"), Downsville Pike, Hagerstown, Maryland 21740, and West Penn Power Company ("West Penn") 800 Cabin Hill Drive, Greensburg, Pennsylvania 15601, public utility subsidiary companies of Allegheny Power System, Inc., a registered holding company, have filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Monongahela, PE, and West Penn request permission to issue and sell short-term notes to banks and to dealers in commercial paper from time to time for the period July 31, 1973, to December 31, 1974. Monongahela, PE, and West Penn also request that from the date of this application to December 31, 1974, the exemption from the provisions of section 6(a) of the Act afforded to each of them by the first sentence of section 6 (b) of the Act be increased to the extent necessary to cover the issuance and sale of notes to banks and to dealers in commercial paper up to the following amounts: Monongahela $35,000,000; PE—$40,000.00; and West Penn—$60,000,000.

Monongahela, PE, and West Penn propose to issue, reissue, sell, and renew from time to time short-term notes to banks and to dealers in commercial paper prior to December 31, 1974, provided that in no case shall any of such notes mature later than June 30, 1975. The proceeds from the issuance and sale of such notes will be used by each of the companies to reimburse its corporate treasury for past expenditures made in connection with its construction program, to pay part of the cost of future construction, and for other corporate purposes. The estimated gross construction expenditures for 1973, 1974, and 1975 are estimated to total $135.8 million in the case of Monongahela, $121.9 million in the case of PE, and $224.6 million in the case of West Penn.

Each note payable to a bank will be dated as of the date of the borrowing which it evidences, will mature not more than 270 days after the date of issuance or renewal thereof, will bear interest at the prime or comparable interest rate of the bank from which the borrowing is made, in effect at the time of issuance or in effect from time to time, and will be prepayable at any time without premium or penalty. The names of the banks from which such borrowings are proposed to be effected and the maximum amount of borrowings outstanding at any one time are as follows:

Monongahela	
First National City Bank	$36,900,000
Mellon National Bank & Trust Company	35,000,000
	$71,900,000

PE	
First National City Bank	$67,000,000
Chemical Bank	35,000,000
Manufacturers Hanover Trust Company	2,500,000
	$104,500,000

West Penn	
First National City Bank	$65,000,000
Mellon National Bank & Trust Company	35,000,000
Pittsburgh National Bank	6,000,000
The Chase Manhattan Bank N.A	5,000,000
	$111,000,000

The maximum amount of short-term notes outstanding at any one time will not, when taken together with any commercial paper outstanding, be in excess of $35,000,000 in the case of Monongahela or $60,000,000 in the case of West Penn and in the case of PE will not, when taken together with any commercial paper outstanding and any long-term unsecured debt outstanding, be in excess of $40,000,000 in each case including any notes which may be outstanding pursuant to prior orders of the Commission. It is stated that Monongahela, PE, and West Penn maintain balances to meet regular operating requirements at these banks which vary in amount from time to time. If average balances were maintained solely to fulfill compensating balance requirements of major banks, approximately 20 percent, the effective interest costs to each of the companies issuing and selling the notes on the basis of a prime commercial credit or comparable rate of 7.5 percent would be 9.375 percent.

The commercial paper will be in the form of promissory notes in denominations of not less than $50,000 nor more than $5,000,000 and will be of varying maturities, with no maturity more than 270 days after the date of issue. None will be prepayable prior to maturity. The commercial paper notes will be sold directly to a dealer or dealers in commercial paper, designated by post-effective amendment by each of the companies, at a discount not in excess of the discount rate per annum prevailing at the time of issuance for commercial paper of comparable quality and of the particular maturity. The dealer or dealers may reoffer the commercial paper at a discount of ⅛ of 1 percent per annum less than the discount rate to Monongahela, PE, or West Penn. No commercial paper notes will be issued having a maturity of more than 90 days at an effective interest cost which exceeds the effective interest cost at which Monongahela, PE, or West Penn, as the case may be, is able to borrow the same amount from banks at that time. Such dealer or dealers will reoffer the commercial paper notes to not more than 200 of its or their customers identified and designated in a list for each company (nonpublic) prepared in advance. It is expected that the commercial paper notes will be held by the customers to maturity, but if the customers wish to resell prior to maturity, the dealer or dealers, pursuant to a verbal repurchase agreement, will repurchase the notes and reoffer them to others on said list.

Monongahela, PE, and West Penn requests an exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper pursuant to paragraph (a)(5) thereof. Each applicant also requests authority to file certificates under Rule 24 with respect to the issue and sale of commercial paper hereafter consummated pursuant to this application on a quarterly basis.

The application states that total fees and expenses related to the proposed transactions are estimated not to exceed $9,900, including credit rating fees in the amount of $2,500 for each company, and 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 July 26, 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 which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants at the above-stated addresses, 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, as amended 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] RONALD F. HUNT,
Secretary.

[FR Doc.73-14045 Filed 7-10-73;8:45 am]

[File No. 500-1]

R. D. PHILPOT INDUSTRIES

Order Suspending Trading

JUNE 28, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of R. D. Philpot Industries being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 12:15 p.m. (EDT) on June 28, 1973 and continuing through July 7, 1973.

By the Commission.

RONALD F. HUNT,
Secretary.

[FR Doc.73-14046 Filed 7-10-73;8:45 am]

[File No. 500-1]

SCIENTIFIC CONTROL CORP.

Order Suspending Trading

JUNE 28, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.20 par value, and all other securities of Scientific Control Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 11:05 a.m. (e.d.t.) on June 28, 1973 through July 7, 1973.

By the Commission.

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

[FR Doc.73-14050 Filed 7-10-73;8:45 am]

[File No. 500-1]

SILVER REEF MINES, LTD.

Order Suspending Trading

JUNE 28, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.02 par value, and all other securities of Silver Reef Mines, Limited being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 12:15 p.m. (e.d.t.) on June 28, 1973 and continuing through July 7, 1973.

By the Commission.

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

[FR Doc.73-14049 Filed 7-10-73;8:45 am]

[File No. 500-1]

TEXTURED PRODUCTS, INC.

Order Suspending Trading

JULY 3, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value and all other securities of Textured Products, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 4, 1973 through July 13, 1973.

By the Commission.

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

[FR Doc.73-14040 Filed 7-10-73;8:45 am]

[File No. 500-1]

UNIVERSAL DYNAMICS, INC.

Order Suspending Trading

JUNE 28, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, and all other securities of Universal Dynamics, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 12:15 p.m. (e.d.t.) on June 28, 1973 and continuing through July 7, 1973.

By the Commission.

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

[FR Doc.73-14048 Filed 7-10-73;8:45 am]

SELECTIVE SERVICE SYSTEM

REGISTRANTS PROCESSING MANUAL

The Registrants Processing Manual is an internal manual of the Selective Service System. The following portions of that Manual are considered to be of sufficient interest to warrant publication in the FEDERAL REGISTER. Therefore these materials are set forth in full as follows:

[TEMPORARY INSTRUCTION NO. 601-1]

Issued: June 29, 1973

Subject: State Operational Issuances

Chapter 601 of the RPM requires that state operational issuances to local boards concerning matters covered in the RPM be issued under a new system as either State Temporary Instructions or State Supplements. Therefore, it will be necessary that all current state operational issuances be revised to conform to this new system.

Each State Director shall review all state operational issuances which are currently in effect in his state. After the review, all issuances which he desires to remain effective shall be forwarded to National Headquarters, Operations Division, Attention: OOPR, for approval in accordance with Sections 601.8 and 601.9. Those issuances shall be rewritten in accordance with Section 601.4; all other operational issuances shall be cancelled. Issuances forwarded for approval must reach National Headquarters not later than July 31, 1973.

This Temporary Instruction will terminate upon completion of the required actions.

[TEMPORARY INSTRUCTION NO. 631-12]

ISSUED: June 29, 1973

SUBJECT: Extension of Temporary Instruction No. 631-11, Assignment to Priority Selection Groups

Temporary Instruction No. 631-11, issued June 1, 1973, and originally scheduled to terminate on July 1, 1973, is amended to terminate on September 1, 1973.

This Temporary Instruction will terminate September 1, 1973.

BYRON V. PEPITONE, *Director.*

JULY 5, 1973.

[FR Doc.73-14055 Filed 7-10-73;8:45 am]

TARIFF COMMISSION

[337-L-63]

PRESET VARIABLE RESISTANCE CONTROLS

Notice of Complaint Received; Correction

In FR Doc. 73-12188, appearing on page 16002, in the issue of June 19, 1973, in the sixth line of the first paragraph, change "Ill." to read "Ind."

Issued: July 6, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-14062 Filed 7-10-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 293]

ASSIGNMENT OF HEARINGS

JULY 6, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

No. 35820, Big Mac Trucking Co., Thunderbird Cartage Corporation, and Thyssen Steel Corporation—Investigation of Operations and Practices, now being assigned hearing September 10, 1973 (2 days), at Houston, Texas, in a hearing room to be later designated.

I&S No. 8863, Switching and Minimum Carload Charges, Houston, Texas, now being assigned hearing September 12, 1973 (3 days), at Houston, Texas, in a hearing room to be later designated.

I&S No. 8865, T. O. F. C. Service, Between New York, N.Y., and New England Points, now being assigned hearing September 12, 1973 (3 days), at New York, N.Y., in a hearing room to be later designated.

MC-C-8020, Archie's Motor Freight, Inc. and Darby Transfer, Inc.—Investigation and Revocation of Certificates, now assigned August 14, 1973, at Washington, D. C., is cancelled.

MC-71459 Sub 30, O. N. C. Freight Systems, now assigned September 10, 1973, at Salt Lake City, Utah, is postponed to October 1, 1973 (2 weeks), at Salt Lake City, Utah, in a hearing room to be later designated.

MC 119789 Sub 152, Caravan Refrigerated Cargo, Inc., now assigned September 13, 1973, at Los Angeles, Calif., is cancelled and the application is dismissed.

MC-71459 Sub 29, O. N. C. Freight Systems, now assigned September 24, 1973, at Los Angeles, Calif., is cancelled and the application is dismissed.

MC-C-6980 Sub 1, Joe Jones, Jr., Dba Joe Jones Trucking Co., Revocation of Permit—, now being assigned hearing September 10, 1973 (2 days), at Atlanta, Ga., in a hearing room to be later designated.

MC-F-11613, Brown Transport Corp—Control—Harper Motor Lines, Inc., now being assigned September 24, 1973, at Atlanta, Georgia, in a hearing room to be later designated.

F.D. 27338, Harper Motor Lines, Inc., Notes, now being assigned September 24, 1973, at Atlanta, Georgia, in a hearing room to be later designated.

MC 115841 Sub 441, Colonial Refrigeration Transportation, Inc., now being assigned hearing September 12, 1973 (3 days), at Atlanta, Ga., in a hearing room to be later designated.

MC 107012 Sub 170, North American Van Lines, Inc., now being assigned hearing September 17, 1973 (1 week), at Atlanta, Ga., in a hearing room to be later designated.

MC-29886 Sub 285, Dallas & Mavis Forwarding Co., Inc., and MC-124947 Sub 17, Machinery Transports, Inc., now assigned August 8, 1973, will be held in Room 1086A, McKinley Dirksen Bldg., 219 South Dearborn Street, Chicago, Ill.

MC-118468 Sub 33, Umthun Trucking Co., now assigned August 6, 1973 will be held in Room 1086A Everett McKinley Dirksen Bldg., 219 South Dearborn Street, Chicago, Ill.

MC-118989 Sub 90, Container Transit, Inc., now assigned August 7, 1973, will be held in Room 1086A Everett McKinley Dirksen Bldg., 219 South Dearborn Street, Chicago, Ill.

MC-F-11796, Canada Steamship Lines, Limited—Control—Strickland Transportation Co., Inc., now being assigned hearing September 17, 1973 (1 week), at Dallas, Tex., in a hearing room to be later designated.

MC 105566 Sub 92, Sam Tanksley Trucking, Inc., now being assigned September 10, 1973 (1 day), at Columbus, Ohio, in a hearing room to be later designated.

MC 134599 Sub 53, Interstate Contract Carrier Corporation, now being assigned September 11, 1973 (2 days), at Columbus, Ohio, in a hearing room to be later designated.

MC 119632 Sub 56, Reed Lines, Inc., now being assigned September 13, 1973 (2 days), at Columbus, Ohio, in a hearing room to be later designated.

MC-F-11758, Sun Investment, Inc.—Purchase—Dieckbrader Express, Inc., now being assigned September 17, 1973 (1 week), at Columbus, Ohio, in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-14133 Filed 7-10-73;8:45 am]

[Rev. SO No. 994; I.C.C. Order No. 106]

CANADIAN PACIFIC LTD.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, Agent, the Canadian Pacific Limited is unable to transport traffic over its line between Lyndonville, Vermont and Wells River, Vermont, because of flood damage.

It is ordered, That:

(a) The Canadian Pacific Limited, being unable to transport traffic over its line between Lyndonville, Vermont, and Wells River, Vermont, because of flood damage, that carrier is hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the division of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 11:59 a.m., July 3, 1973.

(g) *Expiration date.* This order shall expire at 11:59 p.m., July 7, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 3, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-14140 Filed 7-10-73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 6, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed on or before July 26, 1973.

FSA No. 42710—*Soda Ash from Wyandotte, Michigan.* Filed by Traffic Executive Association-Eastern Railroads, Agent, (E.R. No. 3039), for interested rail carriers. Rates on soda ash, dense, in bulk, in covered hopper cars, as described in the application, from Wyandotte, Michigan, to Oakdale, Georgia.

Grounds for relief—Rate relationship.

Tariff—Supplement 171 to Traffic Executive Association-Eastern Railroads, Agent, tariff C/S-128-E, I.C.C. No. C-611. Rates are published to become effective on August 5, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-14141 Filed 7-10-73;8:45 am]

[Notice 17]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 6, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2 (c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2 (c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2 (c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

NO. MC-2866 (Deviation No. 13), EDWARDS MOTOR TRANSIT COMPANY,

56 East 3rd St., Williamsport, Pa. 17701, filed June 18, 1973. Carrier's representative: Robert E. Goldstien, 8 West 40th St., New York, N.Y. 10018. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) from junction U.S. Highway 219 and New York Highway 242 north of Ellicottville, N.Y., over U.S. Highway 219 to junction New York Highway 39 near Springville, N.Y., and (2) from junction U.S. Highway 219 and New York Highway 277 at North Boston, N.Y., over New York Highway 277 to junction New York Highway 240 near Orchard Park, N.Y., thence over New York Highway 240 to junction U.S. Highway 20–A, thence over U.S. Highway 20–A to junction Interstate Highway 90 (Interchange No. 55), thence over Interstate Highway 90 to junction Interstate Highway 190, thence over Interstate Highway 190 to Buffalo, N.Y. (Interchange No. 7) (New York Highways 277 and 240 and U.S. Highway 20–A described above to be new U.S. Highway 219), and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and same property, over a pertinent service route as follows: from Lantz Corners, Pa., over U.S. Highway 210 via Bradford, Pa., and Salamanca, N.Y., to junction New York Highway 242 (formerly U.S. Highway 219), thence over New York Highway 242 to junction New York Highway 240 (formerly U.S. Highway 219), thence over New York Highway 240 to junction New York Highway 39, thence over New York Highway 39 via Springville, N.Y., to junction U.S. Highway 219, thence over U.S. Highway 219 to Hamburg, N.Y., thence over U.S. Highway 62 to Buffalo, N.Y. (also from Springville, N.Y., over New York Highway 39 to junction New York Highway 240, thence over New York Highway 240 to Buffalo, N.Y.), and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-14135 Filed 7-10-73;8:45 am]

[Notice 311]

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 July 31, 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–74283. By order of June 28, 1973 the Motor Carrier Board approved the transfer to Chelsea Storage Warehouse Corp., Chelsea, Mass., of the operating rights in Certificate No. MC–38232 issued December 17, 1969, to J. K. McKeown Co., Inc., Arlington, Mass., authorizing the transportation of building materials, between Medford, Mass., and points in Massachusetts within 5 miles thereof, on the one hand, and, on the other, points in Massachusetts; and household goods, between Medford, Mass., and points in Massachusetts within 15 miles thereof, on the one hand, and, on the other, points in Connecticut, Maine, New Hampshire, New York, Vermont, Rhode Island, New Jersey, Maryland, Pennsylvania, and the District of Columbia. George C. O'Brien, 15 Court Square, Boston, Mass. 02108 Attorney for applicants.

No. MC–FC–74230. By order of June 26, 1973 the Motor Carrier Board approved the transfer to Robert Krebs and Janet Krebs McCamley, a partnership, doing business as Krebs Brothers Transfer Company, Clearfield, Pa., of the operating rights in Certificates Nos. MC–21567, MC–21567 (Sub-No. 2), MC–21567 (Sub-No. 3), and MC–21567 (Sub-No. 4), issued October 14, 1943, June 7, 1946, September 5, 1947, and August 19, 1954, respectively, to Mrs. Gwennie Krebs, Robert Krebs, and Janet Krebs McCamley, a partnership, doing business as Krebs Bros. Transfer Co., Clearfield, Pa., authorizing the transportation of household goods, radially, between points in Clearfield, Jefferson, and Centre Counties, Pa., and points in Maryland, Virginia, Ohio, Michigan, Kentucky, Indiana, West Virginia, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Delaware, and the District of Columbia; general commodities, between Clearfield, Pa., and Curwensville, Pa., subject to restrictions; and general commodities, with exceptions, between Clearfield, Pa., and Houtzdale and Sandy Ridge, Pa., subject to restrictions, and from Clearfield, Du Bois, and Philipsburg, Pa., to points in Clearfield, Centre, and Jefferson Counties, Pa., and Tyrone, Pa. John K. Reilly, Jr., Keystone Building, Clearfield, Pa. 16830 Attorney for applicants.

No. MC–FC–74352. By order of June 28, 1973, the Motor Carrier Board approved the transfer to Maldon L. Plank, doing business as Hauke Transit Line, Marshfield, Wis., of the operating rights in Certificate No. MC–128768 issued October 27, 1967, to Walter Hauke, doing business as Hauke Transit Line, Marshfield, Wis., authorizing the transportation of rafters and insulation used in the manufacture of mobile homes, from Marshfield, Wis., to points in the Upper Peninsula of Michigan and points in Minnesota. Nancy J. Johnson, 4506 Regent Street, Suite 100, Madison, Wis. Attorney for applicants.

No. MC–FC–74389. By order of June 26, 1973 the Motor Carrier Board approved the transfer to Curtin's Airfreight, Inc., P.O. Box 4084, San Rafael, Calif. 94903 of the operating rights in Certificate No. MC–128587 (Sub-No. 1) issued December 13, 1967, to Joseph Edgar Curtin, doing business as Curtin's Airfreight, P.O. Box 4084, San Rafael, Calif. 94903, authorizing the transportation of general commodities, with exceptions, between San Francisco International Airport, San Francisco, Calif., on the one hand, and, on the other, points in Marin County, Calif. and those in a specified part in Sonoma County, Calif. The service authorized herein is restricted to the transportation of traffic having a prior or subsequent movement by aircraft.

No. MC–FC–74431. By order of June 29, 1973, the Motor Carrier Board approved the transfer to Blue Motor Coach Co., Inc., Louisville, Ky., of Certificate No. MC–110265 issued November 8, 1971 to Kentucky Bus Lines, Inc., Louisville, Ky., authorizing the transportation of: Passengers and their baggage, and express and newspapers in the same vehicle, over specified regular routes, between named points in Kentucky. George M. Catlett, Attorney, 703 McClure Bldg., Frankfort, Ky. 40610.

No. MC–FC–74464. By order entered June 26, 1973 the Motor Carrier Board approved the transfer to Green Transfer & Storage Co., Portland, Ore. of the operating rights set forth in Certificate No. MC–135371, issued November 24, 1972, to Pacific Inland Transport Inc., (Internal Revenue Service—Successor in Interest), Spokane, Wash., authorizing the transportation of heavy machinery, building and road contractors' equipment and supplies, between points in Oregon (except Portland and points within its commercial zone as defined by the Commission) and Washington; and machinery, building and road contractors' equipment and supplies, the transportation of which require special equipment, between Portland, Oreg., on the one hand, and, on the other, points in Oregon and Washington. John G. McLaughlin, 620 Blue Cross Bldg., 100 S.W. Market St., Portland, Ore. 97201, attorney for applicants.

No. MC–FC–74497. By order of June 29, 1973, the Motor Carrier Board approved the transfer to Angelo Bolla, dba Bolla Freightlines, San Francisco, Calif., of Certificate of Registration No. MC–99980 (Sub-No. 1), issued July 7, 1972, to Svane and Company, a corporation, San Francisco, Calif., evidencing a right to engage in interstate or foreign commerce in the transportation of Property solely within the State of California. Robert M. Cole, Attorney, P.O. Box 250, Davis, Calif. 95616.

No. MC-FC-74523. By order of June 29, 1973 the Motor Carrier Board approved the transfer to B. R. Scholl & Sons, Inc., Perkasie, Bucks County, Pa., of Certificate No. MC-116503, and No. MC-116503 (Sub-No. 4), issued February 24, 1959, and August 17, 1966, respectively, to Benjamin R. Scholl, Perkasie, Pa., authorizing the transportation of: Coal, from points in Luzerne and Carbon Counties, Pa., to points in specified parts of Maryland and Delaware; calcium chloride, in bulk, in dump trucks, from Solvay, N.Y., to points in New Jersey (except points in seven named counties) and Pennsylvania; calcium chloride (dry), in bulk, from Solvay, N.Y., to points in Pennsylvania (except Towanda). Harry J. Liederbach, Attorney, 539 Street Road, Southampton, Pa. 18966.

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

[FR Doc.73-14142 Filed 7-10-73;8:45 am]

[Notice 24]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 6, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

NO. MC-730 (Deviation No. 41), PACIFIC INTERMOUNTAIN EXPRESS CO., P.O. Box 958, Oakland, Calif. 94604, filed June 18, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From St. Joseph, Mo., over Interstate Highway 29 to junction U.S. Highway 59, thence over U.S. Highway 59 to junction U.S. Highway 136, thence over U.S. Highway 136 to Auburn, Nebr., thence over U.S. Highway 73 to Omaha, Nebr., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from St. Joseph, Mo., over U.S. Highway 36 to junction U.S. Highway 75 at or near Fairview, Kans., thence over U.S. Highway 75 to Omaha, Nebr., and return over the same route.

NO. MC-2542 (Deviation No. 16), ADLEY EXPRESS COMPANY, P.O. Box 7268, 10990 Roe Ave., Shawnee Mission, Kans. 66207, filed June 20, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Boston, Mass., over Interstate Highway 93 to junction U.S. Highway 3 near Woodstock, N.H., thence over U.S. Highway 3 approximately 13 miles to junction Interstate Highway 93, thence over Interstate Highway 93 to Littleton, N.H., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) from Boston, Mass., over U.S. Highway 1 to Portsmouth, N.H., thence over U.S. Highway 4 to junction New Hampshire Highway 16, thence over New Hampshire Highway 16 via Dover to Berlin, N.H., (2) from Berlin, N.H., over New Hampshire Highway 16 to Dover, N.H., thence over New Hampshire Highway 108 to the New Hampshire-Massachusetts State line, thence over Massachusetts Highway 108 to Harerhill, Mass., thence over Massachusetts Highway 125 to junction unnumbered highway southwest of North Andover, Mass., thence over Massachusetts Highway 28 to Somerville, Mass., thence over city streets to Cambridge, Mass., thence over irregular routes to points in the Boston, Mass., Commercial Zone, as defined by the Commission, (3) from Berlin, N.H., over New Hampshire Highway 16 to Gorham, N.H., thence over U.S. Highway 2 to Lunenburg, Vt., thence over unnumbered highway to the Vermont-New Hampshire State line, thence over unnumbered highway to Whitefield, N.H., thence over New Hampshire Highway 116 to Littleton, N.H., and return from Littleton over U.S. Highway 302 to junction U.S. Highway 3, thence over U.S. Highway 3 to Carroll, N.H., thence over New Hampshire Highway 115 to junction U.S. Highway 2, thence over U.S. Highway 2 via Jefferson Highland, N.H., to Gorham, N.H., thence over New Hampshire Highway 16 to Berlin, (also from Littleton over U.S. Highway 302 to Glen, N.H., thence over New Hampshire Highway 16 to Berlin), and (4) from Gorham, N.H., over U.S. Highway 2 to Lancaster, N.H., thence over U.S. Highway 3 to Whitefield, N.H., and return over the same routes.

NO. MC-65916 (Deviation No. 2), WARD TRUCKING CORP. 2nd Avenue and 7th St., Altoona, Pa. 16603, filed June 18, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 119 and 422 (near Indiana, Pa.), over U.S. Highway 422 to junction Pennsylvania Highway 8 (near Butler, Pa.), thence over Pennsylvania Highway 8 to junction Interstate Highway 80, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Johnstown, Pa., over Pennsylvania Highway 56 to junction U.S. Highway 119 (near Homer City), thence over U.S. Highway 119 to junction Pennsylvania Highway 36 (at Punxsutawney), thence over Pennsylvania Highway 36 to junction Interstate Highway 80 (near Brookville), thence over Interstate Highway 80 to junction Pennsylvania Highway 8 (near Barkeyville), thence over Pennsylvania Highway 8 to Barkeyville, Pa., and return over the same route.

By the Commission.

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

[FR Doc.73-14136 Filed 7-10-73;8:45 am]

[Notice 53]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 6, 1973.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

SPECIAL REPUBLICATION NOTICE

Nos. MC-F-11436, MC-136343, and MC-134776 (Sub-No. 20)—related proceedings.

No. MC-F-11436—Application filed January 12, 1972 by MILTON TRANSPORTATION, INC., of Milton, Pa., to purchase the operating rights of MILTON TRUCKING, INC., of Milton, Pa., and for the acquisition of Ray B. Bowersox of control of such rights through the purchase;

No. MC-136343—Application filed January 11, 1972 by MILTON TRANSPORTATION, INC., for conversion and extension of the authority set forth in paragraphs 28 through 41 of the description of the authority in MC-136343. This corresponds to the contract carrier applications dismissed by the Commission as moot in No. MC-96098 (Sub-No. 55) and in No. MC-134776 (Sub-Nos. 3, 4, 5, 11, 12, 14, 15, 16 and 17) and considered to be superseded by No. MC-136343;

No. MC-134776 (Sub-No. 20)—Application filed June 22, 1972 by MILTON TRUCKING, INC. seeking common carrier extension—paper.

A Report and Order served April 4, 1973 on a Prehearing Conference by Administrative Law Judge Morton B. Margulies held February 13, 1973, requires that the matters encompassed in the three applications referenced immediately above be republished in the Federal Register in such a manner as would precisely and clearly apprise the public of the matters involved in each of the applications and their interrelations. The following republication indicates: (1) applicant's purchase and common control request; (2) all related authorities presently held by applicants and the corresponding conversion request; and (3) applicant's request for common carrier extension.

Applicants' representative: George A. Ilsen 69 Tonnele Avenue Jersey City, NJ 07306 (A) No. MC-F-11436. Authority sought for purchase by MILTON TRANSPORTATION, INC., Post Office Box 207, Milton, PA 17847, of the operating rights of MILTON TRUCKING, INC., Post Office Box 207, Milton, PA 17847, and for acquisition by RAY BOWERSOX, also of Milton, PA., of control of such rights through the purchase. Operating rights sought to be transferred: Foodstuffs (except in bulk) as a contract carrier over irregular routes from Milton, PA., to points in Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, and Maine; pulpboard, from the plantsite of National Gypsum Co., near New Columbia, PA., to Portsmouth, NH., and points in Ohio, West Virginia, Virginia, Maryland, New York, New Jersey, Delaware, Connecticut, Massachusetts, and the District of Columbia; scrap paper and materials and supplies used in the manufacture and distribution of pulpboard, from points in the above named destination States and the District of Columbia, to the plantsite of National Gypsum Co., near New Columbia, PA., with restrictions. Vendee is authorized to operate as a contract carrier in Pennsylvania, New York, New Jersey, Maryland, Delaware, Ohio, Virginia, West Virginia, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Indiana, Illinois, Michigan, Iowa, Kentucky, Missouri, North Carolina, Tennessee, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b). (B) No. MC-136343 filed January 11, 1972.

Applicant: MILTON TRANSPORTATION, INC. P.O. Box 207 Milton, PA 17847 (1) Present contract carrier authority of Milton Transportation, Inc. in No. MC-96098 authorizes transportation, in interstate or foreign commerce, over irregular routes, of *prepared food products*, from Milton, PA., to points in New York, New Jersey, Maryland, Delaware, Ohio, Virginia, West Virginia, and the District of Columbia, within 350 miles of Milton, limited to service to be performed under special and individual contracts with persons (as defined in section 203 (a) (1) of the Interstate Commerce Act) who are engaged in manufacturing or the distribution of such merchandise as is dealt in by food canning and processing plants, for the transportation of the commodities indicated and in the manner specified as follows: *Such merchandise* as is dealt in by food canning and processing plants, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, from points in the above-specified states within 350 miles of Milton, PA., to Milton. Applicant seeks to convert the immediately above-described authority to common carrier authority in No. MC-136343 to authorize transportation, in interstate or foreign commerce, over irregular routes, of *prepared food products*, from the facilities of American Home Foods, Milton, PA., to points in New York, New Jersey, Maryland, Delaware, Ohio, West Virginia, Virginia, and the District of Columbia, within 350 miles of Milton, PA., and *such merchandise*, as is dealt in by food canning and processing plants, and in connection therewith, *equipment, materials*, and *supplies*, used in the conduct of such business, from points in the above specified states within 350 miles of Milton, PA., to Milton, restricted to the transportation of shipments originating at the designated origin and destined to the designated destination states;

(2) Present contract carrier authority of Milton Transportation, Inc. in No. MC-96098 authorizes transportation, in interstate or foreign commerce, over irregular routes, of *prepared food products*, from Milton, PA., to points in New York, New Jersey, Maryland, Delaware, Ohio, Virginia, West Virginia, and the District of Columbia, within 350 miles of Milton, limited to service to be performed under special and individual contracts with persons (as defined in section 203(a)(1) of the Interstate Commerce Act) who are engaged in manufacturing or the distribution of such merchandise as is dealt in by food canning and processing plants, for the transportation of the commodities indicated and in the manner specified as follows: *Such merchandise* as is dealt in by food canning and processing plants, and in connection therewith, *equipment, materials*, and *supplies* used in the conduct of such business, from points in the above-specified states within 350 miles of Milton, PA., to Milton. Applicant seeks to convert the immediately above-described authority to common carrier authority in No. MC-136343 to authorize transportation, in interstate or foreign commerce, over irregular routes, of prepared food products, from the facilities of the Great Atlantic & Pacific Tea Co., Inc., National Dairy Division, at Milton, PA., to points in New York, New Jersey, Maryland, Delaware, Ohio, Virginia, West Virginia and the District of Columbia, within 350 miles of Milton, PA. as follows: *Such merchandise*, as is dealt in by food canning and processing plants, and in connection therewith, *equipment, materials*, and *supplies*, used in the conduct of such business, from points in the above-specified states within 350 miles of Milton, PA., restricted to the transportation of shipments originating at the designated origin and destined to the designated destination states.

(3) (a) Present contract carrier authority of Milton Transportation, Inc. in No. MC-96098 authorizes transportation, in interstate or foreign commerce, over irregular routes, of Salt, in containers, from Rittman and Morton, Ohio, to Philadephia and Scranton, PA., with no transportation for compensation on return except as otherwise authorized, limited to a transportation service to be performed, under a continuing contract, or contracts, with Morton Salt Company, of Philadelphia, PA.; *Salt*, from Silver Springs, NY., to points in Bradford, Cameron, Carbon, Clinton, Columbia, Elk, Lackawanna, Luzerne, Lycoming, Monroe, Montour, Northumberland, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Union, Wayne, and Wyoming Counties, PA., with no transportation for compensation on return except as otherwise authorized; *Salt*, in containers from Rittman and Morton, Ohio, to points in New Jersey and points in that part of Pennsylvania on, east and south of U.S. Highway 220 (except Philadelphia and Scranton, PA.) with no transportation for compensation on return except as otherwise authorized; *Salt*, in bulk, from Rittman and Morton, Ohio, to points in New Jersey, and points in that part of Pennsylvania east of and including points in McKean, Elk, Clearfield, Cambria, and Somerset Counties, with no transportation for compensation on return except as otherwise authorized; *Pepper*, in packages in mixed shipments with salt, from Silver Springs, NY., to points in Bradford, Cameron, Carbon, Clinton, Columbia, Elk, Lackawanna, Luzerne, Lycoming, Monroe, Montour, Northumberland, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Union, Wayne, and Wyoming Counties, PA., with no transportation for compensation on return except as otherwise authorized; and from Rittman, Ohio, to points in New Jersey, and points in that part of Pennsylvania on, east and south of U.S. Highway 220 (except Philadelphia and Scranton, PA.), with no transportation for compensation on return except as otherwise authorized; the operations authorized under the four commodity descriptions next above are limited to a transportation service to be performed, under a continuing contract, or contracts, with Morton Salt Company, Division of Morton International, Inc., of Chicago, IL., and/or Silver Springs,

NY.; and (b) In Sub-No. 38– *Salt*, from the facilities of the Morton Salt Company, Division of Morton International, Inc., at Milo, NY to points in Virginia, Pennsylvania, Delaware, Maryland, New Jersey, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized, limited to a transportation service to be performed, under a continuing contract, or contracts, with Morton Salt Company, Division of Morton International, Inc., of Chicago, IL. Applicant seeks to convert the immediately above-described authority to common carrier authority in No. MC–136343 to authorize transportation, in interstate or foreign commerce, over irregular routes, of *Salt*, in containers, from the facilities of Morton Salt Company at Rittman and Morton, Ohio to points in New Jersey and points in that part of Pennsylvania, on, east and south of U.S. Highway 220 with no transportation for compensation on return except as otherwise authorized, restricted to the transportation of shipments originating at the designated origin and destined to the designated destination states; *Salt*, in bulk, from the facilities of Morton Salt Company at Rittman and Morton, Ohio, to points in New Jersey and points in that part of Pennsylvania, east of and including points in McKean, Elk, Clearfield, Cambria, and Somerset Counties, with no transportation for compensation on return except as otherwise authorized, restricted to the transportation of shipments originating at the designated origin and destined to the designated destination states; *Salt* and *Pepper*, in packages in mixed shipments with salt, from the facilities of Morton Salt Company at Silver Springs, NY., to points in Bradford, Cameron, Carbon, Clinton, Columbia, Elk, Lackawanna, Luzerne, Lycoming, Monroe, Montour, Northumberland, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Union, Wayne, and Wyoming Counties, PA., with no transportation for compensation on return except as otherwise authorized, restricted to the transportation of shipments originating at the designated origin and destined to the designated destination states; and *Salt*, from the facilities of the Morton Salt Company, Division of Morton International, Inc., at Milo, NY to points in Virginia, Pennsylvania, Delaware, Maryland, New Jersey, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized, restricted to the transportation of shipments originating at the designated origin and destined to the designated destination states.

(4) Present contract carrier authority of Milton Transportation, Inc. in No. MC–96098 authorizes transportation, in interstate or foreign commerce, over irregular routes, of *Petroleum and petroleum products* and *asphalt*, all in containers, from Claymont, Del., to Bellefonte, Bloomsburg, Lock Haven, Lewiston, Milton, Sunbury, and Williamsport, Pa., with no transportation for compensation on return except as otherwise authorized. Applicant seeks to convert the immediately above-described authority to common carrier authority in No. MC–136343 to authorize transportation, in interstate or foreign commerce, over irregular routes, of *Petroleum and petroleum products* and *asphalt*, all in containers, from Claymont, Del., to the facilities of M. L. Clasters at Bellefonte, Bloomsburg, Lock Haven, Lewiston, Milton, Sunbury, and Williamsport, Pa., with no transportation for compensation on return except as otherwise authorized, restricted to the transportation of shipments originating at the designated origin and destined to the designated destination states; (5) Present contract carrier authority of Milton Transportation, Inc. in No. MC–96098 authorizes transportation, in interstate or foreign commerce, over irregular routes, of *Petroleum and petroleum products, antifreeze*, and *asphalt*, all in containers, from Bayonne, N.J., to Bellefonte, Bloomsburg, Lewiston, Lock Haven, Milton, Sunbury, and Williamsport, Pa., and *Empty Containers*, for the next above-specified commodities, from the next above-specified destination points to Bayonne, N.J. Applicant seeks to convert the immediately above-described authority to common carrier authority in No. MC–136343 to authorize transportation, in interstate or foreign commerce, over irregular routes, of *Petroleum and petroleum products, antifreeze*, and *asphalt*, all in containers, from the facilities of Texaco, Inc., at Bayonne, N.J. to Bellefonte, Bloomsburg, Lewiston, Lock Haven, Milton, Sunbury, and Williamsport, Pa., and *Empty Containers*, for the next above-specified commodities, from the next above-specified destination points to Bayonne, N.J., restricted to the transportation of hipments originating at the designated origin and destined to the designated points.

(6) (a) Present contract carrier authority of Milton Transportation, Inc. in No. MC–96098 authorizes transportation, in interstate or foreign commerce, over irregular routes, of *Printing paper*, from Urbana, Franklin, and Dayton, Ohio, to points in New York, New Jersey, Connecticut, and Pennsylvania, with no transportation for compensation on return except as otherwise authorized, and *Gummed paper sealing tape*, from Troy, Ohio to points in New York, New Jersey, Connecticut, and Pennsylvania, with no transportation for compensation on return except as otherwise authorized, the operations authorized under the two commodity descriptions next above are limited to a transportation service to be performed, under a continuing contract, or contracts, with St. Regis Paper Company of New York, N.Y.; (b) In sub No. 31—*Printing paper, gummed paper*, and *paper backed with aluminum foil*, from Troy, Ohio, to points in Pennsylvania, New York, New Jersey, and Connecticut, with no transportation for compensation on return except as otherwise authorized, limited to a transportation service to be performed, under a continuing contract, or contracts, with St. Regis Paper Company, New York, N.Y.; and (c) In Sub No. 46—*Printing paper, gummed paper, gummed paper tape*, and *paper backed with aluminum foil*, from Troy, Dayton, Urbana, and Franklin, Ohio to points in Massachusetts, Rhode Island, Maryland, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized, limited to a transportation service to be performed under a continuing contract, or contracts, with St. Regis Paper Company, of New York, N.Y.; Applicant seeks to convert the immediately above-described authority to common carrier authority in No. MC–136434 to authorize transportation, in interstate or foreign commerce, over irregular routes, of *Printing paper, gummed paper, and paper backed with aluminum foil*, from the facilities of St. Regis Paper Company at Troy, Ohio to points in Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Maryland, and the District of Columbia, restricted to the transportation of shipments originating at the designated origin and destined to the designated destination states.

(7) (a) Petition filed for additional shippers pending of Milton Transportation, Inc. in No. MC–96098 seeks transportation of *Printing paper*, from Urbana, Franklin, and Dayton, Ohio to points in New York, New Jersey, Connecticut, and Pennsylvania, with no transportation for compensation on return except as otherwise authorized; (b) Present contract carrier application of Milton Transportation, Inc. in No. MC–96098 Sub-No. 45 seeks transportation, in interstate or foreign commerce, over irregular routes, of *Paper*, from Stamford, Conn., to Urbana, Ohio, with no transportation for compensation on return except as otherwise authorized.

RESTRICTION: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with St. Regis Paper Company; and (c) Petition filed for additional shippers pending of Milton Transportation, Inc. in No. MC–96098 Sub-No. 46 seeks transportation of *Printing paper, gummed paper, gummed paper tape*, and *paper backed with aluminum foil*, from Troy, Dayton, Urbana, and Franklin, Ohio to points in Massachusetts, Rhode Island, Maryland, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized, limited to a transportation service to be performed under a continuing contract, or contracts, with St. Regis Paper Company, of New York, N.Y.; Applicant seeks to convert the immediately above-described authority to common carrier authority in No. MC–136343 to authorize transportation, in interstate or foreign commerce, over irregular routes, of *Printing paper, gummed paper, gummed paper tape*, and *paper backed with aluminum foil*, from the facilities of Howard Paper Mills, Inc., Urbana, Franklin, and Dayton, Ohio to points in New York, New

Jersey, Pennsylvania, Connecticut, Massachusetts, Rhode Island, Maryland, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized, restricted to the transportation of shipments originating at the designated origin and destined to the designated destination states; *Printing paper*, for the account of Howard Paper Mills, Inc., over irregular routes, from Stamford, Connecticut, to Urbana, Ohio, restricted to the transportation of shipments originating at the designated origin and destined to the designated points; and *Paper*, for the account of Howard Paper Mills, Inc., from Stamford, Connecticut to Dayton, Ohio, restricted to the transportation of shipments originating at the designated origin and destined to the designated points.

(8)(a) Present contract carrier authority of Milton Transportation, Inc. in No. MC–96098 authorizes transportation, in interstate or foreign commerce, over irregular routes, of *Printing paper* (other than newsprint, not printed or imprinted), and *wrapping paper*, (other than oiled, waxed, or vegetable parchment, printed or imprinted), from the plantsite of Hammermill Paper Company, at Lock Haven, (Clinton County), PA. to points in New York (except Rochester and Buffalo, NY.), New Jersey, and Connecticut, with no transportation for compensation on return except as otherwise authorized, limited to a transportation service to be performed, under a continuing contract, or contracts, with the Hammermill Paper Company; *Paper scrap or waste* (no sensitized), *woodpulp*, not powdered, *cores*, *chocks*, and *canvas covers*, *machinery* and *machinery parts*, *papermill rolls*, *flour*, (cassava, sago, or tapioca), except in bulk, in tank vehicles, *oil and grease*, except in bulk in tank vehicles, and *chemicals*, *chemical products*, and *constituents* used in the manufacture of woodpulp and paper or the processing thereof, except in bulk, in tank vehicles, from points in New York, New Jersey, and Connecticut, to manufacturing plants of the New York and Pennsylvania Company, Inc., at Johnsonburg, Pa., and Hammermill Paper Company at Lock Haven, PA., with no transportation for compensation on return except as otherwise authorized, restricted against the transportation of commodities which, because of size, shape, or weight, require the use of special equipment to load, unload, or transport the same, and limited to a transportation service to be performed under a continuing contract, or contracts, with the following shippers: Penntech Papers Inc., Philadelphia, PA., and Hammermill Paper Company, of Erie, PA.; *Chemicals*, *chemical products*, and *constituents* used in the manufacture or processing of Paper and paper products, except commodities in bulk, from Marcus Hook, PA., and Claymont, Del., to Lock Haven, Castanea, and Johnsonburg, PA., with no transportation for compensation on return except as otherwise authorized; and (b) In Sub-No. 29-*Printing paper*, (except newsprint), from Lock Haven, PA., to points in Ohio, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Indiana, Illinois, Michigan, Maryland, Virginia and the District of Columbia, with no transportation for compensation on return except as otherwise authorized, limited to a transportation service to be performed under a continuing contract, or contracts, with Hammermill Paper Company. Applicant seeks to convert the immediately above-described authority to common carrier authority in No. MC–136343 to authorize transportation, in interstate or foreign commerce, over irregular routes, of *Paper*, *paper products*, and *materials*, *equipment*, and *supplies*, used or useful in the manufacture and sale of paper products, (except commodities in bulk) between the facilities of Hammermill Paper Company, Lock Haven, PA., on the one hand, and, on the other, points in the states of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Maryland, Delaware, Virginia, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Kentucky, Ohio, Indiana, Illinois, Wisconsin, Michigan, New York (except Buffalo and Rochester, NY.), New Jersey, Connecticut, and the District of Columbia, restricted to the transportation of shipments originating at the designated origin and destined to the designated destination states.

(9) Present contract carrier authority of Milton Transportation, Inc. in No. MC–96098 Sub-No. 32 authorizes transportation, in interstate or foreign commerce, over irregular routes, of *Paper and paper products*, from the facilities of Penntech Papers, Inc., at Johnsonburg, PA., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia; and *Machinery*, *equipment*, *materials*, and *supplies* used in the operation of papermills (except commodities in bulk and commodities the transportation of which because of size or weight requires the use of special equipment), from points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, to the facilities of Penntech Papers, Inc., at Johnsonburg, PA limited in (9) above to a transportation service to be performed, under a continuing contract or contracts with Penntech Papers, Inc., of Johnsonburg, PA. Applicant seeks to convert the immediately above-described authority to common carrier authority in No. MC–136343 to authorize transportation, in interstate or foreign commerce, over irregular routes, of *Paper and paper products*, from the facilities of Penntech Papers, Inc., at Johnsonburg, Pa., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia; and *Machinery*, *equipment*, *materials* and *supplies* used in the operation of papermills (except commodities in bulk and commodities the transportation of which because of size and weight requires the use of special equipment), from points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, to the facilities of Penntech Papers, Inc., at Johnsonburg, PA., restricted to the transportation of shipments originating at the designated origin and destined to the designated destination states.

(10) Present contract carrier authority of Milton Transportation, Inc. in No. MC–96098 Sub-No. 37 authorizes transportation, in interstate or foreign commerce, over irregular routes, of *Salt*, (except in bulk), from Akron, Ohio, to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and West Virginia (except points in that part of West Virginia on and north of U.S. Highway 60), with no transportation for compensation on return except as otherwise authorized, limited to a transportation service to be performed, under a continuing contract, or contracts, with the Diamond Crystal Salt Co., of St. Clair, Michigan. Applicant seeks to convert the immediately above-described authority to common carrier authority in No. MC–136343 to authorize transportation, in interstate or foreign commerce, over irregular routes, of *Salt*, (except in bulk) from the facilities of Diamond Crystal Salt Co., at Akron, Ohio to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and West Virginia, (except points in that part of West Virginia on and north of U.S. Highway 60) with no transportation for compensation on return except as otherwise authorized, restricted to the transportation of shipments originating at the designated origin and destined to the designated destination states; (11) Present contract carrier authority of Milton Transportation, Inc. in No. MC–96098 Sub-No. 39 authorizes transportation, in interstate or foreign commerce, over irregular routes, of *Containers* and *container closures*, from Milton, PA., to LaPorte, Inc., and South Bend, Ind., with no transportation for compensation on return except as otherwise authorized, limited to a transportation service to be performed, under a continuing contract, or contracts, with Continental Can Company, Inc. Applicant seeks to convert the immediately above-described authority to common carrier authority in No. 136343 to authorize transportation, in interstate or foreign commerce, over irregular routes, of *Container* and *container*

closures, from the facilities of Continental Can Company, Inc., at Milton, PA., to points in LaPorte and South Bend, Ind., restricted to the transportation of shipments originating at the designated origin and destined to the designated destination states.

(12) Present contract carrier authority of Milton Trucking, Inc. in No. MC–134776 Sub No. 2 authorizes transportation, in interstate or foreign commerce, over irregular routes, of *Foodstuffs* (except in bulk), from Milton, PA., to points in Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, and Maine, with no transportation for compensation on return except as otherwise authorized; limited to a transportation service to be performed, under a continuing contract, or contracts, with American Home Products Corporation of New York, N.Y. Applicant seeks to convert the immediately above-described authority to common carrier authority in No. MC–136343 to authorize transportation, in interstate or foreign commerce, over irregular routes, of *Foodstuffs*, (except in bulk), from the facilities of American Home Foods, Division of American Home Products Corporation at Milton PA., to points in Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, and Maine, with no transportation for compensation on return except as otherwise authorized, restricted to the transportation of shipments originating at the designated origin and destined to the designated destination states; (13) Present contract carrier authority of Milton Trucking, Inc. in No. MC–134776 Sub-No. 9 authorizes transportation, in interstate or foreign commerce, over irregular routes, of *Pulpboard*, from the plantsite of National Gypsum Company, near New Columbia, PA., to Portsmouth, NH., and points in Ohio, West Virginia, Virginia, Maryland, New York, New Jersey, Delaware, Connecticut, Massachusetts, and the District of Columbia; and *Scrap paper* and *materials* and *supplies* used in the manufacture and distribution of pulpboard, from points in the above named destination states and the District of Columbia, to the plantsite of National Gypsum Company, near New Columbia, PA., restricted against the transportation of chemicals, in bulk, from Bainbridge, NY., Sayreville, NJ., Point Pleasant, WV., Springfield, Mass., and points in Essex, Middlesex, Norfolk, and Suffolk Counties, Mass., to the above-named plantsite, and limited to a transportation service to be performed under a continuing contract, or contracts, with National Gypsum Company. Applicant seeks to convert the immediately above-described authority to common carrier authority in No. MC–136343 to authorize transportation, in interstate or foreign commerce, over irregular routes, of *Pulpboard*, from the facilities of National Gypsum Company, near New Columbia, PA., to Portsmouth, NH., and points in Ohio, West Virginia, Maryland, New York, New Jersey, Delaware, Connecticut, Massachusetts, Virginia, and the District of Columbia; and *Scrap paper* and *materials* and *supplies* used in the manufacture and distribution of pulpboard, from points in the above named destination states and Rhode Island to the plantsite of National Gypsum Company, near New Columbia, PA., restricted against the transportation of chemicals, in bulk, from Bainbridge, NY., Sayreville, NJ., Point Pleasant, WV., Springfield, MA., and points in Essex, Middlesex, Norfolk and Suffolk Counties, MA., to the above named plantsite, and further restricted to the transportation of shipments originating at the designated origin and destined to the designated destination states. The common carrier extension requests immediately next are filed concurrently with the above-described conversion requests in No. MC–136343, by MILTON TRANSPORTATION, INC. Authority sought to operate as a common carrier, over irregular routes in interstate or foreign commerce, of:

(1) *Spheres, highway marking strip glass, ballotini and glass, crushed, ground* and *powdered*, from the facilities of Potters Industries, Inc., Cleveland, Ohio to points in Maryland, Pennsylvania, New York, Illinois, Indiana and Michigan;

(2) *Materials*, and *supplies* used in the manufacture and sale of glass spheres (except in bulk, in tank vehicles) from the above named states to the facilities of Potters Industries, Inc., Cleveland, Ohio, restricted to the transportation of shipments originating at the designated origin and destined to the designated destination states;

(3) *Spheres, highway marking strip glass, ballotini and glass, crushed ground* and *powdered*, from the facilities of Potters Industries, Inc., Carlstadt, New Jersey, to points in Maryland, Pennsylvania, Connecticut, Delaware, Massachusetts, New Hampshire, Rhode Island, Vermont, and North Carolina;

(4) *Materials and supplies* used in the manufacture and sale of glass spheres (except in bulk in tank vehicles) from the above named states to the facilities of Potters Industries, Inc., Carlstadt, New Jersey, restricted to the transportation of shipments originating at the designated origin and destined to the designated destination states;

(5) *Spheres, highway marking strip glass, ballotini and glass, crushed, ground* and *powdered*, from the facilities of Potters Industries, Inc., Apex, N.C. to points in Maryland, Pennsylvania, New York, and New Jersey;

(6) *Materials* and *supplies* used in the manufacture and sale of glass spheres (except in bulk, in tank vehicles) from the above named states to the facilities of Potters Industries, Inc., Apex, NC., restricted to the transportation of shipments originating at the designated origin and destined to the designated destination states;

(7) *Chemicals* (except in bulk) for the account of Avis Chemical Co., Avis, PA. from Brooklyn, Niagara Falls, and Solvay, New York; Midland, Michigan; Barberton, Ohio; Belle, Charleston, and Nitro, West Virginia, to points in McKean, Elk, Cameron, Potter, Clinton, Clearfield, Center, Union, Snyder, Lycoming, Tioga, Bradford, Sullivan, Montour, Northumberland, Columbia, Wyoming, Lackawanna, Luzerne and Susquehanna Counties, PA., restricted to the transportation of shipments originating at the designated origin and destined to the designated counties;

(8) *Foodstuffs, confectioneries* (except in bulk), (a) from the facilities of Beech Nut, Inc., at Canajoharie, New York, to points in Pennsylvania, Maryland, Ohio, Indiana, and Michigan, and (b) from the facilities of Beech Nut, Inc., at Holland, Michigan, to the facilities of Beech Nut, Inc., at Canajoharie, New York, restricted in (a) and (b) above to the transportation of shipments originating at the designated origin and destined to the designated points;

(9) *Paper and paper articles*, from the facilities of Finch Pruyn & Co., Inc., at Glens Falls, New York, to points in Pennsylvania, Ohio, Indiana, Illinois, Michigan, Maryland, and the District of Columbia, restricted to the transportation of shipments originating at the designated origin and destined to the designated destination states;

(10) *Such commodities* as are sold, used, or dealt in by mail order business houses, between the facilities of Bevis Industries, Inc., and its subsidiaries at Baltic, Conn., Webster, Mass., and White Plains, NY., on the one hand, and, on the other, points in Ohio, Illinois, Indiana, Michigan, Wisconsin, Georgia and Texas, restricted to the transportation of shipments originating at the designated origin and destined to the designated destination states;

(11) *Foodstuffs*, canned or preserved, not cold packed or frozen, (a) from plantsites and storage facilities of Comstock Foods, Borden, Inc., Div., from Waterloo, Rushville, Egypt, Fairport, Red Creek, Newark, Lyons and Syracuse, NY., to points in Pennsylvania, Ohio, Indiana, Michigan, Maryland, District of Columbia, and Delaware, by trailers equipped with pallets, and (b) from the plansites and storage facilities of Comstock Foods, Borden, Inc., Div., in Crosswell, Edmore, Lexington and Saginaw, Michigan, to points in Pennsylvania, New York, New Jersey, Ohio, Maryland, District of Columbia, and Delaware, by trailers equipped with pallets, restricted in (a) and (b) above to the transportation of shipments originating at the designated origin and destined to the designated destination states;

(12) *Paper, paper bags* and *plastic bags*, between the facilities of Duro Paper Bag Manufacturing Co., and its subsidiaries at Covington, KY., and Ludlow, KY., on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Maryland, Delaware, Ohio, Virginia, and the District of Columbia, restricted to the transportation of shipments originating at the designated origin and destined to the designated destination states. (C) No. MC–134776 (Sub No. 20) MILTON TRUCKING,

INC., Extension—Paper. Authority sought to operate as a common carrier, over irregular routes, in interstate or foreign commerce, of *Paper, paper products*, and *plastic products and equipment, materials* and *supplies* used or useful in the manufacture and sale of paper and plastic products (except commodities in bulk), between the U.S. Envelope Co., Williamsburg, PA., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, New York, New Jersey, Maryland, Delaware, District of Columbia, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Ohio, Indiana, Illinois, Michigan, Kentucky and Tennessee, restricted to the transportation of shipments originating at the designated origin and destined to the designated destination states.

(D) GENERAL RESTRICTION: The separately stated authorities contained herein in the entire application shall not be tacked or joined one to another for the purpose of performing any through transportation service. Any repetition in the statement of authority granted herein shall not be construed as conferring more than one operating right. Note: Any interested person or persons desiring to participate in this proceeding and the carriers who have already entered appearances in opposition in this proceeding should file or refile protests to the granting of the requests in this proceeding within 30 days from the date of this publication in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. Special precaution should be taken by each protestant to indicate the precise segment or segments of the requests for authority it seeks to oppose, by referring to the appropriate character preceeding each segment as indicated in this FEDERAL REGISTER publication.

No. MC 3255 (Sub-No. 11) (REPUBLICATION) filed October 3, 1972, published in the FR issue of October 27, 1972, and republished this issue. Applicant: PEP TRUCKING CO., INC. 386 Henderson Street Jersey City, N.J. 07302 Applicant's representative: George A. Olsen 69 Tonnele Avenue Jersey City, N.J. 07306 A supplemental Order of the Commission, Operating Rights Board, dated June 1, 1973, and served July 2, 1973, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *flour*, in bulk, in tank vehicles, from Clifton and Jersey City, N.J., and the Brooklyn Eastern District Terminal at Brooklyn, N.Y., to Elmont, N.Y.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder, and that an appropriate certificate should be issued. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 60430 (Sub-No. 20) (REPUBLICATION) filed February 29, 1972, published in the FEDERAL REGISTER issue of April 6, 1972, and republished this issue. Applicant: FRIEDMAN'S EXPRESS, INC., 220 Conyngham Avenue Wilkes-Barre, Pa. 18702. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. An Order of the Commission, Review Board Number 1, dated June 14, 1973, and served June 27, 1973, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *general commodities* (except articles of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment) between points in that portion of the New York, N.Y., commercial zone as defined in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Interstate Commerce Act (the "exempt" zone), on the one hand, and, on the other, points in Suffolk County, N.Y.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that an appropriate certificate authorizing such operation should be granted. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition in intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

TRANSFER APPLICATIONS UNDER SECTION 212(b) OF THE ACT WHICH HAVE BEEN DESIGNATED FOR ORAL HEARING

No. MC-FC-74065. Riteway Transport, Inc., Phoenix, Ariz., transferee, and Padre Freight Lines, a corporation, Long Beach, Calif., transferor. The application was the subject of an order of the Commission, Motor Carrier Board, entered December 6, 1972, which approved and authorized the transfer of the operating rights of transferor in Certificate No. MC-121338 (Sub-No. 2) to transferee, Riteway Transport, Inc.

No. MC-FC-74299. Riteway Transport, Inc., Phoenix, Ariz., transferee, and Cibola Freight Lines, a corporation, Phoenix, Ariz., transferor. The application was the subject of an order of the Commission, Motor Carrier Board, entered March 13, 1973, which approved and authorized the transfer of the operating rights in Certificates Nos. MC-99142, MC-99142 (Sub-No. 1), and MC-99142 (Sub-No. 3) to transferee, Riteway Transport, Inc.

Upon consideration of the records in the above-numbered proceedings, and petitions for consideration of the subject orders above-referenced, a notice to the parties was entered in each proceeding under dates of January 13, and April 26, 1973, respectively, advising that such orders have been stayed pursuant to Section 17(8) of the Act, pending disposition of the petitions filed in each proceeding.

By order of Appellate Division 3, entered June 28, 1973, the approval orders of the Commission, Motor Carrier Board, entered in each proceeding on December 6, 1972 and March 13, 1973 have been vacated and set aside, and both proceedings, Nos. MC-FC-74065 and MC-FC-74299, have been assigned for oral hearing at a time and place to be hereafter fixed, primarily on the issue of the fitness of transferee, Riteway Transport, Inc., and the parties in control thereof to receive additional authority.

The Bureau of Enforcement has been directed to participate as a party in such proceedings.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections

5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 C.F.R. 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-11563. (Amendment) (ROSS TRUCK LINES, INC.—PURCHASE (PORTION)—ROBERT FOLTZ), published in the June 14, 1972, issue of the Federal Register, on page 11818. By petition filed July 2, 1973, for substitution of parties. KENNETH F. CROCKETT, receiver of the bankrupt estate, is being substituted in lieu of ROBERT LOUIS FOLTZ.

No. MC-F-11857. (2nd Correction) (MICROTRON INDUSTRIES, INC.—CONTROL—UFT TRANSPORT COMPANY), published in the May 9, 1973, issue of the Federal Register on Page 12190, and corrected in the June 6, 1973, issue of the Federal Register, on pages 14899 and 14900. Correction should have read: Between points in Angelina and Nacogdoches Counties, Tex., and points in New Mexico, Kansas (excluding Kansas City and points in its commercial zone as defined by the Commission), Missouri (excluding Kansas City and points in its commercial zone as defined by the Commission), Tennessee (excluding Memphis and points in its commercial zone as defined by the Commission, and points in Hamblen County), Mississippi (excluding Jackson, Natchez, Vicksburg, Gulfport, and points in their commercial zone as defined by the Commission), *and Oklahoma*.

No. MC-F-11901 (ALL-AMERICAN, INC.—PURCHASE (PORTION)—HANSON TRANSFER, INC.), published in the June 13, 1973, issue of the Federal Register on page 15571. Application filed June 27, 1973, for temporary authority under section 210a(b).

No. MC-F-11919. Authority sought for purchase by MORRISON MOTOR FREIGHT, INC., 1100 Jenkins Blvd., Akron, OH 44306, of the operating rights of ALL INDUSTRIAL CARTAGE COMPANY, 1945 W. 112th St., Cleveland, OH 44103, and for acquisition by MARMAC INSURANCE AGENCY, INC., HELKEN, INC., both of 135 S. La Salle St., Chicago, IL 60603, and DECATUR CARTAGE CO., WALTER F. MULLADY, both of 30 N. Michigan Ave., Chicago, IL 60602, of control of such rights through the purchase. Applicants' attorney: John P. McMahon, 100 E. Broad St., Columbus, OH 43215. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-97451 (Sub-No. 1), covering the transportation of property, as a common carrier, in interstate commerce, within the State of Ohio. Vendee is authorized to operate as a common carrier in Illinois, Indiana, Kansas, Missouri, New York, Ohio, and Pennsylvania. Application has been filed for temporary authority under section 210a(b). NOTE: MC-59728 (Sub-No. 25) is a directly related matter.

No. MC-F-11920. Authority sought for purchase by YALE TRANSPORT CORP., 100 Pennsylvania Ave., So. Kearny, NJ 07032, of the operating rights and property of JOSEPH LUCARELLI, TRUSTEE FOR TRIPLE "M" TRANSPORT CO., 6600 Blvd., E., West New York, NJ, and for acquisition by YALE EXPRESS SYSTEM, INC., also of So. Kearny, NJ 07032, of control of such rights and property through the purchase. Applicants' attorneys: David Axelrod, 39 S. LaSalle St., Chicago, IL 60603, Cerreto & La Penna, and Wm. J. Hanlon, both of 60 Park Place, Newark, NJ 07102, and Charles J. Williams, 47 Lincoln Park, Newark, NJ 07102. Operating rights sought to be transferred: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, alcoholic beverages, coke, coke breeze, coke dust, coke screenings, hard asphalt, liquid asphalt, liquid flux, linseed oil, vegetable and kindred oils, inedible vegetable oils, silks, tobacco products, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier* over irregular routes, between points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties, N.J., on the one hand, and, on the other, New York, N.Y., and points in Nassau, Suffolk, and Westchester Counties, N.Y. Vendee is authorized to operate as a *common carrier* in Connecticut, Maryland, Massachusetts and New Hampshire. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11921. Authority sought for purchase by DART TRANSIT COMPANY, 780 N. Prior St., St. Paul, MN 55104, of the operating rights of CHICAGO FREIGHT LINES, INC., P.O. Box 46362, Springdale OH 45246, and for acquisition by EARL O. OREN, ADELINE L. OREN, DONALD G. OREN, AND DIANNE O. KOUGHAN, all of 780 N. Prior St., St. Paul, MN 55104, of control of such rights through the purchase. Applicants' attorneys: James C. Hardman, 127 N. Dearborn St., Chicago, IL 60602, and A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Operating rights sought to be transferred: *Paper mill products and supplies*, as a *common carrier* over irregular routes, between Hamilton, Ohio, Hammond, Ind., and Chicago, Ill. Vendee is authorized to operate as a *common carrier* in Minnesota, Iowa, Wisconsin, North Dakota, South Dakota, Illinois, Michigan, Nebraska, Kansas, Missouri, Montana, Florida, Georgia, Indiana, Kentucky, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Maryland, New Hampshire, Connecticut, Delaware, Vermont and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11922. Authority sought for purchase by ECKLAR-MOORE EXPRESS, INC., 147 So. Forbes Rd., Lexington, KY 40505, of the operating rights and property of W. C. DAVENPORT, E. B. DAVENPORT AND J. A. DAVENPORT, doing business as DAVENPORT'S TRANSFER, 125 E. Broadway Harrodsburg, KY 40330, and for acquisition by GARRETT JOHNSON, WILLIAM H. TEATER, JOHN S. MARLIN, all of Lexington, KY 40505 and HARRY V. McCHESNEY, 605 Kingfisher Lane, Sarasota, FL 33577, of control of such rights and property through the purchase. Applicants' attorney: Robert H. Kinker, P.O. Box 464, Frankfort, KY 40601. Operating rights sought to be transferred: *General commodities*, excepting among others, dangerous explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Louisville and Danville, Ky., serving all intermediate points between Graefenburg and Danville, including Graefenburg; and the off-route point of Bondville, Ky., between Perryville, and Burgin, Ky., serving to and from the intermediate points of Harrodsburg, and Nevada, Ky. Vendee is authorized to operate as a *common carrier* in Ohio and Kentucky. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11923. Authority sought for purchase by CROUSE CARTAGE COMPANY, P.O. Box 151, Carroll IA 51401, of the operating rights of MAX W. TUNKS AND MAXIE LEE TUNKS, doing business as CIRCLE M TRUCK LINE, P.O. Box 415, King City, MO 64463, and for acquisition by PAUL E. CROUSE, also of Carroll, IA 51401, of control of such rights through the purchase. Applicants' attorney: William S. Rosen, 630 Osborn Bldg., St. Paul, MN 55102. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-96969 (Sub-No. 2), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of Missouri. Vendee is authorized to operate as a *common carrier* in Iowa, Nebraska, Missouri, Kansas, Indiana, Illinois, Michigan, Kentucky, Minnesota, North Dakota, Ohio and South Dakota. Application has been filed for temporary authority under section 210a(b). NOTE: MC-123389 (Sub-No. 16) is a matter directly related.

No. MC-F-11924. Authority sought for purchase by D'AGATA NATIONAL TRUCKING CO., 3222-40 So. 61st St., Philadelphia, PA 19153, of the operating rights of (B) D'AGATA TRANSPORTATION, INC., 1104 York Road, Cherry Hill, NJ 08034 and (BB) BEER TRANS, INC., 1064 2d St., Philadelphia, PA, and for acquisition by VINCENT D'AGATA, 805 Tasker St., Philadelphia, PA, of control of such rights through the purchase. Applicants' attorney: Leonard A. Jaskiewicz, 1730 M St., N.W., Washington, DC 20036. Operating rights sought to be transferred: (B) Malt beverages, as a *contract carrier* over irregular routes, from Latrobe, Pa., to points in New Jersey; *malt beverages*, in cans, bottles, and kegs, from Reading, Pa., to points in Connecticut, Massachusetts, New Hampshire, Rhode Island, and Vermont, with restrictions; (BB) *malt beverages*, as a *common carrier*, over irregular routes,

from Philadelphia, Pa., to points in Delaware, Maryland, New Jersey, Virginia and the District of Columbia; *empty malt beverage containers* from points in Delaware, Maryland and New Jersey to Philadelphia, Pa.; *empty containers* and *returned shipments* of malt beverages, from points in Virginia and the District of Columbia, to Philadelphia, Pa. Vendee is authorized to operate as a *common carrier* in Maryland, Virginia, New York, Pennsylvania, Delaware, West Virginia, Ohio, New Jersey, Connecticut, Wisconsin, Massachusetts, Maine, New Hampshire, Vermont, Rhode Island, and the District of Columbia. Application has been filed for temporary authority under section 210a(b). NOTE: MC-118929 (Sub-No. 3) is a directly related matter.

F.D. No. 27423, Filed June 20, 1973 CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY, 400 West Madison Street, Chicago, Illinois 60606, represented by Mr. Stuart F. Gassner, of the same address, hereby gives notice that it filed with the Interstate Commerce Commission at Washington, D.C., an application for approval of an agreement authorizing trackage rights of the CNW over tracks of the Soo Line Railroad Company between Wisconsin Rapids and Nekoosa, Wisconsin, all in Wood County, Wisconsin, a distance of approximately 4.35 miles, beginning at milepost 0.6 and extending to milepost 3.6 and commencing again at milepost 4.6 and extending to milepost 6.1 (Soo Line mileposts 26.59–29.59 and 30.47–31.82). CNW and Soo Line currently maintain parallel tracks between Wisconsin Rapids and Nekoosa, Wisconsin. CNW alleges that no shippers or receivers will be adversely affected. The trackage rights to be operated lie between Wisconsin Rapids and Port Edwards and Port Edwards and Nekoosa. In the opinion of the applicant, the Commission's action requested, i.e., approval of the trackage rights, will not have any significant impact and will not significantly adversely affect the quality of the human environment. Rather applicant alleges that elimination of duplicate facilities will have a beneficial effect on the environment. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation-National Environmental Policy Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present the statement shall include such information relating to the facts set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (b) (1)–(5), 340 I.C.C. 431, 461. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission on later than 30 days from the date of first publication in the FEDERAL REGISTER.

By the Commission.

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

[FR Doc.73-14138 Filed 7-10-73;8:45 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JULY 6, 1973.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 53337 (AMENDMENT) filed June 18, 1973, published in the FR issue of June 7, 1972, and republished, as amended, this issue. Applicant: CALIFORNIA CARTAGE COMPANY, INC., 20021 Susana Road, Compton, Calif. 90221. Applicant's representative: Donald Murchison, 9454 Wilshire Blvd., Suite 400, Beverly Hills, Calif. 90212. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, (1) Between all points and places within the Los Angeles Basin Territory, as described in Note A. (2) Between all points and places within the San Diego Territory, as described in Note B. (3) Between the San Diego Territory and the Los Angeles Basin Territory, inclusive, serving all intermediate points on Interstate 5 and 15 and U.S. Highway 395, and all points within 15 miles of said highways, including all points in the Los Angeles Basin Territory. (4) Between all points and places in Paragraphs 1, 2 and 3 above, and Sacramento, inclusive, serving all intermediate points on Interstate 5 and State Highways 14, 58 and 99 and on U.S. Highway 101, Interstate 80 and State Highways 4 and 99, and all points within 15 miles of said highways, and including all points in the San Francisco Territory, as described in Note C. (5) Carrier may operate over all accessible public highways between all of said termini, intermediate and off route points, in combination, one with the other. (6) Through routes and joint rates may be established between any and all points described above and with other certificated carriers at convenient points of interchange. Applicant shall not transport any shipments of: Livestock, uncrated used household goods and office furniture, commodities requiring special equipment, commodities in bulk, articles of extraordinary value, dangerous explosives, and commodities injurious or contaminating to other lading. Note A: LOS ANGELES BASIN TERRITORY includes that area embraced by the following boundary:

Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean, thence northeasterly along said county line to the point it intersects State Highway No. 118, approximately two miles west of Chatsworth; easterly along State Highway No. 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Los Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to State Highway No. 99; northwesterly along State Highway No. 99 to the corporate boundary of the City of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway No. 60; southwesterly along U.S. Highways Nos. 60 and 395 to the county road approximately one mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the City of San Jacinto; easterly, southerly and westerly along said corporate boundary to San Jacinto Avenue; southerly along No. 74; westerly along State Highway No. 74 to the corporate boundary of the City of Hemet; southerly, westerly, and northerly along said corporate boundary to the right of way of The Atchison, Topeka & Santa Fe Railway Company; southwesterly along said right of way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the County Road intersecting U.S. Highway No. 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway No. 395;

southeasterly along U.S. Highway No. 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning.

Note B: SAN DIEGO TERRITORY includes that area embraced by the following imaginary line starting at the northerly junction of U.S. Highways 101-E and 101-W (4 miles north of La Jolla); thence easterly to Miramar on U.S. Highway No. 395; thence southeasterly to Lakeside on the El Cajon-Romona Highway; thence southerly to Bostonia on U.S. Highway No. 80; thence southeasterly to Jamul on State Highway No. 94; thence due south to the International Boundary Line, west to the Pacific Ocean and north along the coast to point of beginning. Note C: SAN FRANCISCO TERRITORY includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County boundary line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning. Intrastate, interstate and foreign commerce authority sought. HEARING: Date, time and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif., 94102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-14137 Filed 7-10-73;8:45 am]

[F.D. 26241]

PENN CENTRAL TRANSPORTATION COMPANY REORGANIZATION

There being under consideration a plan of reorganization filed July 5, 1973, pursuant to the order of the United States District Court for the Eastern District of Pennsylvania, dated July 3, 1973, in proceeding No. 70-347, pending therein for reorganization of the Penn Central Transportation Company, debtor, under the provisions of section 77 of the Bankruptcy Act, as amended (11 USC 205), directing the trustees of the said debtor (Penn Central) to file with this Commission a plan of reorganization for the debtor and requesting that this Commission certify to the said court, by October 1, 1973, an approved plan for the reorganization of the debtor, or a preliminary step thereof; and a plan of reorganization of the said debtor filed June 27, 1973 by the Trustees of the property of the New York, New Haven and Hartford Railroad Company (also a debtor in reorganization under section 77 of the Bankruptcy Act, but at the same time a creditor of Penn Central); and

It appearing, that under the provisions of section 77(d) of the Bankruptcy Act this Commission must determine whether any such plan filed is prima facie impracticable, and the two plans thus far filed and their attendant circumstances make it appropriate that preliminary hearings be undertaken for such determination; and that the scope of the plans are such as to warrant a prehearing pursuant to Rule 68 of the Commission's General Rules of Practice;

It further appearing, that in order to make the preliminary determinations under the said section 77(d) and such other determinations as may be appropriate within the time limitations envisioned by the above-cited court order, expedited hearings and special procedures are necessary, and the matter should be assigned to an Administrative Law Judge for prehearing conference and hearing;

It further appearing, that due to the critical time element involved, the Commission's rules of practice relating to petitions for leave to intervene to become parties of record should be waived and all parties desiring to participate in the proceeding who appear at the prehearing conference should be granted leave to intervene without further filings with this Commission;

It further appearing, that the Penn Central Trustees' plan is in essence a plan for a shut down of the Penn Central railroad system before winter, phasing the cessation over a 10-week period beginning October 31, 1973, to be followed by a liquidation of the properties for the purpose of satisfying claims of the creditors (among which are the United States, State and local taxing authorities, employees, security holders and others); and the New Haven Trustee's plan provides for a structure which includes, among other things, separate corporations to operate passenger service in the area between Boston, Mass., and Washington, D.C., and rail freight service over a network of approximately 11,000 miles; to liquidate unutilized Penn Central properties, and to conduct an investment business;

It further appearing, that the plans involve a phasing, with general proposals and certain elements to be certified to the Reorganization Court by the Commission in the initial steps, while other elements are left for hearing, definition and approval in subsequent steps;

It further appearing, that section 77(d) of the Bankruptcy Act authorizes the Commission to approve a plan "which may be different from any which has been proposed", and in view thereof, consideration should be given to the possibility of reorganization contemplating scaled-down operations (of 11,000 or 15,000 miles, as previously suggested by the Penn Central trustees, or of some other configuration) and further contemplation scaled-down tax claims and other debt;

It is ordered, That the Plan filed with the Commission July 5, 1973, by the Trustees of the property of Penn Central Transportation Company, Debtor, and the Plan filed June 27, 1973 by the Trustee of the property of The New York, New Haven and Hartford Railroad Company, Debtor, be, and they are, hereby

set down for pre-hearing conference in accordance with Rule 68 of the Commission's General Rules of Practice, on Monday, July 16, 1973, before an Administrative Law Judge, at 9:30 o'clock A.M. EDST at the offices of the Interstate Commerce Commission, Washington, D.C., for the purposes, among others as set out in said Rule 68, of crystallizing issues, establishing special procedures and schedules for additional hearings, exploring the feasibility and practicableness of the two plans, investigating possibilities for additional reorganization plans and determining, to the extent possible, questions regarding the kinds and amounts of evidence needed, determining issues arising out of the assumptions upon which the plans of the trustees are based, seeking agreement on special rules of evidence, and undertaking such other matters as the administrative law judge may deem appropriate, giving due regard to the time limitations envisioned in the above cited July 3, 1973, order of the Penn Central Reorganization Court.

It is further ordered, That the Commission's General Rules of Practice relating to intervention be, and they are hereby, waived, and all parties desiring to intervene for the purpose of becoming parties to this proceeding shall do so by entering their appearance at either the pre-hearing conference or at such time in the subsequent hearings as the Administrative Law Judge may determine; and that this Commission will issue an appropriate service list as soon as practicable after the hearings begin;

It is further ordered, That the due and timely execution of this Commission's function in this proceeding requires the omission of an initial decision by the Administrative Law Judge and that the record be certified to the Commission for the initial report.

It is further ordered, That the Secretary serve copies of this order and the attached notice in the manner provided in the Rules of Practice, upon the Debtor, the Trustees, all other parties before the Commission in this proceeding, the Governors of each State in which Penn Central Transportation Company operates, and the Mayor of the District of Columbia;

And it is further ordered, That the trustees of the debtor publish the said notice within 5 days from the date hereof in one or more daily newspapers of general circulation of the District of Columbia and each of the States in which the debtor operates and including the Wall Street Journal and the New York Times.

Dated at Washington, D.C., on this 6th day of July, 1973.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

[F.D. 26241]

PENN CENTRAL TRANSPORTATION COMPANY REORGANIZATION

The above entitled proceeding is assigned for prehearing conference on Monday, July 16, 1973, before an administrative law judge at 9:30 o'clock a.m., EDST at the office of the Interstate Commerce Commission at Washington, D.C.

The prehearing conference will be for the purposes set out in Rule 68 of the Commission's General Rules of Practice, including among others, the clarifying of issues necessary to determining the feasibility or the prima facie practicability of plans of reorganization filed, pursuant to the provisions of section 77(d) of the Bankruptcy Act, (11 U.S.C. 205), by the Trustees of the property of the Penn Central Transportation Company and the Trustee of the property of the New York, New Haven and Hartford Railroad Company, such determination, and others relating to the merits of the plans, to be made after a hearing upon a date and time to be later fixed.

The receipt of this notice and the accompanying order does not constitute permission to participate in the proceeding. However, the Commission's general rules of practice relating to intervention will be waived, so that persons wishing to become parties to this proceeding may seek intervention by entering their appearance at the prehearing conference, or, as the administrative law judge may deem appropriate, at the hearing to be later held.

Any person (other than a party of record in the proceeding) who wishes to be notified of the hearing schedule or any change in the time or place of the hearing (at his own expense if telegraphic notice becomes necessary) should promptly transmit request therefor to the Interstate Commerce Commission, Washington, D.C. 20423.

[FR Doc.73-14134 Filed 7-10-73;8:45 am]

[Ex Parte No. 295]

TARIFF SCHEDULES

Increased Freight Rates and Charges, 1973, Nationwide

JULY 3, 1973.

The railroads have filed, on statutory notice, tariff schedules providing for a general increase in freight rates and charges. The tariff bears an effective date of July 29, 1973, but a supplement has been filed by the carriers postponing the effective date until August 13, 1973, in accordance with price stabilization requirements.

As stated in the Commission's Notice of June 11, 1973:

These tariffs will be received subject to protest, suspension or rejection. Protests to be considered in this connection must be received by the Commission twelve (12) days before the effective date as provided in the Commission's rules of practice. For the Commission's use, the original and 24 copies should be sent to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.[1] If any parties believe the considered proposal will significantly affect the quality of the human environment, they are invited to comment on this matter in their protests.

One copy of each protest shall be served upon the petitioning railroads, and, for this purpose, may be addressed to James L. Tapley, American Railroads Building, 1920 "L" Street, NW., Washington, D.C. 20036.[2]

Replies heretofore filed in response to the petition will be considered a part of the record in this proceeding, and the parties may rely thereon in lieu of filing protests in this matter.

In view of the notice previously accorded the parties and in order to provide flexibility, the Commission has determined that protests shall be filed twelve (12) days before the original effective date of the tariff, or on or before July 17, 1973.

The railroads have the right to reply to all protests and they are required to serve their replies promptly on the respective protestants. To receive consideration, such replies should be filed and served not later than July 20, 1973.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-14139 Filed 7-10-73;8:45 am]

[1] A lesser number of copies may be filed upon a showing of good cause.

[2] All parties able to do so shall send twenty-five (25) copies to the petitioning railroads.

COST OF LIVING COUNCIL

FOOD INDUSTRY WAGE AND SALARY COMMITTEE

Notice of Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) notice is hereby given that the Food Industry Wage and Salary Committee, established under the authority of section 212(f) of the Economic Stabilization Act, as amended, section 4(a)(iv) of Executive Order 11695, and Cost of Living Council Order No. 14, will meet at 10:00 a.m., Wednesday, July 18, 1973, at 2025 M Street, NW., Washington, D.C.

The agenda will be a consideration of cases for decision, future wage policy and other business.

Since the above stated meeting will consist of discussions of cases for decision, future wage policy and other business, pursuant to authority granted me by Cost of Living Council Order 25, I have determined that the meeting would fall within exemption (5) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

Issued in Washington, D.C. on July 10, 1973.

HENRY H. PERRITT, Jr.,
Executive Secretary,
Cost of Living Council.

[FR Doc.73-14303 Filed 7-10-73;10:39 am]

COMMISSION ON CIVIL RIGHTS

OHIO STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the United States Commission on Civil Rights, that a factfinding meeting of the Ohio State Advisory Committee will convene at 9:00 a.m. on July 13, 1973, in Room 2, State Office Building, 65 South Front Street, Columbus, Ohio 43215, and reconvene at 9:00 a.m. on July 14, 1973. This meeting shall be open to the public.

The purpose of this meeting shall be to collect information concerning legal developments constituting a denial of the equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin which affect persons residing in the State of Ohio with special emphasis on the conditions in Ohio penal institutions as they relate to the civil rights of inmates; to appraise denial of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin as there pertain to Ohio penal institutions as they relate to the civil rights of inmates; and to disseminate information with respect to denials of the equal protection of the laws because of race, color, religion, sex, or national origin with respect to Ohio penal institutions and the civil rights of inmates of these institutions; and to related areas.

A planning meeting of the Ohio State Advisory Committee will convene at 10:00 a.m. on July 12, 1973, at the Christopher Inn, 300 East Broad Street, Columbus, Ohio 43215. Persons wishing to attend this meeting should contact the Committee Chairman, or the Midwestern Regional Office, Room 1428 at 219 South Dearborn Street, Chicago, Illinois 60604. The purpose of this meeting shall be to hold a final briefing session in preparation for the July 13–14, 1973, factfinding meeting on the Ohio penal institutions.

A closed or executive session of the Ohio State Advisory Committee will convene at 8:00 a.m. on July 13, 1973, and reconvene at 8:00 a.m. on July 14, 1973, in Room 2, State Office Building, 65 South Front Street, Columbus, Ohio 43215. At these sessions, Committee members will discuss matters which may tend to defame, degrade, or incriminate individuals and as such these sessions are not open to the public.

These meetings will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., July 6, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-14232 Filed 7-11-73;8:45 am]

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WASHINGTON, D.C.

Volume 38 ■ Number 132

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

ADULT EDUCATION

Special Projects and Teacher Training Under Adult Education Act; Proposed Rulemaking

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 167]

ADULT EDUCATION; SPECIAL PROJECTS AND TEACHER TRAINING UNDER ADULT EDUCATION ACT

Notice of Proposed Rule Making

In accordance with section 503 of the Education Amendments of 1972 (P.L. 92–318) and pursuant to the authority contained in section 309 of the Adult Education Act, as amended, 20 U.S.C. 1208, the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Title 45, Part 167 of the Code of Federal Regulations to read as set forth below. The Commissioner also proposes to establish guidelines for this program, which are set forth following the text of the proposed regulation.

1. *Program purpose.* Section 309 of the Adult Education Act provides for special experimental demonstration project grants and teacher training grants and contracts.

2. *Section 503 procedures and effect.* Section 503 of the Education Amendments of 1972 requires the Commissioner to study all rules, regulations, guidelines, or other published interpretations or orders issued by him or by the Secretary after June 30, 1965, in connection with or affecting the administration of Office of Education programs; to report to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives concerning such study; and to publish in the FEDERAL REGISTER such rules, regulations, guidelines, interpretations, and orders, with an opportunity for public hearing on the matters so published. The regulations and guidelines proposed below reflect the results of this study as it pertains to the programs under section 309 of the Adult Education Act. Upon publication of revised Part 167 and the proposed guidelines in final form, after comments and hearing, all preceding rules, regulations, guidelines, interpretations, and orders issued in connection with or affecting Part 167 (as amended by the General Provisions Regulations; see the notice of proposed rule making at 38 FR 10388) will be superseded effective thirty days after such publication.

3. *Effect of Office of Education general provisions regulation.* The proposed regulation differs from the current regulation in that provisions have been deleted relating to general fiscal and administrative matters which are presently covered in 45 CFR Part 167 and which will be covered in the future under the overall Office of Education general provisions regulation, published under notice of proposed rule making in the FEDERAL REGISTER at 38 FR 10386–10430, in connection with the same study under section 503 of the Education Amendments of 1972 of which this publication is a part. (Reference is made in particular to the provisions of proposed Part 100a of Title 45 CFR, containing general provisions for direct project assistance, which would be applicable to the programs under section 309 of the Adult Education Act.)

4. *Guidelines.* Guidelines for the programs have not previously been published in the FEDERAL REGISTER. The guidelines proposed below essentially contain recommendations and suggestions for program management and operation and are designed to incorporate all materials covered by section 503 of the Education Amendments of 1972 not otherwise reflected in the regulation. When finally published in the FEDERAL REGISTER in accordance with section 503(d), the guidelines will be stated separately in the general notice section of the FEDERAL REGISTER.

5. *Citations of legal authority.* As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232(a)) and section 503 of the Education Amendments of 1972, a citation of statutory or other legal authority for each section of the regulations and guidelines has been placed in parentheses on the line following the text of the section.

On occasion, a citation appears at the end of a subdivision of the section. In that case the citation is to all that appears in that section above the citation. When the citation appears only at the end of the section it applies to the entire section.

6. *Opportunity for public hearing.* Pursuant to section 503(c) of the Education Amendments of 1972, the Commissioner will provide interested parties an opportunity for a public hearing on these regulations and guidelines. The hearing will take place at the U.S. Office of Education on September 20, 1973, in the auditorium of the Regional Office Building Three (ROB–3) located at 7th and D Streets, SW., Washington, D.C. 20202, beginning at 10 a.m. The purpose of the hearing is to receive comments and suggestions on the published materials.

Interested parties may also submit written comments and recommendations to Room 5717 at the above address: Attention: Mr. Herbert C. Duffy, Chairman, Office of Education Task Force on Section 503. All relevant material received prior to the date of the hearing will be considered. Comments and suggestions submitted in writing will be available for review in the above office between the hours of 8 a.m. and 4:30 p.m., Monday through Friday of each week.

Parties interested in attending the hearing should notify the Office of Education at the above address, and are urged to submit a written copy of their comments with such notification. Each party planning to make oral comments at the hearing is urged to limit his presentation to a maximum of fifteen minutes.

(Catalog of Federal Domestic Assistance No. 13.401, Adult Education—Special Projects and No. 13.402, Adult Education—Teacher Education.)

Date: June 6, 1973.

JOHN OTTINA,
Acting U.S. Commissioner of Education.

Approved: June 27, 1973.

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

PART 167—SPECIAL PROJECTS AND TEACHER TRAINING IN ADULT EDUCATION

Sec.

AUTHORITY: Section 309 of the Adult Education Act, as amended, unless otherwise noted (84 Stat. 163; 20 U.S.C. 1201–1211).

§ 167.1 Applicability.

(a) The regulations in this part apply to grants by the Commission for special experimental demonstration projects in adult education under subsection (b), and adult education personnel training under subsection (c), of section 309 of the Adult Education Act. The Commissioner is also authorized to provide adult education personnel training (directly or by contract) under section 309(c).

(20 U.S.C. 1208)

(b) Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this Chapter (relating to fiscal, administrative, property management and other matters).

(20 U.S.C. 1208)

CROSS-REFERENCE: The regulations in Part 166 apply to grants to States for adult basic education and adult education programs pursuant to section 304(b) of the Act.

§ 167.2 Definitions.

(a) The terms "adult," "adult education," "adult basic education," "Commissioner," "local educational agency," "State," "State educational agency" and "academic education" are defined in section 303 of the Act.

(b) As used in this part:

(1) "Act" means the Adult Education Act, as amended.

(20 U.S.C. 1201–1211)

(2) "Institution of higher education" means an educational institution in any State which—

(i) admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(ii) is legally authorized within such State to provide a program of education beyond high school;

(iii) provides an educational program for which it awards a bachelor's degree, or provides not less than a two-year program which is acceptable for full credit toward such a degree, or offers a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge;

(iv) is a public or other nonprofit institution; and

(v) is accredited by a nationally recognized accrediting agency or association listed by the Commissioner pursuant to this paragraph or, if not so accredited, is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited: Provided, however, that in the case of an institution offering a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or technological fields which requires the understanding and application of basic engineering, scientific or mathematical principles or knowledge, if the Commissioner determines that there is no nationally recognized accrediting agency or association qualified to accredit such institutions, he shall appoint an advisory committee, composed of persons specially qualified to evaluate training provided by such institutions, which shall prescribe the standards of content, scope, and quality which must be met in order to qualify such institutions to participate under this Act and shall also determine whether particular institutions meet such standards. For the purposes of this paragraph the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of education or training offered.

(20 U.S.C. 881; 20 U.S.C. 1202(1))

§ 167.4 Eligible projects.

Funds available under section 309 of the Act may be used by the Commissioner for the following purposes:

(a) Grants for special experimental demonstration projects to be carried out in furtherance of the purposes of the Act, and which—

(1) involve the use of innovative methods, systems, materials or programs which the Commissioner determines may have national significance or may be of special value in promoting effective programs under the Act, or

(2) involve programs of adult education, carried out in cooperation with other Federal, federally assisted, State, or local programs which the Commissioner determines have unusual promise in promoting a comprehensive or coordinated approach to the problems of persons with educational deficiencies.

(b) Grants and contracts to provide training to persons engaged, or preparing to engage, as personnel in adult education programs designed to carry out the purposes of the Act.

(20 U.S.C. 1208)

§ 167.5 Eligible applicants.

(a) *Special projects.* The following categories of agencies and institutions are eligible for grants under this part for special experimental demonstration projects:

(1) Local educational agencies; and

(2) Other public or private nonprofit agencies, including educational television stations.

(20 U.S.C. 1208(b))

(b) *Teacher training.* The following categories of agencies and institutions are eligible for grants and contracts under this part for teacher training:

(1) Institutions of higher education;

(2) State educational agencies;

(3) Local educational agencies; and

(4) Other appropriate public or private nonprofit agencies and organizations.

(20 U.S.C. 1208(c))

(c) *Ineligible applicants.* The following are not eligible for any grants under this part:

(1) Individuals;

(2) Any school or department of divinity; and

(3) Institutions organized for profit.

(20 U.S.C. 1208, 1210)

§ 167.6 Preapplications and applications for grants.

(a) *General.* (1) Assistance under this part will be made available only upon submission of preapplications and applications in accordance with this section. A separate preapplication and application must be submitted for each proposed project, except as provided in § 167.6(b)(1). Preapplication and application forms may be obtained from the Division of Adult Education, Bureau of Occupational and Adult Education, U.S. Office of Education, Washington, D.C. 20202.

(2) Preapplications and applications for grants shall be submitted in accordance with procedures and forms contained in Attachment M of Office of Management and Budget (OMB) Circular No. A–102, as supplemented by the Commissioner.

(20 U.S.C. 1208; OMB Circular No. A–102)

(3) If an applicant wishes to have an application which was not approved reconsidered for approval during a subsequent fiscal year, a preapplication and application must be resubmitted.

(20 U.S.C. 1208)

(b) *Preapplications.* (1) Each applicant seeking initial support for a special experimental demonstration project or a teacher training project must submit a preapplication for Federal assistance. An applicant applying for support to continue an ongoing multi-year project need not resubmit a preapplication; however, such applicants must complete and submit the appropriate application for Federal assistance form in each year for which assistance is requested.

(2) Preapplications will be reviewed and rated in accordance with current priorities (which will be published periodically in the FEDERAL REGISTER) and the criteria described in §§ 167.8 and 167.9. The applicant will be notified of the results of such review in accordance with Attachment M of OMB Circular No. A–102.

(c) *Applications.* (1) Each applicant who submits a preapplication will be advised as to whether the submission of an application is recommended. Applications will be evaluated and, if approved, will be funded on the basis of current priorities (which will be published periodically in the FEDERAL REGISTER) and the criteria described in §§ 167.8 and 167.9. The number of grant awards will be determined by the availability of funds.

(2) Each application shall contain an assurance that no fees or charges will be collected from students as a condition of enrollment in, participation in, or completion of any training or instruction offered in the project.

(3) A local educational agency submitting an application shall attach a letter to such application providing evidence of cooperation with the State educational agency. Any applicant which is not a local educational agency shall attach a letter to such application describing the extent to which the proposed project has been discussed with appropriate local and State adult education officials.

(4) The fact that a particular application resulted in a grant in an earlier year provides no assurance that a later submission will result in a new grant.

(5) Applications requesting support for the continuation of an ongoing multi-year project will be reviewed (i) in the light of the availability of funds; (ii) to determine if the grantee has complied with the grant terms and conditions, the Act, and applicable regulations in order to decide whether continuation of the grant would be in the best interests of the government.

(20 U.S.C. 1208; OMB Circular No. A–102)

§ 167.8 Special project criteria.

In evaluating applications for special project grants, in addition to considering the factors stated in § 100a.26(b) of this Chapter, the Commissioner will give consideration to such factors as:

(a) Whether and to what extent the project involves the use of innovative

methods, systems, materials, or programs which may have national significance or be of special value in promoting effective programs under the Act;

(b) Whether and to what extent the project is to be carried out in cooperation with other federally assisted, State or local programs which have unusual promise in promoting a comprehensive or coordinated approach to the problems of persons with educational deficiencies;

(c) Whether and to what extent the project has unusual promise in establishing or improving adult education;

(d) Whether and to what extent the project is related to and is carried out in conjunction with appropriate teacher training, whether or not assisted under the Act;

(e) Whether and to what extent the project will result in the development of new materials and methods which may be of value in increasing the effectiveness of adult education programs.

(f) Whether and to what extent the project provides for cooperation and coordination with business and industry, labor and other agencies, institutions, and community resources in order to strengthen the project and prevent duplication of effort;

(g) Whether and to what extent the project provides for cooperation and continuation by the State; and

(h) Whether and to what extent the project will meet the needs of persons with particular educational deficiencies.

(20 U.S.C. 1208(b))

§ 167.9 Teacher training project criteria.

In evaluating applications for teacher training grants, in addition to considering the factors stated in § 100a.26(b) of this chapter, the Commissioner will consider such factors as:

(a) Whether and to what extent the project will include training in the utilization of innovative methods, systems, materials, or programs;

(b) Whether and to what extent the project will meet local needs for adult education personnel;

(c) Whether and to what extent the project can be expected to meet needs for adult education personnel beyond the geographic region in which the applicant is located;

(d) Whether and to what extent the applicant proposes to make periodic, systematic, and objective reviews and evaluations of the adult education personnel training project;

(e) Whether and to what extent the project is coordinated with any special experimental demonstration projects which may be operating in the geographic area served by the applicant;

(f) Whether and to what extent the project is coordinated with adult education programs being sponsored in the State in which the applicant is located or with any other State from which trainees are drawn or to which trainees may be expected to return;

(g) Whether and to what extent the project is to be carried out in cooperation with other federally-assisted State or local programs;

(h) Whether and to what extent the project provides for cooperation and coordination with business and industry, labor and other agencies, institutions, and community resources to strengthen the project and prevent duplication;

(i) Whether and to what extent the project provides for cooperation and continuation by the State; and

(j) Whether and to what extent the criteria for eligibility for participation in the project include, in addition to educational background, previous preparation and experience in adult education programs.

(20 U.S.C. 1208(c))

§ 167.10 Grantee contribution to special experimental demonstration projects.

Recipients of grants for special experimental demonstration projects will be required, whenever feasible, to contribute an amount equal to at least 10 percent of the cost of the project. The total amount of such required non-Federal contribution will be stated in the grant award document and will be determined on the basis of the resources of the grantee, the size and scope of the project and such factors bearing on either the cost of the project or the ability of the grant recipient to contribute to such projects as the Commissioner may determine to be relevant.

(20 U.S.C. 1208(b))

§ 167.12 Selection of participants for teacher training projects.

(a) The grantee shall establish its own criteria for admission to teacher training projects based on the terms and conditions of the grant award and the goals of the adult education program. Selection of participants will be the responsibility of the grantee. However, no person shall be declared ineligible to participate in the program solely for the reason that he or she does not possess an academic degree.

(b) The criteria to be used in the final selection of participants from among the applicants shall be clearly stated in the application. If academic credit will be given for participation in the project, this shall also be clearly stated in the application.

(20 U.S.C. 1208(c))

§ 167.13 Duration of teacher training projects.

Teacher training projects shall be not less than one week nor less than 40 hours of instruction in duration.

(20 U.S.C. 1208)

§ 167.14 Program evaluation procedures.

Each program or project proposal shall, where appropriate, as determined by the Commissioner, include an evaluation plan to be carried out by a third party for the purpose of evaluating the effectiveness of the program or project. If such plan is included, it should describe the steps by which the grantee will

(a) Determine the extent to which the objectives of the program or project have been accomplished;

(b) Determine what factors either enabled or precluded the accomplishment of these objectives; and

(c) Promote the inclusion of the successful aspects of the program or project into adult education programs supported with funds other than those provided under the grant.

(20 U.S.C. 1208)

§ 167.15 Allowable costs.

(a) Allowable costs shall be in accordance with § 100a.50 of this Chapter, and with the terms and conditions contained in the grant or contract award document.

(20 U.S.C. 1208)

(b) With respect to teacher training programs pursuant to section 309(c) of the Act, there may be included in direct costs for payments to training program participants only those allowances provided for in § 167.16.

(20 U.S.C. 1208(c))

§ 167.16 Stipends and travel allowances for teacher training participants.

(a) Subject to the conditions set forth therein, the grant award document may provide that teacher training participants will, upon application therefor, receive subsistence allowances from the grantee, which shall not exceed:

(1) The sum of $75 per week in the case of a training program lasting no longer than 8 weeks, and an amount to be fixed by the Commissioner in the case of a training project lasting longer than 8 weeks; plus

(2) The sum of $15 per week for each dependent of a trainee attending a training program lasting no longer than 8 weeks. If the training period exceeds 8 weeks, the amount of the dependency allowance must be in accordance with the grant terms and conditions and requirements established by the Commissioner. For purposes of this part, a dependent shall be deemed to be an individual who receives, or is treated for Federal income tax purposes as having received, one-half or more of his support from the trainee and is either (i) his spouse or (ii) a person who qualifies as a dependent for Federal income tax purposes.

(b) Any amounts received under any other Federal grant program (except veterans, widows, and war orphans' educational assistance under title 38, United States Code) shall be set off against the amount which a trainee would be otherwise eligible to receive under this program. A trainee shall not be precluded from receiving a loan that is made, insured, or reinsured under any Federal educational loan program; and neither the amount of such loan nor any Federal interest payment made during the period covered by his traineeship award shall be deducted from the amount a trainee is entitled to receive under this part.

(c) Allowances may also be paid for participant travel cost for one round trip

between each participant's home and the place at which the training program is conducted. Such allowance shall not exceed 11 cents per mile by private transportation or the tourist air or coach rail rate by common carrier, but the total cost of travel by private conveyance may not exceed the common carrier cost of such travel.

(d) Participants will be paid such stipend and travel allowances by the grantee from funds provided for the support of the project.

(20 U.S.C. 1208(c); 26 U.S.C. 151; 38 U.S.C. 1781)

§ 167.17 Reports.

(a) *General.* The grantee shall submit reports in accordance with the regulations contained in this part and at 45 CFR 100a.279 and 100a.280 and shall submit such other reports as may be provided for in the grant or contract award document or as may be required by the Commissioner from time to time in order to carry out his responsibilities under the Act. All such reports and materials relating thereto shall be submitted to the Division of Adult Education, Bureau of Occupational and Adult Education, U.S. Office of Education, Washington, D.C. 20202. Appropriate forms, as described in this section, may be obtained from the same address.

(b) *Required reports.* The following reports must be submitted:

(1) *Performance reports.* Three copies of performance reports are required, in accordance with the schedule for submission of such reports contained in the grant or contract award document and in accordance with Attachment I of OMB Circular No. A-102. Such report shall include a brief description of the actual accomplishments during the reporting period and any unanticipated problems.

(2) *Financial status reports.* Financial status reports shall be submitted in accordance with OMB Circular No. A-102, Attachment H, and in accordance with the schedule for submission of such reports contained in the grant or contract award document.

(3) *Final project report.* (i) The final project report shall be submitted 90 days after the expiration or termination of the grant or contract. The grantee shall submit the required number of copies of such report, as specified in the grant or contract award document. (ii) Such report shall include (*a*) a final financial status report in accordance with Attachment H of OMB Circular No. A-102, and (*b*) a final performance report in accordance with Attachment I of OMB Circular No. A-102 and in sufficient detail to enable a reader to replicate the program. Such final performance report must include (*1*) a summary of findings, recommendations and conclusions; (2) a brief abstract, describing the methodology and operation of the program; (*c*) a final report of any instructional materials developed for use in the project; and (*d*) a description of any salable items developed as a result of the project.

(4) *Special reports.* (i) Special reports shall be submitted upon request from the Office of Education. (ii) The grantee shall issue appropriate press releases and announcements concerning the availability of Federal assistance under the Act. (iii) For teacher training projects, a brochure or circular must be developed by the grantee in order to provide potential participants with sufficient information to submit applications for participation in the project. Three copies of each such announcement shall be sent to the Division of Adult Education.

(5) *Independent evaluation.* The Division of Adult Education shall be provided with a copy of any independent evaluations of the project (including its operation, objectives and conclusions) or any studies of a similar nature, in accordance with the requirements contained in the grant or contract award document.

(20 U.S.C. 1208; OMB Circular No. A-102)

GUIDELINES
ADULT EDUCATION PROGRAMS
Title III, P.L. 91-230 Section 309
SPECIAL EXPERIMENTAL DEMONSTRATION PROJECTS
TEACHER TRAINING PROJECTS

TABLE OF CONTENTS

PART 1—INTRODUCTION

§ 1.1 Scope of guidelines.

(a) The guidelines contained in this document are recommendations and suggestions for meeting the legal requirements which apply to Federal assistance under section 309 of the Adult Education Act of 1966, as amended. The guidelines are not to be construed as requirements. However, where the guidelines set forth a permissible means of meeting a legal requirement, the guidelines may be relied upon.

(20 U.S.C. 1208; 113 Cong. Rec. 5936, 5939 (daily ed. May 23, 1967); *United States* v. *Jefferson County Board of Education*, 372 F. 2d 836, 857 (1966))

(b) Where a guideline is issued in connection with or affecting a provision in the regulations, the pertinent regulation will be cited after the citation of legal authority for the guideline, in the parentheses following the guideline. For example, if the legal authority for the guideline is section 309(b) of the Act (20 U.S.C. 1208(b)), and the guideline affects § 167.7 of the regulations (45 CFR 167.7(b)), the following citation will be placed on the line immediately following the guideline (20 U.S.C. 1208(b); 45 CFR 167.7). If no particular section of the regulations is affected, no citation to the Code of Federal Regulations (CFR) will be made.

(20 U.S.C. 1232(a))

§ 1.2 Applicable statutes and regulations.

Special experimental demonstration and teacher training projects are to be proposed and conducted in accordance with applicable Federal statutes and regulations. Pertinent provisions include the Adult Education Act (20 U.S.C. 1201–1211), the General Education Provisions Act (20 U.S.C. 1221 et seq.), the Adult Education Regulations (45 CFR Part 167), the General Provisions for Office of Education Programs (45 CFR Part 100), and Office of Management and Budget Circular No. A-102. Persons interested in initiating a project should familiarize themselves with the provisions of these documents before undertaking the preparation of a proposal.

(20 U.S.C. 1201–1211; 20 U.S.C. 1221 et seq.; 45 CFR Part 167; 45 CFR Part 100a; and OMB Circular No. A-102)

PART 2—TEACHER TRAINING PROJECTS

§ 2.1 Operation of teacher training projects.

(a) Support of participants. Teacher training participants may, upon application therefor, receive stipend and travel allowances from the grantee in accordance with the provisions set forth in the Regulations at 45 CFR 167.16.

(20 U.S.C. 1208(c); 45 CFR 167.16)

(b) *Payment of participants.* The estimated amount of grant funds available for stipends, dependency allowances, and travel will be stated in the budget contained in the grant or contract award document.

(20 U.S.C. 1208(c))

(c) *Academic credit.* Academic credit is often important to participants and to the development of the profession. However, the Office of Education does not require that credit be granted. In the case of college or university sponsorship, the Director of the project and the appropriate official of the institution may determine the amount of and the basis upon which academic credit is to be given. Some institutions may wish to allow full credit for participation in the program. In such cases, the project staff, working as a committee, may evaluate the progress of an individual and allow for credit accordingly.

(20 U.S.C. 1208(c); 45 CFR 167.12(b))

(d) *Applications for project participation.* Each grantee is responsible for

providing potential applicants of the teacher training program with participant application forms. In order to clarify this fact, the grantee may wish to include in all brochures, participant applications and other appropriate materials, a statement along the following lines:

Requests for application forms and other inquiries should be sent to the address listed below. [List address of grantee] Selection of participants will be the responsibility of the grantee. The Office of Education does not select the participants and does not provide information relating to deadlines or to the criteria for selection of participants by specific organizations.

(20 U.S.C. 1208(c); 45 CFR 167.12)

PART 3—ADMINISTRATIVE REQUIREMENTS

§ 3.1 Compliance with Civil Rights Act of 1964.

No application for Department of Health, Education, and Welfare assistance will be approved unless the applicant has on file with the Department an accepted assurance of compliance with the Civil Rights Act of 1964, in accordance with Section 100a.160 of the General Education Provision Regulations.

(42 U.S.C. 2000d; 45 CFR 100a.160, 100a.100)

§ 3.2 Grant award.

An applicant submitting an application which is approved for funding will be advised by receipt of a grant or contract award document upon completion of negotiations. The grant or contract award document will include an approved budget and terms and conditions which will be binding upon the grantee.

(20 U.S.C. 1208; 45 CFR 100a.40)

§ 3.3 Duration of projects.

The length of the project period should be determined on the basis of the length of time required to complete the project. An applicant may wish to phase the development of a proposed project by beginning with a planning or pilot period which will be followed by an operational period.

(a) Projects short term in nature are generally less than eighteen months in duration;

(b) Projects may be approved for multi-year support. Approval of such projects constitutes a commitment to fund the project in succeeding budget periods, subject to the availability of funds, only if the Commissioner determines that continued funding is in the best interest of the Government pursuant to § 167.6(c)(5) of the regulations. Projects approved for multi-year support are funded in annual increments which may be referred to as budget periods.

(20 U.S.C. 1208; 45 CFR 167.6, 167.13)

§ 3.4 Report requirements of grantee.

(a) All materials and reports relating thereto may be submitted to the Division of Adult Education, Bureau of Occupational and Adult Education, U.S. Office of Education, Washington, D.C. 20202.

(b) The reports required of the grantee are set forth in the regulations at section 167.17 and in OMB Circular No. A–102. Compliance with such requirements will be taken into consideration in any evaluation of the project.

(c) Final project report:

(1) *Content.* Because of the diversity of projects supported, it is not possible to prescribe the length nor the most desirable arrangement of content for a final report. Such reports must, however, comply with requirements contained in § 167.17(b)(3) of the regulations.

(2) *Abstract.* In most instances the abstract of the report should not exceed six hundred (600) words in length.

(3) *Format.* The final report should be duplicated on standard white paper (8½" x 11"), bound with an inexpensive, but durable, paper cover. Unless special binding is required, side stitching is recommended.

(20 U.S.C. 1208; 45 CFR 167.17; OMB Circular No. A–102)

§ 3.5 Publications and presentations.

In order to assist individuals in obtaining further information relating to the project, the following information may also be included: the title of the publication or presentation; the title by which the project is known; the name of the Project Director; the name and the complete address of the grantee; the U.S. Office of Education Grant Number; and acknowledgment of support under the Adult Education Act of 1966, as amended.

(20 U.S.C. 1208)

PART 4—PREPARATION OF PREAPPLICATIONS AND APPLICATIONS

§ 4.1 Procedures.

(a) *Forms.* Preapplication and application forms and other materials relating thereto may be obtained from the Division of Adult Education, Bureau of Occupational and Adult Education, U.S. Office of Education, Washington, D.C. 20202.

(b) *Submission of preapplications and applications.* One copy of the preapplication or application cover sheet should bear the signature(s) of the official(s) authorized to submit the proposal. On the remaining copies, the name(s) need only be typed.

(c) *When to submit preapplications and applications.* Preapplications (Exhibit M–1 of OMB Circular No. A–102 and its supplements) requesting Federal assistance for adult education projects may be submitted to the Office of Education at any time. However, the Commissioner may announce, through publication in the FEDERAL REGISTER, closing dates for receipt of preapplications and applications for consideration for support during a particular period.

(20 U.S.C. 1208; 45 CFR 167.6; OMB Circular No. A–102)

§ 4.2 Preapplications for Federal assistance.

(a) *Requirements.* As described in § 167.6 of the regulations, each applicant seeking initial support for a special experimental demonstration project or a teacher training project must submit a preapplication for Federal assistance. The preapplication form consists of the following four parts:

(1) *Part I—preapplication for Federal assistance.* The first part of the preapplication will be Part I of the preapplication for Federal assistance, as described on pages 1 and 2 of Exhibit M–1, Attachment M, OMB Circular No. A–102. This part will serve as the preapplication cover sheet and no other cover need be superimposed.

(2) *Part II—preapplication for Federal assistance.* The second part of the preliminary proposal will be Part II of the preapplication for Federal assistance, as described on pages 3 and 4 of Exhibit M–1, Attachment M, OMB Circular No. A–102. This part of the preapplication provides selected data regarding State and local coordination of the project, environmental impact, and target groups and individuals to be served by the proposed project.

(3) *Part III—preapplication for Federal assistance—project budget.* The third part of the preapplication will be Part III of the preapplication for Federal assistance, as described on pages 3 and 4 of Exhibit M–1 of Attachment M, OMB Circular No. A–102. This part of the preapplication provides estimates of the total amount of Federal funds requested for the project and proposed cost sharing, if any. If the application requests approval for a multi-year project, separate annual budget estimates should be provided for each year of the project.

(4) *Part IV—program narrative statement.* The fourth part of the preapplication will be Part IV of the preapplication for Federal assistance, as described on page 4 of Exhibit M–1 of Attachment M of OMB Circular No. A–102. This part of the preapplication provides a statement describing the project in sufficient detail to enable the reviewers to know what is planned at every stage and to make a tentative judgment as to the feasibility of the concept, the scope of the project and its methodology. The narrative description should also explain how each of the evaluation criteria which are set forth in the regulations (45 CFR 167.8 and 167.9) will be fulfilled by the project. The program narrative statement should be typewritten, double spaced on one side of standard size (8½" x 11" or 8" x 10½") unruled white paper.

(b) *Notice of preapplication review action.* Each applicant submitting a preapplication will be notified of the results of the review as set forth in § 167.6(c)(1) of the regulations. Those applicants who (based on the results of the preapplication review) are invited to submit a formal application will receive the required application for Federal assistance form along with the notice of the results of the preapplication review.

(20 U.S.C. 1208; 45 CFR 167.6, 45 CFR 100a.31; OMB Circular No. A–102)

§ 4.3 Applications for Federal assistance.

To be eligible for consideration for funding, each applicant must complete and submit the application for Federal assistance form as described in § 167.6 of the regulations.

The application for grant consists of the following five parts:

(a) *Part I—application for Federal assistance.* The first part of the application will be Part I of the application for Federal assistance form. A copy of the prescribed form and its instructions appears on pages 1 and 2 of Exhibit M–3, Attachment M. OMB Circular No. A–102. When completed, Part I will serve as the application cover sheet and no other cover need be superimposed.

(b) *Part II—project approval information.* The second part of the proposal will be Part II of the application for Federal assistance, as described on pages 3 and 4 of Exhibit M–3, Attachment M of OMB Circular No. A–102. This part of the application provides selected data on State and local coordination efforts, environmental impact, and target groups and individuals to be served by the project.

(c) *Part III—budget information.* The third part of the application will provide budget information regarding the project. A copy of the prescribed form and its instructions for Part III of the application appears on pages 5 through 8 of Exhibit M–3, Attachment M of OMB Circular No. A–102.

(d) *Part IV—program narrative statement.* The fourth part of the application will be Part IV of the application for Federal assistance form, as described on page 9 of Exhibit M–3, Attachment M, OMB Circular No. A–102.

For purposes of review, uniformity in presentation is important. Therefore, it is helpful if applicants organize their narrative statement as indicated in the instructions to Part IV.

(1) The merit of the application will be judged in large measure on the basis of the narrative description of the project. It is, therefore, important that the narrative statement contain all information required for an effective review. It should describe the project in sufficient detail to enable the reviewers to know what is planned at every stage and to make a tentative judgment as to the probable success of the proposed effort.

(2) The program narrative statement should be typewritten, double-spaced on one side of standard (8½″ x 11″ or 8″ x 10½″) unruled white paper.

(e) *Part V—assurances.* The fifth part of the application will be Part B of the application for Federal assistance, as described on page 10 of Exhibit M–3, Attachment M, OMB Circular No. A–102. This part should appear as the last page of the application.

(20 U.S.C. 1208; 45 CFR 167.6; OMB Circular No. A–102)

APPENDIX A

APPLICANT CHECKLIST

SPECIAL EXPERIMENTAL DEMONSTRATION PROJECTS AND TEACHER TRAINING PROJECTS IN ADULT EDUCATION

Before submitting a proposal under the provisions of Section 309 of the Adult Education Act, a review for inclusion of the following items is suggested:

1. If the proposal is for a special experimental demonstration project, it involves (1) the use of innovative methods, systems, materials, or programs which may have national significance or be of special value in promoting effective programs under this Act, or (2) programs of adult education, carried out in cooperation with other Federal, federally assisted, State, or local programs which have unusual promise in promoting a comprehensive or coordinated approach to the problems of persons with educational deficiencies.

2. If the proposal is for a teacher training project, it focuses on the provision of training for persons engaged, or preparing to engage, as personnel in adult education programs designed to carry out the purposes of this Act.

3. The program or procedures to be utilized appear to be practical and feasible for wide application in adult education.

4. Evidence of cooperation and coordination with the State educational agency has been provided.

PLAN OF OPERATION

1. The objectives and sub-objectives of the project are sharply defined, clearly stated, capable of being attained by the proposed procedures, and include a design for measurement.

2. The procedures for achieving the objectives are appropriate, technically sound, and explained in detail.

3. The proposal includes provisions for an adequate evaluation of the effectiveness of the project and for determining the extent to which the objectives are accomplished.

4. The proposal is internally consistent; it presents a direct, straight-line relationship between the objectives, the procedures, and the evaluation.

PERSONNEL AND FACILITIES

1. The person proposed as Project Director has a strong background of educational qualifications and relevant experience.

2. The proposed staff consists of individuals who are skilled and knowledgeable concerning the type of program represented in the proposal.

3. The proposal provides, where appropriate, for the use of outside consultants and for the involvement of specialists from disciplines other than education.

4. The facilities and equipment available for carrying out the program are adequate.

5. Any necessary cooperative use of the facilities of other schools, agencies, or organizations has been worked out in advance and such cooperation has been assured.

ECONOMIC EFFICIENCY

1. The budget is realistic and the budget items are related specifically to the procedures that are to be followed.

2. The estimated cost of the program is reasonable in relation to the anticipated results.

3. The proposal should provide for cost sharing, if applicable, to insure its continuation beyond the developmental phase.

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