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HIGHLIGHTS OF THIS ISSUE

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

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No. 183—Pt. I——1

REMINDERS

Rules Going Into Effect Today

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

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List of CFR Parts Affected

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

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

Presidential Documents

Title 3—The President

PROCLAMATION 4246

Johnny Horizon '76
Clean Up America Month

By the President of the United States of America

A Proclamation

While the Federal Government pursues its national responsibility to prevent pollution of our air, water and land resources, no contribution to a better environment can match the exercise of individual responsibility. We must recognize that environmental improvement and protection require the commitment and positive action of each and every American.

We can have clean air, clean water, beautiful, open forests and shores, but all these will not improve our environment if our immediate surroundings are cluttered and degraded. Our most precious environment is the area in which we live—our city streets and rural towns. Environmental awareness goes far beyond the improvement of what we commonly refer to as our natural resources.

The spirit with which we work to enhance our lives must be one of: "I'll help, too." To dramatize this spirit, the Congress has by House Joint Resolution 695, 93rd Congress, designated the period of September 15 to October 15, 1973 as "Johnny Horizon '76 Clean Up America Month" and requested the President to issue a proclamation calling for observance of this month.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim "Clean Up America Month," and ask our Nation's attention to the Johnny Horizon '76 environmental awareness and action program for America's 200th birthday and related Bicentennial activities. I urge representatives of business, industry, labor, government, civic groups and other citizens to join together to demonstrate the significant results that can be realized when Americans translate their concerns into affirmative action. I further urge neighborhood and community cleanups, beautification programs, resource recovery and education programs, anti-litter campaigns, energy and wildlife conservation efforts and other worthwhile activities.

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

Richard Nixon

[FR Doc.73-20296 Filed 9-20-73;9:43 am]

Rules and Regulations

Title 7—Agriculture

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

[Lemon Reg. 605]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period Sept. 23–29, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.905 Lemon Regulation 605.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuatae the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons continues about unchanged but is expected to ease as the week progresses due to cooler weather and competition from Florida lemons. Sales volume is expected to drop about 8 percent and average f.o.b. price about 56 cents per carton this week. Average f.o.b. price was $8.06 per carton the week ended September 15, 1973, compared to $8.30 per carton the previous week. Track and rolling supplies at 124 cars were down 13 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until October 23, 1973 (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 18, 1973.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period September 23, 1973, through September 29, 1973, is hereby fixed at 225,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when ussed in the said amended marketing agreement and order.

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

Dated September 19, 1973.

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

[FR Doc.73–20275 Filed 9–20–73;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Environmental Protection Agency

Section 213.3318 is amended to show that two positions of Public Information Specialist, Office of Public Affairs, have been excepted under Schedule C.

Effective September 21, 1973, § 213.3318 (c) (4) is added as set out below.

§ 213.3318 Environmental Protection Agency.

* * * * *

(c) *Office of Public Affairs.* * * *

(4) Two Public Information Specialists.

(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.73–20170 Filed 9–20–73;8:45 am]

PART 213—EXCEPTED SERVICE

National Foundation on the Arts and the Humanities

Section 213.3382 is amended to show that one position of Special Assistant to the Chairman of the National Endowment for the Humanities is excepted under Schedule C.

Effective September 21, 1973, § 213.3382(e) is added as set out below.

§ 213.3382 National Foundation on the Arts and the Humanities.

* * * * *

(e) One Special Assistant to the Chairman of the National Endowment for the Humanities.

(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.73–20171 Filed 9–20–73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 13209]

CHIEF COUNSEL ET AL.

Miscellaneous Amendments

The purpose of these amendments is to make changes in the Federal Aviation Regulations that are necessary because of the appointment of a Chief Counsel of the Federal Aviation Administration and the transfer of the functions of the former General Counsel to the Chief Counsel, effective September 17, 1973.

This rulemaking action therefore changes the term "General Counsel" to "Chief Counsel," the term "Deputy General Counsel" to "Deputy Chief Counsel" and the term "Associate General Counsel" to "Assistant Chief Counsel" wherever they occur in the Federal Aviation Regulations, including Special Federal Aviation Regulations and Exemptions, Special Conditions and Orders issued in accordance with those regulations. For reasons of economy the editions of these regulations that are currently for sale will not be reprinted merely to make these changes. Whenever they are reprinted for other reasons, the printing changes will be made. However, the pages of Part 11, "General Rule-making Procedures" and of Part 13, "Enforcement Procedures" reflecting the changes will be reprinted as soon as possible.

Notice and public procedures thereon are not required since these amendments merely reflect changes of FAA organization, and they may therefore be made effective immediately.

In consideration of the foregoing, the Federal Aviation Regulations (14 CFR Chapter I) are amended, effective September 17, 1973, by striking out the terms "General Counsel", "Deputy General Counsel", and "Associate General Counsel" wherever they appear and inserting in place thereof the terms "Chief Counsel", "Deputy Chief Counsel," and "Assistant Chief Counsel", respectively.

(Sec. 301(a), 302(f), 303(d), and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1341(a), 1343(d), 134(d), and 1354(a)); sec. 6(c) and 9(e)(2) Department of Transportation Act (49 U.S.C. 1655(c).)

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

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.73-20294 Filed 9-20-73;8:45 am]

[Airspace Docket No. 73-AL-8A]

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

Redesignation of Colored Federal Airways and Transition Area

On June 26, 1973, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (38 FR 16785) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation regulations that would alter Amber Federal Airway No. 1 between Anchorage and Skwentna, Alaska, Radio Beacons; revoke Red Federal Airway No. 82 between Skwentna and Matanuska, Alaska, Intersection; redesignate the Skwentna Transition Area to include a smaller area and also lower the floor. Editorial changes generated by conversion of the Anchorage and Skwentna Radio Ranges to Radio Beacons were made effective October 11, 1973, in Airspace Docket No. 73-AL-8.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

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

1. Section 71.105 (38 FR 305 and 21492) is amended as follows: In A-1 "Campbell Lake RBN; INT Campbell Lake RBN 331° and Skwentna, Alaska, RBN 111° bearings; Skwentna RBN;" is deleted and "Campbell Lake RBN; Skwentna RBN;" is substituted therefor.

2. Section 71.107 (38 FR 306) is amended as follows: "Red Federal Airway No. 82" is revoked.

3. In § 71.181 (38 FR 435) Skwentna, Alaska, is amended to read:

That airspace extending upward from 700 feet above the surface within 4.5 miles N and 9.5 miles S of the 291° and 111° bearings from the Skwentna RBN, extending from 7.5 miles W to 18.5 miles E of the RBN.

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

Issued in Washington, D.C., on September 11, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-20098 Filed 9-20-73;8:45 am]

[Airspace Docket No. 73-WA-28]

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

Revocation of VOR Federal Airway

On June 26, 1973, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (38 FR 16786) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation regulations that would revoke VOR Federal Airway No. 52 north between St. Louis, Mo., and Quincy, Ill., and VOR Federal Airway No. 9 west between St. Louis and Capital, Ill.

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

In consideration of the foregoing, Part 71 of the Federal Aviation regulations is amended, effective 0901 G.m.t., December 6, 1973, as hereinafter set forth.

Section 71.123 (38 FR 307, 8133 and 37 FR 23329) is amended as follows:

1. In V-52, "Quincy, Ill.; St. Louis, Mo., including a N alternate;" is deleted and "Quincy, Ill.; St. Louis, Mo.;" is substituted therefor.

2. In V-9 "Capital, Ill., including a W alternate;" is deleted and "Capital, Ill.;" is substituted therefor.

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

Issued in Washington, D.C., on September 11, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-20099 Filed 9-20-73;8:45 am]

[Airspace Docket No. 73-EA-53]

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

Alteration of Control Zone

Correction

In FR Doc. 73-19640, appearing on page 25905 of the issue for Monday, September 17, 1973, the description for Charleston, W. Va. (§ 71.171) should read as set forth below:

Within a 5.5-mile radius of the center, 38°22'22" N., 81°35'35" W., of Kanawha Airport, Charleston, W. Va.; within a 6-mile radius of the center of the Kanawha Airport, extending clockwise from a 319° bearing to a 229° bearing from the airport; within 2 miles each side of the extended centerline of Runway 5, extending from the 5.5-mile radius to 6.5 miles northeast of the lift-off end of Runway 5; within 1.5 miles each side of the extended centerline of Runway 14, extending from the 5.5-mile radius to 6.5 miles southeast of the lift-off end of Runway 14; within 2 miles each side of the Charleston VORTAC 081° radial, extending from the 5.5-mile radius to 2 miles east of the VORTAC; within 2 miles each side of the extended centerline of Runway 23, extending from the 5.5-mile radius to 6.5 miles southwest of the lift-off end of Runway 23 and within 2 miles each side of the extended centerline of Runway 32, extending from the 5.5-mile radius to 6.5 miles northwest of the lift-off end of Runway 32.

[Airspace Docket No. 73-EA-55]

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

Alteration of Control Zone and Transition Area

Correction

In FR Doc. 73-19642, appearing on page 25906 of the issue for Monday, September 17, 1973, in the seventh line of the description for Wrightstown, N.J. (§71.181), the last figure reading "03" should read "031".

[Airspace Docket No. 73-RM-22]

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

Alteration of Transition Area

On August 9, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 21503) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation regulations that would alter the description of the Sheridan, Wyo., transition area.

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 hereby adopted without change.

Effective date.—This amendment shall be effective 0901 G.m.t., November 8, 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, Colorado, on September 10, 1973.

I. H. HOOVER,
Acting Director,
Rocky Mountain Region.

In § 71.181 (38 FR 578) after the text "• • • from 18.5 miles northwest to 34 miles southeast of the VORTAC", add:

• • • and that airspace southeast of Sheridan bounded on the north by a line located 5 miles south of and parallel to the Sheridan VORTAC 104° radial, on the east by a 35-mile-radius arc of the Sheridan VORTAC, and on the south by a line located 10 miles north of and parallel to the Sheridan VORTAC 138° radial.

[FR Doc.73-19740 Filed 9-20-73;8:45 am]

[Airspace Docket No. 73-NE-23]

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

Alteration of Transition Area

On Page 19839 of the FEDERAL REGISTER dated July 24, 1973, the Federal Aviation Administration published a notice of proposed rulemaking which would alter the Laconia, New Hampshire, 700-foot Transition Area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., October 11, 1973.

(Sec. 307(a), Federal Aviation Act of 1958 72 Stat. 749 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Burlington, Massachusetts, on September 5, 1973.

FERRIS J. HOWLAND,
Director, New England Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Laconia, New Hampshire, 700-foot Transition Area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 6.5 mile-radius of the center, 43°34'25" N, 71°25'22" W, of Laconia Municipal Airport, Laconia, New Hampshire; and within 6.5 miles northwest and 4.5 miles southeast of the 247° bearing and the 067° bearing from the Belmont NDB, 43°32'09" N, 71°32'09" W, extending from 11.5 miles southwest of the NDB to 5.5 miles northeast of the NDB.

[FR Doc.73-20097 Filed 9-20-73;8:45 am]

[Airspace Docket No. 73-SW-34]

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

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area and Controlled Airspace; Correction

On August 14, 1973, FEDERAL REGISTER Document 73-16768 was published in the FEDERAL REGISTER (38 FR 21917) amending Part 73 of the Federal Aviation regulations to reduce the volume and stratify the altitude structure of the Camp Claiborne, La., restricted area complex, effective 0901 G.m.t., September 13, 1973.

Subsequent to publication, it was determined that several corrections should be made to the descriptions of the restricted areas. The designated altitude for Restricted Area R-3801A should be described as extending from 1,500 feet AGL rather than 7,500 feet AGL. One of the geographical reference points used to define the boundaries of Restricted Area R-3801A and two of those used to define R-3801C should be corrected. Also, the designated altitude for R-3801C should be listed as extending only to and including 14,000 feet MSL rather than FL-200. Therefore, action is taken herein to make the corrections.

Since these editorial changes are minor amendments in which the public is not particularly interested, notice and public procedure thereon are unnecessary. However, as it is essential that the boundaries and altitudes of the restricted areas be accurately stated, good cause exists for making these amendments effective immediately.

In consideration of the foregoing, FEDERAL REGISTER Document 73-16768 (38 FR 21917) is amended, effective on September 21, 1973, as hereinafter set forth.

1. In the Boundaries for R-3801A, Camp Claiborne, La., "latitude 31°23'40" N., longitude 93°06'45" W.;" is deleted and "latitude 31°23'40" N., longitude 93°05'45" W.;" is substituted therefor.

2. In the Designated altitudes for R-3801A, Camp Claiborne, La., "7,500 feet AGL" is deleted and "1,500 feet AGL" is substituted therefor.

3. In the Boundaries for R-3801C, Camp Claiborne, La., "latitude 31°05'15" N., longitude 92°34'54" W.; to latitude 31°18'55" N., longitude 92°49'45" W.;" is deleted and "latitude 31°05'15" N., longitude 92°34'50" W.; to latitude 31°13'55" N., longitude 92°49'45" W.;" is substituted therefor.

4. In the Designated altitudes for R-3801C, Camp Claiborne, La., "to and including FL 200" is deleted and "to and including 14,000 feet MSL" is substituted therefor.

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

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

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

[FR Doc.73-20101 Filed 9-20-73;8:45 am]

[Airspace Docket No. 73-WA-23]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Areas

On June 26, 1973, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (38 FR 16786) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 73 of the Federal Aviation regulations that would change the Time of designation and the Using agency for Restricted Areas R-3601A and B, Brookville, Kans. The designated altitudes for R-3601A would also be changed.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 6, 1973, as hereinafter set forth.

In § 73.36 (38 FR 650):

1. The description of Restricted Area R-3601A Brookville, Kans., is amended to read as follows:

R-3601A BROOKVILLE, KANS.

Boundaries. Beginning at latitude 38°45'-20" N., longitude 97°46'00" W.; to latitude 38°39'45" N., longitude 97°46'00" W.; along the Missouri Pacific Railroad to latitude 38°-38'20" N., longitude 97°47'30" W.; to latitude 38°38'20" N., longitude 97°56'00" W.; to latitude 38°45'20" N., longitude 97°56'00" W.; to point of beginning.

Designated altitudes. Surface to FL-180.

Time of designation. Sunrise to 2400 hours c.s.t., Tuesday through Saturday; sunrise to sunset Sunday.

Controlling agency. Federal Aviation Administration, Kansas City ARTC Center.

Using agency. Commander, Kansas ANG, McConnell AFB, Kans.

2. The description of Restricted Area R-3601B Brookville, Kans., is amended to read as follows:

R-3601B BROOKVILLE, KANS.

Boundaries. Beginning at latitude 38°38'-20" N., longitude 97°50'00" W.; to latitude 38°35'00" N., longitude 97°50'00" W.; to latitude 38°35'00" N., longitude 97°56'00" W.; to latitude 38°38'20" N., longitude 97°56'00" W.; to point of beginning.

Designated altitudes. Surface to 6,500 feet MSL.

Time of designation. Sunrise to 2400 hours c.s.t., Tuesday through Saturday; sunrise to sunset Sunday.

Controlling agency. Federal Aviation Administration, Kansas City ARTC Center.

Using agency. Commander, Kansas ANG, McConnell AFB, Kans.

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

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

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-20100 Filed 9-20-73;8:45 am]

[Docket No. 13194; Amdt. No. 882]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAP's) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAP's for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, D.C. 20591, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30 each.

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

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective November 1, 1973.

Ann Arbor, Mich.Ann Arbor Municipal Arpt., VOR/DME Rwy 6, Amdt. 2
Ann Arbor, Mich.—Ann Arbor Municipal Arpt., VOR Rwy 24, Amdt. 3
Cheboygan, Mich.—Cheboygan Arpt., VOR Rwy 9, Orig.
Logansport, Ind.—Logansport Municipal Arpt., VOR-A, Amdt. 3
Teterboro, N.J.—Teterboro Arpt., VOR/DME-A, Amdt. 6

Effective September 27, 1973:

Cape Girardeau, Mo.—Cape Girardeau Municipal Arpt., VOR Rwy 2, Amdt. 5
McAlien, Tex.—Miller Int'l Arpt., VOR Rwy 13, Amdt. 9
Napa, Cal.—Napa County Arpt., VOR Rwy 6, Amdt. 4
Santa Rosa, Cal.—Sonoma County Arpt., VOR Rwy 32, Amdt. 6

Effective September 6, 1973:

Torrance, Cal.—Torrance Municipal Arpt., VOR Rwy 11 L, Amdt. 10

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective September 27, 1973.

Columbus, Miss.—Golden Triangle Regional Arpt., LOC Rwy 18, Orig., Canceled

Effective September 6, 1973:

Torrance, Cal.—Torrance Municipal Arpt., LOC Rwy 29R, Amdt. 2

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective November 1, 1973.

Hazleton, Pa.—Hazleton Municipal Arpt., NDB Rwy 28, Orig.

Effective September 27, 1973:

McAlien, Tex.—Miller Int'l Arpt., NDB Rwy 13, Amdt. 1

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective November 1, 1973.

Reading, Pa.—Reading Municipal General Carl A. Spaatz Field, ILS Rwy 36, Amdt. 19

Effective September 27, 1973:

Columbus-West Point-Starkville, Miss.—Golden Triangle Regional Arpt., ILS Rwy 18, Orig.
McAlien, Tex.—Miller Int'l Arpt., ILS Rwy 13, Amdt. 1
Santa Rosa, Cal.—Sonoma County, ILS Rwy 32, Orig.

5. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective September 6, 1973.

Torrance, Cal.—Torrance Municipal Arpt., RNAV Rwy 29R, Amdt. 4

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948 (49 U.S.C. 1438, 1354, 1421, 1510), sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c), 5 U.S.C. 552(a)(1)).)

Issued in Washington, D.C., on September 13, 1973.

JAMES M. VINES,
Chief, Aircraft Programs Division.

NOTE.—Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.73-20096 Filed 9-20-73;8:45 am]

[Docket No. 12574; Amdt. No. 103-18]

PART 103—TRANSPORTATION OF DANGEROUS ARTICLES AND MAGNETIC MATERIALS

Carriage of Radioactive and Other Hazardous Materials; Suspension

The purpose of this amendment to Part 103 of the Federal Aviation Regulations is to suspend the effectiveness of that part of Amendment 103-17 applicable to § 103.23, which became effective July 11, 1973, and to reinstate the previous rules of § 103.23 in effect immediately prior to that date.

Amendment 103-17, which became effective July 11, 1973 (38 FR 17831), prescribed, among other things, new rules in § 103.23 governing the distribution of packages of radioactive materials being transported in aircraft, consisting of the method to be used in determining the distance packages must be kept from a space occupied by a person or an animal.

As explained in the preamble to Amendment 103-17, the amendment was adopted by the FAA only after a notice of proposed rulemaking had been published (Notice 73-7; 38 FR 6690) and careful consideration had been given to all comments received from interested persons. Upon completion of the evaluation of comments, the FAA determined that the adoption of Amendment 103-17 was in the public interest and would not adversely affect the safety of persons aboard aircraft.

After Amendment 103-17 became effective, the FAA received a letter from the Department of Health, Education, and Welfare (HEW) dated August 6, 1973, regarding Amendment 103-17. The HEW letter supports the continued carriage aboard aircraft of radioactive materials for medical use, since short-lived materials must reach their destination by the fastest means available. However, the letter expresses the view that there are areas of public health concern which indicate a need to continue review of the potential radiation exposure to passengers and crewmembers and suggests that additional data is needed to adequately evaluate exposures under the conditions prescribed in Amendment 103-17. Accordingly, HEW advised that it will defer specific comments on the public health aspects of Amendment 103-17 until data becomes available from FAA studies being conducted.

In light of the HEW comments, the FAA has determined that the public interest requires suspension of the effectiveness of that part of Amendment 103–17 which amends § 103.23 and reinstatement of the rules of § 103.23 previously in effect on July 10, 1973. Such a suspension will permit current studies to be completed and make more data available, thereby providing HEW an opportunity to evaluate the public health significance of Amendment 103–17 and advise the FAA. Thereafter, the FAA will take whatever rule-making action that is deemed appropriate.

In view of the public health considerations involved, I find that notice and public procedure hereon are contrary to the public interest and that good cause exists for making these amendments effective on less than 30 days notice.

(Sec. 313(a), 601, 604, and 902, Federal Aviation Act of 1958 (49 U.S.C. 1345(a)), 1421, 1424, and 1472); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c).)

In consideration of the foregoing, Part 103 of the Federal Aviation Regulations is amended, effective October 1, 1973, by suspending the effectiveness of that part of Amendment 103–17 which amends § 103.23, published in the FEDERAL REGISTER July 5, 1973 (38 FR 17831), and by reissuing § 103.23 as it was in effect July 10, 1973.

Issued in Washington, D.C., on September 13, 1973.

JAMES E. DOW,
Acting Administrator.

[FR Doc.73-20186 Filed 9-20-73;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Benomyl

A petition (FAP 2H5004) was filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, DE 19898, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348), proposing establishment of a food additive tolerance (21 CFR Part 121) for residues of the fungicide benomyl (methyl-1-(butylcarbamoyl) - 2 - benzimidazolecarbamate) in or on raisins at 50 parts per million, resulting from application of the fungicide to growing grapes.

Subsequently, the petitioner amended the petition by proposing that the tolerance for residues of benomyl be expressed as "combined residues of benomyl and its metabolites containing the benzimidazole moiety (calculated as benomyl)" and by requesting additional tolerances for combined residues of benomyl and its metabolites containing the benzimidazole moiety (calculated as the fungicide) in dried grape pomace and raisin waste at 125 parts per million. (For related document, see this issue of the FEDERAL REGISTER, page 26450.)

The Reorganization Plan No. 3 of 1970, published in the FEDERAL REGISTER of October 6, 1970 (35 FR 15623), transferred (effective December 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, and 409 of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 346, 346a, and 348). Pesticide and food additive tolerances for combined residues of benomyl and its metabolites containing the benzimidazole moiety (calculated as benomyl) have previously been established.

Having evaluated the data in the petition and other relevant material, it is concluded that the tolerances should be established.

Therefore, pursuant to provisions of the act (sec. 409(c) (1), (4), 72 Stat. 1786; 21 U.S.C. 348(c) (1), (4), 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), Part 121 is amended as follows:

1. Section 121.343 in Subpart C is revised to read as follows:

§ 121.343 Benomyl.

Tolerances are established for combined residues of the fungicide benomyl (methyl - 1 - (butylcarbamoyl) -2-benz - imidazolecarbamate) and its metabolites containing the benzimidazole moiety (calculated as benomyl) as follows:

125 parts per million in dried grape pomace and raisin waste when present therein as a result of application of the fungicide to growing grapes.

70 parts per million in dried apple pomace when present therein as a result of application (preharvest and/or postharvest) of the fungicide to the raw agricultural commodity apples.

2. Section 121.1254 is added to read as follows:

§ 121.1254 Benomyl.

A tolerance of 50 parts per million is established for combined residues of the fungicide benomyl (methyl-1-(butylcarbamoyl) - 2 - benzimidazolecarbamate) and its metabolites containing the benzimidazole moiety (calculated as benomyl) in raisins when present therein as a result of application of the fungicide to growing grapes.

Any person who will be adversely affected by the foregoing order may at any time on or before October 23, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 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 September 21, 1973.

(Sec. 409(c) (1), (4), 72 Stat. 1786; 21 U.S.C. 348(c) (1), (4).)

Dated September 18, 1973.

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

[FR Doc.73-20181 Filed 9-20-73;8:45 am]

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 308—SCHEDULES OF CONTROLLED SUBSTANCES

Additions to Schedule I

A notice was published in the FEDERAL REGISTER on May 31, 1973 (38 FR 14288), proposing placement of 2-5,dimethoxyamphetamine (2,5-DMA) in Schedule I of the Controlled Substances Act. All persons were given until July 6, 1973, to file objections, comments or requests for a hearing. No comments, objections, or requests for a hearing were received by that date.

A notice was published in the FEDERAL REGISTER on July 2, 1973 (38 FR 17499), proposing placement of 4-bromo-2,5-dimethoxyamphetamine (4 - bromo - 2,5 - DMA) in Schedule I of the Controlled Substances Act. All interested persons were given until August 1, 1973, to file objections, comments, or requests for a hearing. On July 27, 1973, the Church of the Tree of Life submitted comments on the proposal, stating that 4-bromo-2,5-DMA is a sacrament of their church, that its placement in Schedule I without an exemption for the members of the Church would violate the members' Constitutional rights, that the substance is unusually safe, non-toxic, and non-addictive, and that the proposal to place 4-bromo-2,5-DMA in Schedule I without controlling alcohol and tobacco was incongruous and distorted. In discussions between DEA and a representative of the Church of the Tree of Life, it was explained that an exemption for bona fide religious use of 4-bromo-2,5-DMA was subject to the decisions involving the Church of the Awakening (see Kennedy v. Bureau of Narcotics and Dangerous Drugs, 93 S.Ct. 901, 1414 (1973) and 459 F.2d 415 (9th Cir., 1972)), that all evidence available to the government indicated a definite toxicity for the substance, and that control over alcohol and tobacco was neither possible (see 21 U.S.C. 802(6)) nor relevant. The Church of the Tree of Life agreed not to request a hearing on this proposal but reserved its right to petition to decontrol 4-bromo-2,5-DMA in the future.

On August 23, 1973, a second comment regarding 4-bromo-2,5-DMA was received; although past the closing date for filing objections, the comments were considered. Dr. Thomas F. Budinger of the Lawrence Berkeley Laboratory of the University of California at Berkeley, objected to the placement of 4-bromo-2,5-DMA in Schedule I and proposed that it be placed in Schedule II instead. Dr. Budinger stated that the substance "clearly has a potential for abuse" but that research now indicates that radioactively-tagged 4-bromo-2,5-DMA may be the only known radiopharmaceutical preparation with a suitable radioactive half-life that concentrates specifically in the brain, thus giving the substance "great potential • • • in the practice of nuclear medicine for diagnosis of cerebrovascular accidents." Dr. Budinger further objected that inclusion in Schedule I would greatly hamper research and development of 4-bromo-2,5-DMA, and that inclusion in Schedule II would not. It is the position of the Drug Enforcement Administration that, at this time, 4-bromo-2,5-DMA does not have "a currently accepted medical use in treatment in the United States, or a currently accepted medical use with severe restrictions." This condition must be found to exist in order to place the substance in Schedule II (21 U.S.C. 812(b)(2)(B)), and therefore, Dr. Budinger's alternative proposal cannot be adopted. In addition, the DEA does not believe that inclusion of a substance in Schedule I will hamper or interfere with legitimate research. Dr. Budinger did not request a hearing.

A notice was published in the FEDERAL REGISTER on July 2, 1973 (38 FR 17499), proposing placement of 4-methoxyamphetamine in Schedule I of the Controlled Substances Act. All interested persons were given until August 1, 1973, to file objections, comments, or requests for a hearing. No objections, comments, or requests for a hearing were received by that date.

Based upon the investigations of the Drug Enforcement Administration (and its predecessor agency, the Bureau of Narcotics and Dangerous Drugs) and upon the scientific and medical evaluation and recommendations of the Secretary of Health, Education, and Welfare, received pursuant to section 201(b) of the Controlled Substances Act (21 U.S.C. 811(b)), the Acting Administrator of the Drug Enforcement Administration finds that each of the following substances: 2,5-dimethoxyamphetamine; 4-bromo-2,5-dimethoxyamphetamine; and 4-methoxyamphetamine; and the salts, isomers and salts of isomers of each such substance (whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation):

(1) Has a high potential for abuse;

(2) Has no currently accepted medical use in treatment in the United States; and

(3) Lacks accepted safety for use under medical supervision.

Therefore, under the authority vested in the Attorney General by section 201(a) (21 U.S.C. 811(a)) and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of title 28 of the Code of Federal Regulations (see 38 FR 18380, July 2, 1973), the Acting Administrator hereby orders that § 308.11(d) of Title 21 of the Code of Federal Regulations be amended by adding new subparagraphs (18), (19), and (20) to read:

§ 308.11 Schedule I.

• • • • •

(d) *Hallucinogenic substances.* • • •

(18) 2,5-dimethoxyamphetamine ---- 7396
Some trade or other names: 2,5 - dimethoxy-a-methylphenethylamine; 2,5-DMA.

(19) 4 - bromo-2,5-dimethoxyamphetamine ---------- 7391
Some trade or other names: 4-bromo - 2,5-dimethoxy-a-methylphenethylamine; 4 - bromo-2,5-DMA.

(20) 4-methoxyamphetamine ------- 7411
Some trade or other names: 4-methoxy - a - methylphenethylamine; paramethoxyamphetamine; PMA.

EFFECTIVE DATES

The requirements imposed upon the three hallucinogenic substances controlled by this order shall become effective as follows:

1. *Registration.* Any person who manufactures, distributes, engages in research, imports or exports any of these substances or who proposes to engage in the manufacture, distribution, importation, or exportation of, or research with, any of these substances, shall obtain a registration to conduct that activity on or before October 31, 1973.

2. *Security.* These hallucinogens must be manufactured, distributed and stored in accordance with §§ 301.71, 301.72(a), 301.73, 301.74, 301.74(a) and 301.76 of Title 21 of the Code of Federal Regulations on or before October 31, 1973. In the event that this poses special hardships, the Drug Enforcement Administration will entertain any justified requests for extensions of time.

3. *Labeling and packaging.* All labels on commercial containers of, and all labeling of, any of these hallucinogens which are packaged after October 31, 1973, shall comply with the requirements of §§ 301.03–302.05 and 302.08 of Title 21 of the Code of Federal Regulations. In the event these effective dates pose special hardships on any manufacturer, the Drug Enforcement Administration will entertain any justified requests for an extension of time.

4. *Inventory.* Every registrant required to keep records who possesses any quantity of any of these hallucinogens shall take an inventory of all stocks of those substances on hand on October 31, 1973.

5. *Records.* All registrants required to keep records pursuant to Part 304 of Title 21 of the Code of Federal Regulations shall maintain such records on these hallucinogens commencing on the date on which the inventory of those substances is taken.

6. *Order forms.* Each distribution of any of these hallucinogens on or after October 31, 1973, shall utilize an order form pursuant to Part 305 of Title 21 of the Code of Federal Regulations except as permitted in § 305.03 of that title.

7. *Quotas.* Quotas on these substances will be established to take effect on January 1, 1974. All interested persons required to obtain quotas shall submit applications on or before October 31, 1974.

8. *Importation and exportation.* All importation and exportation of any of these hallucinogenic substances on and after October 31, 1973, shall be in compliance with Part 312 of Title 21 of the Code of Federal Regulations.

9. *Criminal liability.* Any activity with any of these hallucinogens, not authorized by, or in violation of, the Controlled Substances Act or the Controlled Substances Import and Export Act, conducted after September 21, 1973 shall be unlawful, except that any person who is not now registered to handle these substances but who is entitled to registration under those Acts may continue to conduct normal business or professional practice with those substances between the date on which this order is published and the date on which he obtains the proper registration.

10. *Other.* In all other respects, this order is effective September 21, 1973.

Dated September 14, 1973.

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

[FR Doc.73-20145 Filed 9-20-73;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 534-73]

PART 17—REGULATIONS RELATING TO THE CLASSIFICATION AND DECLASSIFICATION OF NATIONAL SECURITY INFORMATION AND MATERIAL PURSUANT TO EXECUTIVE ORDER NO. 11652

Procedures for Review of Requests for Declassification of Documents

Correction

In FR Doc. 73-17963, appearing at page 22777 of the issue for Friday, August 24, 1973, the section heading for § 17.36 reading "Mandatory review of material over 30 years old." should read "Mandatory review of material over 10 years old."

Title 29—Labor

CHAPTER II—OFFICE OF THE ASSISTANT SECRETARY FOR LABOR-MANAGEMENT RELATIONS, DEPARTMENT OF LABOR

PART 201—GENERAL

PART 202—REPRESENTATION PROCEEDINGS

PART 203—UNFAIR LABOR PRACTICE PROCEEDINGS

PART 204—STANDARDS OF CONDUCT FOR LABOR ORGANIZATIONS

PART 205—GRIEVABILITY AND ARBITRABILITY PROCEEDINGS

PART 206—MISCELLANEOUS

Assistant Regional Director for Labor-Management Services

Secretary of Labor's Order No. 13–73, involving certain changes in organizational terminology, was published in the FEDERAL REGISTER on September 10, 1973, at 38 FR 24690, and it provided for the amendment of preexisting documents and issuances to reflect the new terminology in the course of normal updating and maintenance.

Pursuant to Order No. 13–73, the title of the regional head of the Labor-Management Services Administration was designated "Assistant Regional Director for Labor-Management Services". Accordingly, this document is issued to revise these rules by replacing the term "Regional Administrator" with that of "Assistant Regional Director for Labor-Management Services." In accordance with Order 13–73, preexisting documents, forms and issuances referring to "Regional Administrator" shall continue to be used until the supply is exhausted, and it shall be unnecessary to change the term "Regional Administrator" when so used.

Chapter II of Title 29, including Parts 201, 202, 203, 204, 205, and 206 (37 FR 18780, dated Sept. 15, 1972) is amended as follows:

1. Section 201.15 is amended to read as follows:

§ 201.15 Assistant Regional Director for Labor-Management Services.

"Assistant Regional Director for Labor-Management Services" means the administrator of a region of the Labor-Management Services Administration, with geographical boundaries as fixed by the Assistant Secretary.

2. The title "Regional Administrator" as used in Parts 201–206 inclusive is hereby changed to "Assistant Regional Director for Labor-Management Services."

Effective date.—This change shall be effective on September 21, 1973.

Signed at Washington, D.C., this 17th day of September 1973.

PAUL J. FASSER, Jr.,
Assistant Secretary of Labor for Labor-Management Relations.

[FR Doc.73-20106 Filed 9-20-73;8:45 am]

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

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Utah Developmental Plan; Correction

The document amending Part 1952 of Chapter XVII of Title 29 of the Code of Federal Regulations, published in the FEDERAL REGISTER on Wednesday, January 10, 1973, at 38 FR 1180, is corrected by changing the address of the Utah Industrial Commission, Safety Division, from 158 Social Hall Avenue, Salt Lake City, Utah 84114, to 350 East Fifth South, Salt Lake City, Utah 84111.

Signed at Washington, D.C., this 18th day of September, 1973.

JOHN H. STENDER,
Assistant Secretary of Labor.

[FR Doc.73-20158 Filed 9-20-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

Controls Applicable to Motor Vehicle Manufacturers

On January 10, 1973 (38 FR 1254), EPA promulgated regulations prescribing certain labeling and gasoline filler inlet design requirements applicable to motor vehicle manufacturers. These regulations require that any motor vehicle that is equipped with an emission control device which the Administrator determines will be significantly impaired by the use of leaded gasoline (e.g., any vehicle which is certified using a catalytic converter) shall be labeled "Unleaded Gasoline Only", both on the instrument panel and adjacent to the gasoline filler inlet compartment, and that the filler inlet shall be so designed as to prevent the insertion of a gasoline pump nozzle dispensing leaded fuel. The regulations further require that when such insertion is attempted with the incorrect nozzle, the filler inlet shall be so designed as to immediately activate the automatic shut-off of that nozzle.

Several of the motor vehicle manufacturers petitioned EPA to re-examine these requirements. Specifically, EPA was asked to reconsider the unleaded fuel labeling requirements, the 0.91" diameter filler inlet restrictor requirement, and the immediate shut-off requirement.

EPA has reconsidered these requirements and has determined to take the following actions:

1. *Unleaded fuel labeling requirement.* The regulations require that a vehicle which requires the use of unleaded gasoline shall be labeled "Unleaded Gasoline Only" both on the instrument panel and in the area adjacent to but outside the gasoline filler inlet compartment. Manufacturers requested to place the label inside the filler inlet compartment. EPA concludes that in general the labeling requirements as originally promulgated are necessary to provide adequate warning to both the vehicle operator and any person introducing gasoline into such vehicle and that the printed notice is not unduly burdensome to either the vehicle manufacturer or the purchaser in terms of vehicle appearance. However, the Agency has decided to add a provision that alternative modification schemes may be approved if determined to fulfill the purposes of this requirement.

2. *0.91" diameter filler inlet restrictor requirement.* The regulations, as promulgated in January, required that unleaded fuel nozzles have outside diameters no greater than 0.85" and that leaded nozzles have outside diameters no smaller than 0.93". The regulations also required manufacturers to equip catalyst-controlled vehicles with nozzle restrictors no greater than 0.91" in inside diameter which would activate the automatic shut-off of nozzles with diameters greater than 0.84" if they are inserted in the filler inlet. Manufacturers argued that they should not be required to design against the insertion of a nozzle with a diameter between 0.84" and 0.93" since such a nozzle would be illegal. The Agency concludes that this argument is valid in that surveillance of nozzle usage in service stations will deal adequately with possible illegally sized nozzles. EPA has revised the regulations to require that the insertion of a nozzle with a diameter greater than 0.93" would be prevented and the attempted filling with such a nozzle would activate the automatic shut-off on that nozzle.

3. *Immediate shut-off requirement.* Manufacturers requested clarification as to how quickly the automatic shut-off must be activated when filling is attempted with a leaded nozzle in an unleaded fuel filler inlet. Based upon discussion with the Society of Automotive Engineers' Fuel Supply Systems Committee and data received from the petitioners, the term "immediately" in the regulation has been defined to require the design of the filler inlet to activate the automatic shut-off of a standard nozzle so as to allow a maximum of 700 cubic centimeters of fuel to be delivered into the vehicle fuel tank per attempt. The provision establishes an ascertainable standard of performance lacking in the promulgated language.

The agency finds that good cause exists for omitting as unnecessary and impracticable a notice of proposed rule making, public comment, and postponement of effective date in the issuance of these amendments, in that (1) they are designed to clarify the regulations or to make more flexible their application; (2) to the extent substantive revisions are made they are of minor regulatory impact and were recommended by the regulated parties; and (3) considerations of lead time for the 1975 model year dictate immediate promulgation.

Part 80, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows, effective on September 21, 1973.

The provisions of this Part 80 are issued under sections 211 and 301 of the Clean Air Act, as amended (42 U.S.C. 1857f–6c and 1857g(a)).

Dated: September 12, 1973.

JOHN QUARLES,
Acting Administrator.

Section 80.24 of Part 80, Title 40 of the Code of Federal Regulations, is revised to read as follows:

§ 80.24 Controls applicable to motor vehicle manufacturers.

The manufacturer of any motor vehicle equipped with an emission control device which the Administrator has determined will be significantly impaired by the use of leaded gasoline shall:

(a) Affix two or more permanent legible labels reading "Unleaded Gasoline Only" to such vehicle at the time of its manufacture, as follows:

(1) One label shall be located on the instrument panel so as to be readily visible to the operator of the vehicle: *Provided, however,* That the required statement may be incorporated into the design of the instrument panel rather than provided on a separate label; and

(2) One label shall be located immediately adjacent to each gasoline filler tank inlet, outside of any filler inlet compartment, and shall be located so as to be readily visible to any person introducing gasoline to such filler inlet: *Provided, however,* That the Administrator may, upon application from a motor vehicle manufacturer, approve other label locations that achieve the purpose of this paragraph.

(3) Such labels shall be in the English language in block letters which shall be of a color that contrasts with their background.

(b) Manufacture such vehicle with each gasoline tank filler inlet having a restriction which prevents the insertion of a nozzle with a spout as described in § 80.22(f)(1) and allows the insertion of a nozzle with a spout as described in § 80.22(f)(2).

(1) Such filler inlet shall be designed to pass not more than 700 c.c. of gasoline into the tank when the introduction of gasoline into such filler inlet is attempted from a nozzle, as described in § 80.22(f)(1), which has a vacuum port the center of which is located within 0.87 inches of the tip and which passes less than 120 c.c. of fuel when fully and rapidly activated with the nozzle vacuum port plugged. During such attempted introduction, the terminal end of the nozzle spout shall be within the filler inlet beyond the cam surface. The nozzle may have *any* orientation within the filler inlet which may reasonably be expected to be encountered in use. The nozzle valve shall be fully and rapidly opened to a 12 ± 1 gallon/minute flow setting. This test is conducted using a test fixture which positions the filler inlet pipe in the same position as it is installed in the vehicle.

[FR Doc.73–20179 Filed 9–20–73;8:45 am]

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

Parathion or Its Methyl Homolog

In response to a petition (PP 3E1302) submitted by Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, NJ 08903, on behalf of the IR–4 Technical Committee and the Agricultural Experiment Station of California, a notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of July 23, 1973 (38 FR 19699), proposing establishment of tolerances for residues of the insecticide parathion (*O,O*-diethyl *O*-*p*-nitrophenyl phosphorothioate) or its methyl homolog (*O,O*-dimethyl *O*-*p*-nitrophenyl phosphorothioate) in or on mustard seed and rape seed at 0.2 part per million. No comments or requests for referral to an advisory committee were received.

It is concluded that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), 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), § 180.121 is amended by revising the paragraph "0.2 part per million * * *" to read as follows:

§ 180.121 Parathion or its methyl homolog; tolerances for residues.

* * * * *

0.2 part per million in or on mustard seed, sunflower seed, and rape seed.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before October 23, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 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 September 21, 1973.

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e).)

Dated September 18, 1973.

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

[FR Doc.73–20180 Filed 9–20–73;8:45 am]

SUBCHAPTER E—PESTICIDE PROGRAMS

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

Benomyl

A petition (PP 2F1218) was filed by E.I. du Pont de Nemours & Co., Inc., Wilmington, DE 19898, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance for residues of the fungicide benomyl (methyl-1-(butylcarbamoyl) - 2 - benz - imidazolecarbamate) in or on the raw agricultural commodity grapes at 10 parts per million.

Subsequently, the petitioner amended the petition by proposing that the tolerance for residues of benomyl be expressed as "combined residues of benomyl and its metabolites containing the benzimidazole moiety (calculated as benomyl)" and by requesting additional tolerances for combined residues of benomyl and its metabolites containing the benzimidazole moiety (calculated as the fungicide) in poultry liver at 0.2 part per million and eggs and meat, fat and meat byproducts (except liver) of poultry at 0.1 part per million. (For a related document, see this issue of the FEDERAL REGISTER page 26447.)

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

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

2. There is no reasonable expectation that residues in eggs, meat, milk, or poultry will exceed the proposed tolerances and § 180.6(a)(2) 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 (36 FR 15623), and the authority delegated by the administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.294 is amended by revising the paragraphs "10 parts per million * * *" and "0.1 part per million * * *" and by adding the new paragraph "0.2 part per million * * *", as follows:

§ 180.294 Benomyl; tolerances for residues.

* * * * *

10 parts per million in or on grapes and mushrooms.

* * * * *

0.2 part per million in poultry liver.

* * * * *

0.1 part per million in milk and the meat, fat and meat byproducts of cattle, goats, hogs, horses, poultry (except liver), and sheep.

Any person who will be adversely affected by the foregoing order may at any time on or before October 23, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 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 September 21, 1973.

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

Dated September 18, 1973.

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

[FR Doc.73-20182 Filed 9-20-73;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19763; FCC 73-952]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations in Certain States

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Ripley, Miss.; Berryville, Ark.; Caro, Mich.; Mitchell, S.D.; Bolivar, Tenn.; Honea Path, S.C.; Pawhuska, Okla.; Oak Creek, Colo.; Springhill, La.; Quitman, Miss.; and Huntingburg, Ind.) RM-2066, RM-2103, RM-2110, RM-2112, RM-2123, RM-2138, RM-2141, RM-2171, RM-2173, RM-2174, RM-2178 (38 FR 20469).

1. The Commission has under consideration its Notice of Proposed Rule Making (FCC 73-607, 38 FR 15971) which was adopted June 6, 1973, and which requested interested parties to submit comments concerning the proposed changes in the FM Table of Assignments, section 73.202(b) of the Rules, on or before July 20, 1973, and to file reply comments on or before July 31, 1973. An Order extending the time for the filing of comments to August 3, 1973 and of reply comments to August 14, 1973, was granted in the case of Ripley, Mississippi. A similar Order which extended the time for filing reply comments up to and including August 8, 1973, was issued with regard to Huntingburg, Indiana. All comments and reply comments that were filed in response to the Notice were considered in making the subsequent determinations.

2. *Caro, Michigan* (RM-2110); *Bolivar, Tennessee* (RM-2123); *Pawhuska, Oklahoma* (RM-2141); *Oak Creek, Colorado* (RM-2171); *Springhill, Louisiana* (RM-2173); *Quitman, Mississippi* (RM-2174). Petitioners have requested that the Commission assign first FM channels (Class A) to these six communities. No additional changes in the FM Table of Assignments are required. The specific channel that has been proposed for each locality and the identity of the petitioner are as follows:

Channel 285A to Caro, Michigan (Tuscola Broadcasting Company).
Channel 244A to Bolivar, Tennessee (Bolivar Broadcasting Service, Inc.).
Channel 272A to Pawhuska, Oklahoma (Cherokee Broadcasting Company).
Channel 280A to Oak Creek, Colorado (Elliott Bayly).
Channel 224A to Springhill, Louisiana (Springhill Broadcasting Company).
Channel 252A to Quitman, Mississippi (Radio Station WBFN).

The populations of these communities range in size from 492 in Oak Creek, Colorado, to 6,674 in Bolivar, Tennessee.[1] With the exception of Oak Creek, which has no broadcast station, each town has only a local AM station which does not transmit at night. The assignment of a Class A FM channel would enable these communities to receive their first local nighttime service. Economic and demographic data further justifying the need of these communities for a first FM assignment was contained in the notice of proposed rulemaking and need not be repeated in this decision.

3. These changes in the FM Table of Assignments comply with the Commission's minimum mileage separation rule provided that the transmitter site in Caro, Michigan, is situated four miles east of that city and the transmitter location in Bolivar, Tennessee is 5.5 miles east of that city. Therefore, since there has been no opposition to these proposals and since the petitioners have all expressed their intent to apply for these channels, we are of the view that the requested assignments are in the public interest.

4. *Honea Path, South Carolina* (RM-2138). On February 12, 1973, Andco Broadcasting Company (Andco), the licensee of standard broadcast Station WHPB in Belton, South Carolina, petitioned the Commission to assign Channel 276A to Honea Path as its first FM assignment. Honea Path (poulation 3,707) is located in the northwest corner of the State in Anderson County (population 105,474) with approximately 3 percent of the city extending into Abbeyville County (poulation 21,112). While this community does receive broadcast service from stations in tht South Carolina towns of Anderson, Belton and Greenville, it has no locally operated broadcast stations. Andco has expressed in its supporting statements the intent to file for Channel 276A in Honea Path, provided the channel is assigned there, and to operate the station independently of its AM operation in Belton.

5. The need of Honea Path for a first FM assignment is clearly stated in the notice of proposed rulemaking and requires no further elaboration here. It is sufficient to note that the shift of Honea Path from a rural agricultural community to a more industrialized locality has been a consequential factor in our decision to assign Channel 276A to that city. However, in order that the minimum mileage separation rule not be violated, the eventual occupant of Channel 276A must build his transmitter 5 miles south of Honea Path. Subject to this stipulation we believe that the assignment of Channel 276A to Honea Path is warranted.

6. *Berryville, Arkansas* (RM-2103). KTHS, Inc. petitioned the Commission on December 4, 1972, to substitute Channel 296A for Channel 237A at Berryville. Berryville (population 2,271) is located in Carroll County (population 12,301) approximately sixty miles south of Springfield, Missouri. It has one Class A FM channel (237A) which is unoccupied and a daytime-only AM station licensed to petitioner.

7. On August 4, 1972, KTHS, Inc. had applied for authority to operate on Channel 237A at Berryville, but its application was rejected due to the failure of its proposed transmitter site to be the required mileage separation distance of 65 miles from Station KTTS-FM in Springfield, Missouri. A subsequent search by the petitioner for a location this distance from Station KTTS-FM failed to discover a site which was for sale or, alternatively, a site which was economically feasible to develop. The petitioner adds that any of these locations were well outside Berryville's city limits and would have resulted in a signal of dubious quality to this community. In light of these circumstances, the petitioner's request to substitute Channel 296A for Channel 237A at Berryville appears to be in the public interest. The petitioner's engineering statement indicates that Channel 296A is available for use in Berryville without violating our minimum mileage separation requirement. Since petitioner has manifested his intent to apply for Channel 296A if it is assigned and since this change will allow the residents of Berryville to receive a local nighttime service, the substitution of Channel 296A for Channel 237A at Berryville is warranted.

8. *Mitchell, South Dakota* (RM-2112). Radio Station KYNT(AM) in Yankton, South Dakota, filed a petition on January 2, 1973, proposing the substitution of Channel 269A for Channel 265A at Mitchell, South Dakota. Mitchell, with a population of 13,425 persons, is located in Davison County (population 17,319),

[1] All population figures are from the 1970 U.S. Census.

about 69 miles west of Sioux Falls. The community has a Class IV AM broadcast station, and the only FM channel assigned to it, Channel 265A, is unoccupied.

9. Petitioner had previously applied on August 8, 1972, for authorization to operate on Channel 262 in Yankton, but was rejected because its proposed transmitter site would have been short-spaced to the reference point of Channel 265A at Mitchell. Since this latter channel is unoccupied, petitioner's request to substitute Channel 269A would result in the elimination of the short spacing problem, thereby allowing the utilization of Channel 262 at Yankton. Channel 269A can be placed in Mitchell without affecting any other FM assignments. For these reasons petitioner's proposal merits adoption.

10. *Ripley, Mississippi* (RM–2066). On September 28, 1972, Kerry Hill filed a petition to assign Channel 288A to Ripley, Mississippi. Ripley, with a population of 3,482 persons, is located in the north central portion of the State in Tippah County (population 15,852). It has no FM assignments and the only local broadcast service which it receives is provided by Station WCSA, a daytime-only AM station. As the notice of proposed rulemaking indicates, the assignment of FM Channel 288A to Ripley would be instrumental in presenting to the public developmental problems which currently affect the community. Petitioner has expressed his intent to apply for this channel if it is assigned. Numerous letters in support of this petition were received from interested persons in the Ripley area.

11. Comments were filed by petitioner, Kerry Hill, and J. W. Furr. Hill supports the proposed assignment of Channel 288A to Ripley. Furr contends that the assignment of Channel 288A to Ripley would be in conflict with his application for the same channel at Aberdeen, Mississippi, which was filed with the Commission on December 26, 1972. Furr states that petitioner's engineering report indicates that a station operating on Channel 288A at Ripley would have to be located in a five-square-mile area approximately six miles east of the city, in order to comply with the Commission's mileage separation requirements and still provide the required city-grade signal over the entire community of Ripley. Furr mentions that in computing the required 65-mile separation from Aberdeen, petitioner mistakenly used the geographical center of Aberdeen as the reference point. He points out that Section 73.208(b) of the Rules requires that the coordinates of Furr's proposed transmitter site be used. When this is done, there are no permissible transmitter sites available which prevents petitioner from having Channel 288A assigned to Ripley. Furr indicates in a counterproposal that Channel 272A could be assigned to Ripley in lieu of Channel 288A.

12. Petitioner in his reply comments notes that his engineering statement was submitted prior to any application for Channel 288A at Aberdeen, and, therefore, could not be expected to consider Furr's proposed antenna site. He does agree, though, that the grant of Furr's application would preclude the use of Channel 288A in Ripley. Petitioner requests that Furr's counterproposal assigning Channel 272A to Ripley be adopted.

13. The assignment of Channel 272A to Ripley would not violate the Commission's mileage separation rule nor result in any additional changes in the FM Table of Assignments provided that the transmitter site is six miles east of the city. In accord with previous decisions, specific notice of the counterproposal to assign Channel 272A to Ripley is not required before it can be adopted. See, e.g., Owensboro on the Air, Inc. v. U.S. 262 F. 2d 702 (D.C. Cir. 1958). Therefore, since the counterproposal would allow this community to have its first FM service, we believe that the assignment of Channel 272A to Ripley, Mississippi, is warranted.

14. *Huntingburg, Indiana* (RM–2178). On April 10, 1973, Paul Knies petitioned to have Channel 265A assigned to Huntingburg, Indiana. This city has a population of 4,794 persons and is located in Dubois County (population 30,934), 67 miles west of Louisville, Kentucky. Petitioner's proposal is in conformity with the Commission's minimum mileage separation rule and does not require any changes in the FM Table of Assignments, provided the transmitter site is three miles north of Huntingburg. Presently, Huntingburg has no local broadcast facilities and petitioner notes that the county has only one daytime AM station an its affiliated FM station. Petitioner has expressed his intent to apply for Channel 265A if it is assigned to Huntingburg.

15. Comments and reply comments were filed by petitioner Paul Knies and Jasper on the Air, Inc., the licensee of WITZ and WITZ–FM in Jasper, Indiana. Jasper on the Air notes that since the communities of Huntingburg and Jasper are in the same county and only five miles apart, on March 28, 1972, it was granted authorization for dual city identification pursuant to § 73.1201(b) of the rules. Jasper on the Air further states that while Jasper is the principal city in terms of its public service obligations, WITZ and WITZ–FM have provided ample local service to Huntingburg. This claim of sufficient service, however, does not follow automatically just because Jasper on the Air has been granted dual city identification. The numerous letters from interested parties in the Huntingburg area present strong evidence that the needs of this community are not being adequately served and that it could use its own local broadcast station. The Mayor, the Chamber of Commerce and the editor of the weekly newspaper, have all stressed the fact that a local radio station, whose primary concern is Huntingburg, would be of substantial benefit. Further, petitioner believes that ample service is not being provided to Huntingburg because WITZ–FM, which is the only nighttime voice in the county, operates only 16 hours a day with up to 14 hours per day of its programming duplicated from daytime-only AM Station WITZ.

16. Jasper on the Air also challenges a claim in support of petitioner's request which was advanced by Thomas Brumett, the Supertintendent of North Spencer County School Corp. and which stated that a station operating at Huntingburg on Channel 265A could furnish 1 mV/m service to eight communities in adjacent Spencer County. Mr. Brumett's contention was without the benefit of engineering advice and Jasper on the Air is correct in noting that a 1 mV/m contour would not extend to half of these communities. However, the principal reason for assigning Channel 265A to Huntingburg is not to serve the eight communities in Spencer County, but to provide Huntingburg with local FM service. Jasper on the Air's last objection involves a counterproposal, advanced in its reply comments, which would assign Channel 265A to communities other than Huntingburg. In our notice of proposed rulemaking we stated that counter proposals advanced in the proceeding itself would be considered if they were included in the comments, so that parties may treat them in their reply comments. Since Jasper on the Air made its counterproposal in its reply comments, we shall not consider it.

17. Petitioner's proposal has the distinct advantage of not only providing Huntingburg with its first local FM channel assignment, but also of creating a competitive broadcast voice in Dubois County. Based on the evidence submitted by petitioner we believe that Huntingburg can maintain an FM station. As petitioner indicates, the estimated retail sales in 1970 for the county were $69,681,000. He also states that there are twenty industrial establishments in the city, along with over 100 places of business. In view of the need for local FM service and the lack of any substantial objection to this proposal, we conclude that it is in the public interest to assign Channel 265A to Huntingburg.

18. Authority for the adoption of the amendments contained herein appears in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

19. In view of the foregoing, *it is ordered*, That effective October 26, 1973, section 73.202(b) of the Commission's rules, the FM Table of Assignments, is amended to read as follows for the communities indicated:

City:	*Channel No.*
Berryville, Ark	296A
Oak Creek, Colo	280A
Huntingburg, Ind	265A
Springhill, La	224A
Caro, Mich	285A
Quitman, Miss	252A
Ripley, Miss	272A
Pawhuska, Okla	272A
Honea Path, S.C	276A
Mitchell, S. Dak	269A
Bolivar, Tenn	244A

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

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.)

Adopted Septembef 11, 1973.

Released September 17, 1973.

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

[FR Doc.73-20156 Filed 9-20-73;8:45 am]

[Docket No. 19740; FCC 73-946]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations in Kentucky

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Elkhorn City, Hindman, Jenkins and Neon, Kentucky), RM-1914, RM-2091, (38 FR 13387).

1. The Commission has before it the Notice of Proposed Rule Making in this proceeding (FCC 73-495), adopted May 9, 1973, and responsive comments filed by Knott County Broadcasting Corporation (Knott) and by Allen Epling.

2. Knott and Epling had each filed a petition for rulemaking seeking a first FM assignment in Hindman and Elkhorn City, Kentucky, respectively. Each proposed the assignment of Channel 296A and the substitution of Channel 232A for the unoccupied Channel 296A assignment at Neon, Kentucky. Because the communities are closer to one another than our spacing requirements would allow, it would not have been possible to accommodate both requests. Commission study indicated that it would be possible to avoid this conflict and to assign Class A channels to Hindman and to Elkhorn City without depriving any other community of a current assignment. Under this approach, set forth in the Notice, Elkhorn City could have Channel 276A and Hindman could have Channel 296A, provided Channel 232A[1] were substituted for Channel 276A at Jenkins, Kentucky, and Channel 261A were substituted for Channel 296A at Neon, Kentucky. None of these proposed changes would affect any existing operation. The only comments filed were those of the petitioners, and each supported the Notice as it related to its own proposal.

3. This case does not involve conflicts of any sort to be resolved and so does not require extended discussion. Although they have become involved in this proceeding, the communities of Neon and Jenkins would suffer no injury, as each would continue to have a single Class A assignment available for use. Even as to other communities not directly involved, our study of the pattern of assignments suggests that the proposed alteration of the FM Table would not work to deprive such communities of otherwise possible assignments. Since this is the case and since we do not have to choose between conflicting proposals, the question is simply one of the need for the requested assignments.

4. At some length the petitioners have set forth the facts which lead them to believe that a first FM assignment is required in order to meet important local needs. Although neither community is particularly large, each functions as a trade center for a significant number of persons. Thus, even though Hindman has only 808 residents, it is the seat of Knott County and currently supports a daytime-only AM station, licensed to Knott. In fact, Hindman is the only incorporated community in the county, and the proposed assignment would bring the county's first full-time radio service. Elkhorn City is somewhat larger (population 1,081), but it has no local station at all. Since both areas are to some degree isolated and lack nearby full-time radio service, the proposed assignments could bring important area benefits in addition to providing first FM assignments in the communities. In our view, this situation provides ample reason for making the proposed assignments.

5. Accordingly, *It is ordered,* That effective October 26, 1973, the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) is amended to read as follows for the communities indicated:

City:	*Channel No.*
Elkhorn City, Ky	276A
Hindman, Ky	296A
Jenkins, Ky	232A
Neon, Ky	261A

6. Authority for the actions taken herein is contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended.

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

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 307.)

Adopted September 11, 1973.

Released September 14, 1973.

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

[FR Doc.73-20149 Filed 9-20-73;8:45 am]

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[1] Antenna site at Jenkins, Kentucky, must be located at least 2 miles west of the community.

Proposed Rules

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 905]

ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Handling

These proposals would extend the current grade and size limitations for the period October 15, 1973, through September 29, 1974, applicable to oranges (but not including the current grade requirement on shipments of Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type), grapefruit, tangerines, and tangelos handled between the production area in Florida and any point outside thereof. The proposed limitations applicable to the specified varieties of oranges (including the proposed minimum grade requirement applicable to shipments of Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type), grapefruit, tangerines, and tangelos are designed to promote orderly marketing and provide consumers with an ample supply of acceptable quality fruit.

Notice is hereby given that the Department is considering proposed amendments, as hereinafter set forth, pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The amendments were proposed by the Growers Administrative Committee established under said amended marketing agreement and order, as the agency to administer the terms and provisions thereof.

The proposed amendments reflect the Department's appraisal of the need for regulation of shipments of the specified varieties of oranges, grapefruit, tangerines, and tangelos during the period October 15, 1973, through September 29, 1974, based on the available supply and current and prospective market conditions. The amendments are designed to continue shipment of ample supplies of fruit of the better grades and more desirable sizes in the interest of both growers and consumers. The proposed action is designed to maintain orderly marketing conditions by preventing the demoralizing effect on the market caused by shipment of lower quality and smaller size fruit when more than ample supplies of the more desirable grades and sizes are available to serve consumer's needs. The proposed amendments are consistent with the objective of the act of promoting orderly marketing and protecting the interest of consumers.

The regulatory proposals are as follows:

Order. 1. In § 905.550 (Orange Regulation 72; 38 FR 25665) the provisions of paragraph (b) preceding subparagraph (1) thereof and subparagraph (9) are amended to read as follows:

§ 905.550 Orange Regulation 72.

* * * * *

(b) During the period October 15, 1973, through September 29, 1974, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

* * * * *

(9) Any Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grown in the production area, which do not grade at least U.S. No. 1; and

* * * * *

2. In § 905.551 (Grapefruit Regulation 74; 38 FR 25665) the provisions of paragraph (b) preceding subparagraph (1) thereof are amended to read as follows:

§ 905.551 Grapefruit Regulation 74.

* * * * *

(b) During the period October 15, 1973, through September 29, 1974, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

* * * * *

3. In § 905.552 (Tangerine Regulation 45; 38 FR 25665) the provisions of paragraph (b) preceding subparagraph (1) thereof are amended to read as follows:

§ 905.552 Tangerine Regulation 45.

* * * * *

(b) During the period October 15, 1973, through September 29, 1974, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

* * * * *

4. In § 905.553 (Tangelo Regulation 45; 38 FR 25665) the provisions of paragraph (b) preceding subparagraph (1) thereof are amended to read as follows:

§ 905.553 Tangelo Regulation 45.

* * * * *

(b) During the period October 15, 1973, through September 29, 1974, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

* * * * *

5. In § 905.554 (Export Regulation 23; 38 FR 25665) the provisions of paragraph (b) preceding subparagraph (1) thereof and subparagraph (9) are amended to read as follows:

§ 905.554 Export Regulation 23.

* * * * *

(b) During the period October 15, 1973, through September 29, 1974, no handler shall ship to any destination outside the continental United States other than to Canada or Mexico:

* * * * *

(9) Any Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grown in the production area, which do not grade at least U.S. No. 1;

* * * * *

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112A, Washington, D.C. 20250, not later than October 2, 1973. All written submission made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated September 18, 1973.

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

[FR Doc.73-20175 Filed 9-20-73;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Part 381]

AIRSACCULITIS

Proposed Inspection Regulations

Pursuant to the authority in the Poultry Products Inspection Act (71 Stat. 441 as amended; 21 U.S.C. 451 et seq.), the Animal and Plant Health Inspection Service is proposing an amendment to Part 381, Subpart K, of the poultry products inspection regulations to clarify present criteria for condemning birds affected with airsacculitis.

Statement of considerations. Preventing adulteration of the poultry supply is a principal function of the Animal and Plant Health Inspection Service of the

Department of Agriculture. It is the intent of Congress that when poultry or poultry products are condemned because of disease, such condemnation shall be achieved through uniform application of inspection standards.

Airsacculitis is a condition of poultry that renders the poultry adulterated, in whole or in part, requiring condemnation of the entire carcass or those affected parts. Achieving uniformity of application requires that the standards for condemnation be delineated in the regulations. Therefore, the Animal and Plant Health Inspection Service proposes to amend the poultry products inspection regulations to provide a new section concerning airsacculitis. Part 381 would be amended as set forth below:

At the beginning of the part, the table of contents, Subpart K, would be amended by adding a heading for § 381.84, and a new § 381.84 would be added to read as follows:

§ 381.84 Airsacculitis.

Carcasses of poultry with evidence of extensive involvement of the air sacs with airsacculitis or those showing airsacculitis along with systemic changes shall be condemned. Less affected carcasses may be passed for food after complete removal and condemnation of all affected tissues including the exudate.

* * * * *

Any person wishing to submit written data, views, or arguments concerning the proposed amendment may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by November 30, 1973.

Any person desiring opportunity for oral presentation of views should address such requests to the Inspection Standards and Regulations Staff, Scientific and Technical Services, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, so that arrangements may be made for such views to be presented prior to the date specified in the preceding paragraph. A record will be made of all views orally presented.

All written submissions and records of oral views made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business, unless the person makes the submission to the Staff identified in the preceding paragraph and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on grounds that its disclosure could adversely affect such person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on September 14, 1973.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-20172 Filed 9-20-73;8:45 am]

[9 CFR Part 381]

FEDERALLY INSPECTED POULTRY PRODUCTS

Labeling and Official Marks of Inspection

Pursuant to the authority in the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), the Animal and Plant Health Inspection Service is considering amending the poultry products inspection regulations (9 CFR 381.1, 381.130, 381.131, 381.132, 381.133, 381.134, 381.135, 381.142, 381.175, and 381.205).

The proposal is intended to establish procedures for the approval of labeling, marking devices, and containers for use with poultry products; provide criteria for manufacturers to print labels or other devices bearing the marks of inspection; permit inspectors to approve certain modifications of labels previously approved; and establish equitable procedures for processing label approval applications in the Washington office.

Statement of considerations. Preventing the distribution of misbranded and improperly packaged poultry products is one of the principal objectives of the Poultry Products Inspection Act. The Act requires that poultry products prepared at federally inspected establishments or distributed in commerce bear marking or labeling which has been approved by the Secretary. Many years ago, the Secretary promulgated regulations to accomplish that responsibility. However, those regulations are in general terms and it appears desirable that they should be modified to clarify the requirements concerning approval of labeling, marking devices, and containers and to provide additional information concerning procedures for submitting such articles to the Department's Meat and Poultry Inspection Program for approval.

During the past few years the poultry industry has been rapidly expanding, not only in numbers of plants and volume of production, but in greater diversification of the types of products processed and marketed. This expansion in the production of new poultry products has required the Department to establish standards and develop new marking and labeling requirements. Many of those requirements have not been clearly understood by many plant owners and operators. This has made it more difficult for them to prepare new labeling material and to follow appropriate procedures in submitting it to the Department for approval. Another development is that for the past few years there has been a large increase in the number of personal visits to the Department's Washington office by plant officials and representatives. This has made it difficult for the Department to maintain a proper balance between the service rendered to those personal visitors and those making application by mail. At one time, applications for labeling approval submitted by mail were not being processed as rapidly as those brought to the Department personally or by a representative. This was an unjust arrangement for plant owners and operators desiring to use mail service. Some minor organizational and procedural changes were made to alleviate this inequity.

Due to the increased workload, and in order to establish clearly understandable procedures and requirements, other changes are necessary so the Department can improve its labeling approval service. This proposal sets forth proposed procedures and requirements for submitting labeling applications which could aid the Department's efforts to formalize this matter so an equitable, expeditious service can be rendered to those seeking labeling approval.

This proposal also contains a provision to formalize the procedure for granting approval to manufacture marking and labeling devices. The Act and regulations promulgated thereunder prohibit casting, printing, lithographing, or otherwise making any device containing the official mark of inspection or any label bearing such mark without approval by the Administrator. At this time, there is no official procedure for delegating such authority. This proposal would rectify that matter. Establishing a formal procedure would be advantageous to manufacturers and suppliers of marking and labeling devices since it would eliminate the possibility of misunderstanding.

The specific proposed amendments to the regulations are as follows:

1. Section 381.131 and the title thereof would be revised to read as follows:

§ 381.131 Prior approval required for certain labeling and marking devices; conditions and procedure.

(a)(1) No labeling or device bearing an official mark as provided for in Subpart M of this subchapter, or simulation thereof, shall be used until it has been approved in finished form, as provided in this section. This requirement does not, however, apply to labeling used on the outside of an immediate or shipping container and approved in accordance with § 381.134(b) of this subchapter.

(2) No labeling or device bearing an official mark, or simulation thereof, shall be made or caused to be made in finished form until it has been approved in sketch form, as provided in this section; except that such prior approval of a sketch will not be required when finished labeling is submitted initially: *Provided, however,* That no more than 100 prints of the

labeling may be prepared in finished form without sketch approval and such prints shall be marked "Proof" before being removed from the printing establishment or printing facility.

(3) Inserts, tags, liners, pasters, and similar articles containing printed or graphic matter for use on, or to be placed within, containers or coverings for product shall be submitted for approval in the same manner as provided for in subparagraph (2) of this paragraph. Inspectors in charge may, however, permit use of such devices which bear no reference to any product and which are not false or misleading in any particular, even though not so submitted.

(b) Requests for approval required under paragraph (a) of this section shall be made on Form MP–480, Application for Approval of Labels, Marking or Device,[1] in accordance with the procedures prescribed in this section. To request approval, the applicant (or his agent) shall submit sketches or proofs of the labeling or device, as described in paragraph (a) of this section. Copies of these sketches or proofs shall be attached to Form MP–480 completed as prescribed in paragraph (d) of this section. Applications shall be mailed to: Labels and Packaging Staff, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Post Office Box 7416, Benjamin Franklin Station, Washington, D.C. 20044, or delivered to the office of said Staff, U.S. Department of Agriculture, Washington, D.C. Applications will be processed in accordance with the following procedures:

(1) Applications received by mail will be stamped with the date of receipt and will be processed in the daily order in which they are received.

(2) Applications delivered to the office of said Staff by the applicant (or his agent) shall be handled as follows:

(i) The application shall be left with the receptionist who will stamp thereon the date of receipt, which will be used to determine priority of processing applications as provided in subparagraph (b)(1); and instructions shall also be left with the receptionist identifying the person to be notified of the final action and the method of notification desired; or

(ii) The applicant (or his agent) may schedule a conference with the label review office for the purpose of presenting applications in person. Such conferences will be scheduled, based on available time, Monday through Friday. Every effort will be made to schedule conferences to meet the desires of the applicant. However, availability of label review personnel for such conferences will be dependent upon the processing of all applications on an equitable time basis, regardless of the mode of receipt. These procedures for scheduling conferences only apply to routine applications. Conferences to discuss principles of labeling or special problems will be by appointment during regular working hours Monday through Friday.

Information supplied under this section will be treated as confidential insofar as authorized under the provisions of 5 U.S.C. 552, 18 U.S.C. 1905, §§ 9(a)(5) and 22 of the Act, and 15 U.S.C. 50, and the public information regulations of the Department of Agriculture (7 CFR 1.1 et seq. and supplementary regulations). All information requested must be given either in the space provided on Form MP–480 or by attaching additional sheets as necessary.

(c) The sketch for labeling or a device shall be an accurate representation of the labeling or device as it will appear in finished form. To be considered for approval, the sketch shall:

(1) Show all of the features required by Subparts M and N of this subchapter.

(2) Represent by rough drawings, printing, or other means, the exact information to be shown, the approximate location thereof, and size of type to be used. When a comprehensive sketch of a true color reproduction of the finished labeling or device with complete details is submitted, it will be eligible for final approval under the conditions stated in paragraph (e) of this section.

(3) Indicate transparent or semi-transparent colored coverings.

(4) Present pictorials, if used, in color photographs, color transparencies or color prints.

(5) Indicate, if proposed for multiplant operations, the official establishment numbers of the plants at which the final labels will be used.

(6) Show each applicable ingredient statement and formula for which the labeling format will be used.

(d) Form MP–480 shall be completed in its entirety in accordance with the instructions provided on the reverse side of the form and shall conform with the following provisions:

(1) Entries shown under the item—"Fill Specifications" shall specify the quantity of each component of the product, either by weight or percentage, if the product consists of two or more major distinct components such as "turkey and gravy," "frozen dinner," etc. The space shall not be used for such products as stews, soup, patties, etc.

(2) Entries shown under the item—"Formula Breakdown of Each Major Component" shall specify a formula, listing the ingredients and quantity, either by weight or percentage, of each ingredient used in the preparation of each component making up the product. In cases where the percentages of ingredients may vary, approximate percentages may be given if the limits of variations are stated. When a complex ingredient (such as a breading or seasoning mixture), for which there is no Food and Drug Administration standard of identity, is shown in a formula, the formula shall be further explained by listing the common name of each ingredient therein. The quantity need not be shown for each ingredient in gravy bases, gravy mixes, seasoning mixes, and relishes. The space shall not be used for products that do not have distinctly separate components such as stews, soup, patties, etc.

(3) The space provided for "Complete Formula" shall be used to show the complete formula of the product and to specify the quantity of each ingredient used to prepare the product, either by weight or percentage, in descending order of predominance, when required in the specific case by the Administrator.

(4) "Processing Procedures" shall describe those processing procedures (fabricating, cooking, smoking, curing, canning, etc.) that may significantly affect the physical properties or condition of the product, or both. Description of the establishment control methods exercised with respect to the processing procedures shall be provided when it is required in the specific case by the Administrator to enable determination whether the product complies with statements on the labeling.

(e)(1) Finished labeling shall not be printed prior to obtaining sketch approval except as provided for in paragraph (a)(2) of this section. In any case, if finished labeling is printed prior to sketch approval, the applicant shall assume full responsibility and risk for the labeling which may be disapproved for use in accordance with the regulations in this Part.

(2) Finished labeling submitted for approval shall be accompanied by a copy of the approved sketch or make reference to the approved sketch, if a sketch has been approved, or other approval; or comply with the requirements of this section with respect to submission of sketches for approval: *Provided,* That,

(i) Finished labeling intended for use at more than one official establishment shall be submitted in sufficient copies to provide two copies for each official establishment designated on the application;

(ii) Lithographed labels, metal containers or sections therefrom shall not be submitted for approval. Paper takeoffs can be used to represent lithographed labels submitted for approval. Such paper takeoffs shall not be in the form of a negative but shall be a complete reproduction of the label as it will appear on the package, including any color scheme involved; and

(iii) For fiber containers, the printed layers such as kraft paper sheet, showing the entire label shall be submitted for approval in lieu of the complete container.

(f) At an official establishment, application for approval of a device or a sketch of any labeling or device, proof of any labeling, or any finished labeling completed in accordance with this section, may be submitted by the applicant to the inspector in charge. Applications may also be submitted to Washington, D.C., as hereinafter provided.

(1) If such material is submitted to the inspector in charge, he shall initially review the material as follows:

[1] Copies of this form may be obtained from any Meat and Poultry Inspection Program office or from the Administrator.

(i) If he determines that the device, sketch of labeling or device, proof of labeling, or finished labeling and the formulation of the product on which the labeling is to be used are in accordance with the applicable provisions of §§ 381.96 or 381.97, 381.117 through 381.122, 381.125, 381.147(f)(3), and 381.155 through 381.170 of this subchapter, he shall sign the application in the space provided therefor, and submit an imprint of the device, the sketch of labeling or device, proof of labeling, or finished labeling and the formulation to the Labels and Packaging Staff for review to determine whether the proposed labeling or device complies with all the applicable provisions of this subchapter, and approval or disapproval accordingly.

(ii) If the inspector in charge determines that the device, sketch, proof, or finished labeling or the formulation of the product on which the labeling or the device is to be used is not in accordance with the regulations cited in subparagraph (1)(i) of this paragraph, he shall notify the applicant and request that the labeling or device be revised or the product formulation be changed in accordance with the applicable regulations: *Provided*, That, if the applicant does not agree with the inspector in charge's determination, the inspector in charge shall complete Form MP–442, "Checklist for Accuracy of Labels," identifying nonconforming features of the device, sketch, proof, finished labeling, or product formulation. The completed Form MP–442, signed by the inspector in charge, shall be submitted with the application and the imprint of the device, sketch, proof, or finished labeling to the Washington, D.C., office of the Labels and Packaging Staff for review and decision.

(2) If the Washington office of the Labels and Packaging Staff concurs with the inspector in charge's determinations, the application will be returned to the applicant without further action. If, however, said office does not agree with the inspector in charge's determinations, the application will be further processed in the usual manner for a determination whether the proposed labeling or device complies with all the applicable provisions of this subchapter, and approval or disapproval accordingly.

(3) The operator of an official establishment may submit applications for approval of a device, sketch of labeling or device, proof of labeling or finished labeling to the Washington office of the Labels and Packaging Staff for review If said office determines that the device, sketch, proof, or finished labeling or the formulation of the product on which the labeling or device is to be used is not in accordance with the regulations cited in paragraph (f)(1)(i) of this section, the application will be returned to the applicant with an appropriate explanation of why the material submitted appears not to be in accordance with the regulations. Otherwise, it will be processed in the usual manner for a determination whether the proposed labeling or device complies with all the applicable provisions of this subchapter and approval or disapproval accordingly.

(4) Applications for approval of a device, a sketch of labeling or device, proof of labeling, or finished labeling will be reviewed and processed by the Washington, D.C., office of the Labels and Packaging Staff in the order received by that office. If an application is returned to the applicant because the sketch, proof, or finished labeling or product formulation does not comply with the regulations cited in paragraph (f)(1)(i) of this section, and an application is resubmitted therefor, it will be handled as a new application in accordance with this section.

(g) A sample of the product for which labeling approval is being sought may be required to be furnished by the applicant to the Washington, D.C., office of the Labels and Packaging Staff to determine the acceptability of the proposed labeling.

(h) Two copies of the approved sketch shall be mailed to the inspector in charge of the official establishment concerned, and, if requested, a copy of the approved sketch may be given to the applicant or his agent. Copies of approved sketches for multiplant operations may be sent to the applicant under appropriate procedures approved by the Administrator.

(i)(1) All applications for approval of labeling or devices intended for use on or with products to be imported into the United States shall comply with all requirements of this section, except that the applications shall be presented directly to the Labels and Packaging Staff, Meat and Poultry Inspection Program, Post Office Box 7416, Benjamin Franklin Station, Washington, D.C. 20044.

(2) After receiving an approved sketch, the applicant shall submit the finished labeling or device in the same manner as required for sketches, except that a minimum of four copies of the finished labeling or device plus one for each foreign plant producing the product involved and one for each port of entry where the product will be offered for importation into the United States shall be furnished. Each port of entry and each foreign producing plant shall be listed in the application.

(3) The import inspector shall not allow entry of the product proposed for importation into the United States until he receives an approved copy of the finished labeling or device.

(j) Copies of the approved application for labeling or devices pertaining to domestic product shall be mailed to the inspector in charge of the official establishment concerned, and he shall deliver a copy to the applicant. When an applicant desires wider than usual distribution of approved copies, he shall provide extra copies of the application, along with mailing or other distribution instructions. Approved applications for foreign product shall be returned to the applicant. Copies shall be sent to the inspector of the foreign plant where the product is to be prepared. Each labeling or device made or caused to be made by the applicant for approval of such labeling or device, shall conform to the approved sketch or proof.

(k) The Administrator may approve and authorize the use of abbreviations for marks of inspection under the regulations in this subchapter. Such authorized abbreviations shall have the same force and effect as the marks themselves.

(l) Any action taken by any inspector in charge or any other employee of the Inspection Service under this subchapter with respect to any application for approval of any labeling or device may be appealed to the immediate supervisor of such employee by the applicant. An order under section 8(d) of the Act to withhold any marking, labeling or container from use may be issued only by the Administrator in accordance with § 381.130 of this part.

§ 381.130 [Amended]

2. Section 381.130 would be amended by adding a sentence to the end of that section to read: "For the purpose of this section, the Administrator shall not mean his delegate."

§ 381.1 [Amended]

3. Section 381.1(b)(3) would be amended by adding the following phrase to the end of the sentence: "unless otherwise specified."

4. Section 381.132 and the title thereof would be revised to read as follows:

§ 381.132 Authorization required to make labeling or other devices bearing official marks.

(a) No person shall cast, print, lithograph, or otherwise make or cause to be made any labeling or device bearing any official mark, or simulation thereof, except as authorized by the Administrator as provided for in this section and in § 381.131 of this subchapter.

(b) Receipt of an approved sketch or proof for a labeling or device bearing the official mark as provided for in § 381.131 of this subchapter, shall be deemed sufficient authorization by the Administrator to make or cause to be made such labeling or device in accordance with the provisions of this section.

(c)(1) The operator of the official establishment, prior to making or causing to be made, labeling or devices in accordance with the approved sketch bearing the official mark shall make and deliver to the manufacturer a certificate in the following form:

(Firm's letterhead)

I hereby certify that this establishment (insert establishment number) has been duly authorized by the Secretary of Agriculture, to make or cause to be made the following labeling or device bearing the official mark of inspection, and I do hereby authorize (Name and Address of Manufacturer) to

make said labeling or device as indicated below:

Type of labeling or device
Final approval number (when applicable)
Date of sketch or final approval
Brand name
Product name
Quantity (units) to be manufactured
Deliver to: Name and address _____
Signed _____
Title _____
Date _____

(2) The certificate required by paragraph (c)(1) of this section shall be prepared in triplicate and distributed as follows:

(i) The original certificate and a copy of the approved labeling or device and the order to manufacture shall be delivered to the manufacturer.

(ii) One copy of the certificate shall be delivered to the inspector in charge of the official establishment to be filed by him in the official program file in the establishment.

(3) One copy of the certificate, a copy of the approved labeling or device, a copy of the order to manufacture and a record of the quantity received and disposition made of the labeling or device, shall be maintained by the operator of the official establishment as provided for in Subpart Q of this subchapter.

(d)(1) Each manufacturer who shall cast, print, lithograph, or otherwise make or cause to be made, any labeling or device bearing any official mark or simulation thereof shall maintain, as provided in Subpart Q of this subchapter, the documents prescribed in paragraph (c)(2)(i) of this section along with records to show the quantity of such labeling or device so made and the disposition made of such articles by the manufacturer. The manufacturer shall afford to any authorized representative of the Secretary, upon his request, an opportunity to inspect and copy such documents and records during regular hours of business.

(2) No manufacturer shall deliver any such labeling or device to any person who was not authorized, as provided in this section, to receive such articles.

5. Section 381.133 would be amended by revoking paragraph (a) in its entirety; deleting the paragraph designation "(b)" with the provisions of that paragraph becoming the text of the amended § 381.133; and changing the section heading as follows: § 381.133 *Requirements of analysis.*

6. A new § 381.142 would be added to Subpart N as follows:

§ 381.142 Containers.

Containers for any product shall not result in the adulteration or misbranding of the product. Containers shall not be composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health under conditions of use. Containers shall adequately protect products and shall not be deceptive. Container composition shall comply with section 409 of the Federal Food, Drug, and Cosmetic Act, as amended, and the implementing regulations in 21 CFR 121, Subparts B, E, and F.

7. Section 381.134 would be amended by revising paragraph (b) to read as follows:

§ 381.134 Label approvals by the inspector in charge.

* * * * *

(b) Stencils, labels, box dies, and brands may be used on shipping containers which contain properly labeled immediate containers or immediate containers which contain properly marked poultry products, such as tierces, barrels, drums, boxes, crates, and large-size fiberboard containers, without approval as provided for in § 381.131 of this part. *Provided,* That the stencils, labels, box dies, and brands are not false or misleading and are approved by the inspector in charge. The official inspection legend for use in combination with such devices shall be approved by the Administrator as provided for in this part.

* * * * *

8. Section 381.135 and the title thereof would be revised to read:

§ 381.135 Inspector in charge may permit modifications of approved labelings or markings.

(a) The inspector in charge may permit modifications of approved labeling or marking under any of the following circumstances, provided the labeling or marking, as modified, is so used as not to be false or misleading.

(1) When all features of the labeling or marking are proportionately enlarged and the color scheme remains the same;

(2) When abbreviations are substituted for words, such as "lb." for "pound," or "oz." for "ounce," or words are substituted for abbreviations such as "pound" for "lb.";

(3) When the name and address of the distributor are included in the blank space following the words "prepared for" or a similar statement, on a master or stock label which was approved with the understanding that such information would be added later;

(4) When, during any holiday season, special designs or wrappers are used with approved labelings or markings on a label;

(5) When there is a slight change in the directions pertaining to opening a can or serving the product;

(6) When the appropriate name or class of the poultry is added to a master or stock label which was approved without this information appearing on the label;

(7) When there is a change in the quantity of an ingredient shown in the formula without a change in the order of predominance shown in the ingredients statement on the label: *Provided,* That the change in the quantity of ingredients complies with any minimum or maximum limits for the use of such ingredients prescribed in Subparts O and P of this part, or identified in the original approved application as a condition for approval of the product name.

(b) Request for such permission shall be made to the inspector in charge, prior to printing the modified labeling, on Form MP-480, as specified in § 381.131, except that in lieu of a sketch sufficient copies of the previously approved labeling may be modified to indicate the change(s) and the information on Form MP-480 may be limited to the modification requested.

(c) The inspector in charge shall review the application for permission for use of a modified labeling, and, if appropriate, indicate approval by signing his name in the appropriate space on Form MP-480.

(d) Prior to use, three copies of the modified finished labeling shall be submitted to the inspector in charge on Form MP-480 for his approval. If approved, the inspector in charge will indicate approval by signing his name on Form MP-480 in the appropriate space and distribute copies as follows:

(1) one copy to the establishment operator,

(2) one copy to the inspector at the establishment, for filing along with the original approval, and

(3) one copy to the Labels and Packaging Staff, Meat and Poultry Inspection Program, for review and filing.

(e) If the inspector in charge determines that the modification does not comply with the regulations, and the applicant disagrees, the application for modification must be submitted to the Labels and Packaging Staff for review and decision.

8. Section 381.175 would be amended by adding a new paragraph (d)—a paragraph (c) is proposed in another document to be published separately—to read as follows:

§ 381.175 Records required to be kept.

* * * * *

(d) The operator of each official establishment and the manufacturer of any labeling or device bearing any official inspection mark shall also maintain the records required by § 381.132 of this subchapter.

9. Section 381.205(c) would be amended as follows:

§ 381.205 Labeling of immediate containers of imported poultry products.

* * * * *

(c) Labeling for immediate containers of imported poultry products shall be submitted for approval to the Labels and Packaging Staff, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, and approved as provided in Subpart N of this Part, before products bearing such labeling will be admitted into the United States.

* * * * *

8. The table of contents to Subpart N—Labeling and Containers would be amended to reflect new headings for §§ 381.131, 381.132, 381.133, and 381.135, and to add the new § 381.142 with its heading, as follows:

* * * * *

Any person wishing to submit written data, views, or arguments concerning the proposed amendments may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by November 30, 1973.

Any person desiring opportunity for oral presentation of views should address such requests to the Labels and Packaging Staff, Scientific and Technical Services, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Servire, U.S. Department of Agriculture, Washington, D.C. 20250, so that arrangements may be made for such views to be presented prior to the date specified in the preceding paragraph. A record will be made of all views orally presented.

All written submissions and records of oral views made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business, unless the person makes the submission to the Staff identified in the preceding paragraph and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on grounds that its disclosure could adversely affect such person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on September 17, 1973.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-20173 Filed 9-20-73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[S-73-9]

ANHYDROUS AMMONIA

Storage and Handling

Pursuant to section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655), Secretary of Labor's Order No. 12-71 (36 FR 8754), and 29 CFR Part 1911, it is hereby proposed to amend Part 1910 of Title 29, Code of Federal Regulations, as set forth herein.

Paragraph (a)(3) of § 1910.267 applies paragraphs (a) and (b) of § 1910.111, concerning the storage and handling of anhydrous ammonia, to agricultural operations. Since paragraphs (g) and (h) of this section refer specifically to systems mounted on farm vehicles, and since paragraphs (c) through (f) could also conceivably apply, it is proposed to amend paragraph (a)(3) of § 1910.267 by deleting the reference to "(a) and (b)", so that the entire anhydrous ammonia standard will be made applicable to agricultural operations.

Written data, views, and arguments concerning the proposal may be mailed to the Office of Standards, Occupational Safety and Health Administration, U.S. Department of Labor, Room 504, 400 First Street NW., Washington, D.C. 20210. All written submissions received before October 22, 1973, will be considered. The data, views, and arguments will be available for public inspection and copying at the Office of Standards located at the above address. Pursuant to 29 CFR 1911.11 (b) and (c), interested persons may, in addition to filing written material as provided above, file objections to the proposal requesting an informal hearing with respect thereto in accordance with the following conditions:

(1) The objections must include the name and address of the objector;

(2) The objections must be postmarked on or before October 22, 1973;

(3) The objections must specify the provisions of the proposed rule to which objection is taken, and must state the grounds therefor;

(4) Each objection must be separately stated and numbered; and

(5) The objections must be accompanied by a summary of the evidence proposed to be adduced at the requested hearing.

As amended, 29 CFR 1910:267(a)(3) would read as follows:

§ 1910.267 Agricultural operations.

(a) * * *

(3) Storage and handling of anhydrous ammonia—§ 1910.111.

* * * * *

(Sec. 6, Public Law 91-596, 84 Stat. 1593 (29 U.S.C. 655). Secretary's Order No. 12-71 (36 FR 8754).)

Signed at Washington, D.C., this 18th day of September, 1973.

JOHN H. STENDER,
Assistant Secretary of Labor.

[FR Doc.73-20157 Filed 9-20-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 50]

PHS SUPPORTED PROGRAMS

Sterilization Procedures

In the FEDERAL REGISTER for August 3, 1973, the Department published a notice of Guidelines for Sterilization Procedures under HEW Supported Programs (38 FR 20930). As stated in the notice, the Guidelines have been approved by the Secretary and its policies will be implemented through regulations issued by the affected agencies in the Department. The Public Health Service is among the agencies affected.

Notice is hereby given that the Assistant Secretary for Health, with the approval of the Secretary, proposes to amend Part 50 of Title 42, Code of Federal Regulations by adding a new subpart B which sets forth the policy that programs or projects supported in whole or in part by Federal funds administered by the Public Health Service shall not perform nor arrange for sterilization of any individual within certain classes of persons unless prescribed procedures are followed. Specifically, the regulations would require that such programs or projects shall not perform nor arrange for the performance of a non-therapeutic sterilization of any person who is under the age of twenty-one or who is legally incapable of giving informed consent to the sterilization unless a Review Committee (established in accordance with the regulations) has reviewed and approved the sterilization. Moreover, if the individual belongs to the class of those who are legally incapable of consenting—due to nonage, mental capacity or condition, or court adjudication—the regulations would, in addition to Review Committee approval, require a judicial determination that the proposed sterilization is in the best interest of the patient. The proposed regulations are by way of limitation and do not require any PHS supported program or project to provide or arrange for the provision of sterilization. Upon their effective date, the regulations will apply to existing programs and projects as well as to programs or projects approved for Federal support on and after that date.

Interested persons may address comments, data, views and arguments, in writing, in triplicate, to the Assistant Secretary for Health, U.S. Department of Health, Education, and Welfare, 330 Independence Avenue, Washington, D.C. 20201. All comments received in response to this notice will be available for public inspection at the foregoing address on weekdays between the hours of 9 a.m. and 5 p.m. All material received on or before October 23, 1973 will be considered. It is proposed to make the regulations effective upon their republication in the FEDERAL REGISTER.

It is therefore proposed to amend Part 50 (whose establishment was proposed

on May 21, 1973 (38 FR 13418)) by adding a new subpart B in the manner set forth below.

Dated August 28, 1973.

H. E. SIMMONS,
Acting Assistant Secretary for Health.

Approved September 17, 1973.

CASPAR W. WEINBERGER,
Secretary.

Subpart B—Sterilization of Persons Under 21 and Persons Legally Incapable of Consenting

Sec.
50.301 Applicability.
50.302 Definitions.
50.303 General policy.
50.304 Composition and duties of the Review Committee.
50.305 Duties of the program or project.

AUTHORITY.—Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216.

§ 50.301 Applicability.

The provisions of this subpart are applicable to programs or projects which are supported in whole or in part by Federal financial assistance, whether by grant or contract, administered by the Public Health Service.

§ 50.302 Definitions.

As used in this subpart:

(a) "Public Health Service" means the Health Services Administration, Health Resources Administration, National Institutes of Health, Center for Disease Control, Food and Drug Administration and all of their constituent agencies.

(b) "Sterilization" means any procedure or operation the primary purpose of which is to render an individual permanently incapable of reproducing and which is not a necessary part of the treatment of an illness or injury.

(c) "Committee" means the Review Committee required by § 50.303(a).

(d) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of HEW to whom the authority involved has been delegated.

(e) A person "legally incapable of giving consent" includes any person who (1) under State law, is a minor whose consent to the sterilization would not be legally effective, (2) has been adjudicated incompetent by a court of competent jurisdiction, or (3) in the judgment of a responsible program or project official, appears to be incapable of giving informed consent because of a mental condition or lack of mental capacity.

§ 50.303 General policy.

(a) Programs or projects supported in whole or in part by Federal funds shall not perform nor arrange for the performance of a sterilization of any individual who is under the age of twenty-one or who is legally incapable of giving consent unless:

(1) A Review Committee, as described in § 50.304, has reviewed and approved the sterilization, and

(2) In the case of an individual who is legally incapable of giving consent, a court of competent jurisdiction has determined that the proposed sterilization is in the best interests of the patient.

(b) In no case shall sterilization be performed on a legally competent individual, irrespective of age, unless that individual has given written informed consent to the sterilization.

(c) These regulations are by way of limitation and are not intended to require any program or project to provide or arrange for sterilization.

§ 50.304 Composition and duties of the Committee.

(a) The Committee referred to in § 50.303(a) shall be composed of not less than five members selected by responsible authorities of the program or project. The members shall be so selected that the Committee will be competent to deal with the medical, legal, social and ethical issues involved in sterilization. No member may be an officer, employee or other representative of the program or project under which the procedure is proposed, nor may any member be otherwise involved in the proposed sterilization. Both sexes shall be represented on the Committee, and at least one member shall be a representative selected from the population served by the program or project.

(b) The Committee shall determine whether the proposed sterilization is in the best interest of the patient and in doing so shall:

(1) Review appropriate medical, social, and psychological information concerning the patient, including the age of the patient, alternative family planning methods, and the adequacy of consent;

(2) Interview concerned individuals, as well as others, who in its judgment will contribute pertinent information; and

(3) Record its findings and determinations, collect supporting documentation and transmit these records to the program or project.

§ 50.305 Duties of the program or project.

(a) Whenever the Committee determines that a sterilization of an individual who is incapable of consenting is appropriate, the program or project shall seek to obtain the court determination required by § 50.303(a)(2).

(b) The program or project shall maintain records transmitted by the Review Committee as part of the permanent record of the patient; the records shall be available for examination by the Secretary to determine compliance with these regulations.

(c) The program or project shall report to the Secretary at least annually, the number and nature of the sterilizations subject to the procedures set forth in this subpart, the number of Committee disapprovals of such sterilizations, the number and nature of conditional Committee approvals, and such other relevant information regarding such procedures as the Secretary may request.

[FR Doc.73-20127 Filed 9-20-73;8:45 am]

Social and Rehabilitation Service

[45 CFR Part 249]

MEDICAL ASSISTANCE PROGRAMS

Sterilization Procedures

Notice is hereby given that the regulation set forth in tentative form below is proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulation will implement the guidelines approved by the Secretary and published in the FEDERAL REGISTER on August 3, 1973 regarding procedures to be followed in safeguarding individual rights in cases of sterilization under title XIX of the Social Security Act.

The provisions of 45 CFR 249.10(a)(11) and 45 CFR 249.10(c)(2) setting forth requirements which must be met in order for a state plan to meet conformity criteria and for federal financial participation to be available in expenditures for sterilization, will be made applicable to services under Titles IVA and VI of the Social Security Act and included in the social services regulations when those regulations are published.

Prior to adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201, on or before October 23, 1973. Comments received will be available for public inspection in Room 5224 of the Department's offices at 301 C Street SW., Washington, D.C. on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202–962–4451).

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).)

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program.)

Dated September 12, 1973.

JAMES S. DWIGHT, Jr.,
Administrator, Social and Rehabilitation Service.

Approved September 17, 1973.

CASPER W. WEINBERGER,
Secretary.

Section 249.10, Part 249, Chapter II, Title 45 of the Code of Federal Regulations is amended to add subparagraphs (a)(11) and (c)(2) as follows:

§ 249.10 Amount, duration and scope of medical assistance.

(a) *State plan requirements.* A State plan for medical assistance under title XIX of the Social Security Act must:

* * * * *

(11) provide that (i) any non-emergency procedure which will have the effect of rendering an individual permanently incapable of reproducing is supported by evidence that the recipient or some other legally authorized individual acting on the recipient's behalf voluntarily consents in writing to the

performance of such procedure and (ii) any procedure or operation the primary purpose of which is to render an indiviual permanently incapable of reproducing and which is not a necessary part of the treatment of an illness or injury:

(*a*) In the case of any recipient who is under age 21 or legally incapable of giving informed consent has been reviewed and approved by a committee designated by the State agency, and

(*b*) In the case of any recipient who is legally incapable of giving informed consent, has been determined by a court of competent jurisdiction to be in the individual's best interest.

The committee referred to in paragraph (a)(11)(ii)(*a*) of this section shall be composed of no less than five members competent to deal with the medical, legal, social and ethical issues involved in sterilization and shall include at least one member of the population served by the agency. The committee shall have both male and female members. No member shall otherwise be an officer, employee or other representative of the State agency or its local subdivision, or of the institution, agency or physician providing the proposed sterilization. The duties of the committee shall be to review medical, social, and psychological information concerning the recipient, the feasibility of utilizing alternative family planning methods, and the adequacy of consent; to interview or otherwise consult with individuals who in its judgment will contribute relevant information; to determine whether the proposed sterilization procedure is in the best interest of the recipient; and to record its findings and determinations, collect supporting documentation, and transmit these records to the agency.

* * * * *

(c) *Limitations* * * *

(2) Federal financial participation is not available in expenditures for procedures for sterilization unless the requirements in paragraph (a)(11) of this section have been met.

* * * * *

[FR Doc.73-20128 Filed 9-20-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[49 CFR Part 393]

[Docket No. MC-53; Notice No. 73-24]

AUTOMATIC DEVICES FOR REDUCING FRONT-WHEEL BRAKING EFFORT ON COMMERCIAL VEHICLES

Notice of Proposed Rulemaking

Correction

In FR Doc. 73-19440 appearing at page 25452 in the issue of Thursday, September 13, 1973, after the last word in the last line of § 393.48(c)(2), insert "of that section".

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[Docket No. 25903; EDR-254]

CHARGES BY FOREIGN GOVERNMENTS FOR AIRPORT AND EN ROUTE FACILITIES AND SERVICES

Proposed Rule Making

SEPTEMBER 17, 1973.

Notice is hereby given that the Civil Aeronautics Board has under consideration amendment to Part 241 of its Economic Regulations (14 CFR Part 241), which would require certificated route and supplemental air carriers to report charges by foreign governments for airport and en route facilities and services.

The background and principal features of the proposed amendment are described in the attached Explanatory Statement, and the proposed amendment is set forth in the Proposed Rule. The amendment is proposed under the authority of sections 204(a) and 407 of the Federal Aviation Act of 1958, as amended (72 Stat. 743 and 766, as amended; 49 U.S.C. 1324 and 1377).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before November 5, 1973, will be considered by the Board before taking final action upon the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711 Universal Building, 1825 Connecticut Avenue, NW, Washington, D.C. upon receipt.

By the Civil Aeronautics Board.

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

Explanatory statement. On January 16, 1973, the Civil Aeronautics Board's Bureau of Accounts and Statistics issued an information request to all route and supplemental air carriers for the submission of data relating to charges by foreign governments on air carriers for the facilities and services provided by the foreign governments. The request also specified the intention of the Board to initiate a Notice of Proposed Rule Making to amend Part 241 of the Economic Regulations to require the air carriers to submit this data on a recurring basis.

The need for this information arises from the fact that there has been a steady increase in the number of foreign governments which levy charges on international air carriers for airport and en route facilities and services, such as communication facilities and navigation aids, air traffic services, meteorological services, passenger services, fuel through-put services, aircraft landing services, and other ancillary aviation services. Moreover, not only has the number of foreign governments levying such charges increased steadily following the 1967 ICAO conference on "Airport and Route Facilities," but in some cases, the amounts of these charges have also been increased since their initial establishment, apparently with the ultimate goal of achieving a complete recovery of all costs associated with the establishment of the various facilities and services.

To insure that the Board is completely aware of developments in the area of cost recovery policies of foreign governments, and the trends associated therewith, it is proposed to amend Part 241 of the Economic Regulations to provide for quarterly reporting of these charges on a new Form 41 Schedule P-11, "Charges by Foreign Governments for Airport and En Route Facilities and Services" (Appendix A).[1] This schedule will require each route and supplemental air carrier to identify the foreign government to which charges were paid for airport and en route facilities and services, and the amounts charged therefor, broken down by type of expense, and by name of the airport where the expense was incurred. The Board has tentatively concluded that data reported on the proposed schedule will be of considerable value to the Board in revealing the disparity of charges made, not only between airports of different countries, but between airports within the same national jurisdiction.

It is proposed to amend Part 241 of the Economic Regulations (14 CFR Part 241) as follows:

Section 22 [Amended]

1. Amend paragraph (a) of section 22—General Reporting Instructions as follows:

(a) Add Schedule P-11—Charges by Foreign Governments for Airport and En Route Facilities and Services in the List of Schedules in CAB Form 41 report to read:

Schedule No.	Schedule title	Filing frequency
•	•	•
P-10	Payroll	Do.
P-11	Charges by Foreign Governments for Airport and En Route Facilities and Services.	Do.
P-41	Taxes	Annually.
•	•	•

(b) Include Schedule P-11 in the list of Due Dates of Schedules in CAB Form 41 for the following due dates: Feb. 10, May 10, Aug. 10 and Nov. 10.

Section 24 [Amended]

2. Amend Section 24 Profit and Loss Elements to include, following the description of Schedule P-10, the following description of Schedule P-11:

[1] Filed as part of original document.

Schedule P–11—Charges by Foreign Governments for Airport and En Route Facilities and Services

(a) Schedule P–11 shall be filed by all route air carriers that are performing international operations.

(b) This schedule shall reflect the charges for airport and en route facilities and services by foreign governments, such as communication facilities and navigation aids, air traffic services, meteorological services, through-put charges for aircraft fuel, landing fees, passenger head tax, and other ancillary aviation services.

(c) A separate Schedule P–11 shall be filed for each foreign government to which charges are paid and the name of the government shall be reported in item (1).

(d) Item (2) "Name of Airport" shall reflect the name(s) of the airport(s) under the jurisdiction of the foreign government to which charges for airport and en route facilities and services apply. For each airport reported, show the amount charged by the foreign government broken down by type of expense indicated on lines 1 through 7.

Section 32 [Amended]

3. Amend paragraph (a) of Section 32—General Reporting Instructions as follows:

(a) Add Schedule P–11—Charges by Foreign Governments for Airport and En Route Facilities and Services in the List of Schedules in CAB Form 41 Reports to read:

Schedule No.	Schedule title	Filing frequency
•	• • • •	•
P–7.....	Aircraft and Traffic Servicing, Promotion and Sales, and General and Administrative Expense Functions—Group II and Group III Air Carriers.	Do.
P–11.....	Charges by Foreign Governments for Airport and En Route Facilities and Services.	Do.
Y–3.1.....	Statement of Traffic and Capacity Statistics.	Monthly.
•	• • • •	•

(b) Include Schedule P–11 in the list of "Due Dates of Schedules in CAB Form 41" for the following due dates: Feb. 10, May 10, Aug. 10, and Nov. 10.

Sec. 34 [Amended]

4. Amend Section 34—Profit and Loss Elements to include, following the description of Schedule P–7, the following description of Schedule P–11:

Schedule P–11—Charges by Foreign Governments for Airport and En Route Facilities and Services

(a) Schedule P–11 shall be filed by all supplemental air carriers that are performing international operations.

(b) This schedule shall reflect the charges for airport and en route facilities and services by foreign governments, such as communication facilities and navigation aids, air traffic services, meteorological services, through-put charges for aircraft fuel, landing fees, passenger head tax, and other ancillary aviation services.

(c) A separate Schedule P–11 shall be filed for each foreign government to which charges are paid and the name of the government shall be reported in item (1).

(d) Item (2) "Name of Airport" shall reflect the name(s) of the airport(s) under the jurisdiction of the foreign government to which charges for airport and en route facilities and services apply. For each airport reported, show the amount charged by the foreign government broken down by type of expense indicated on lines 1 through 7.

[FR Doc.73–20164 Filed 9–20–73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

CALIFORNIA AND OREGON

Implementation of State Plans; Opportunity for Public Comment

On June 15, 1973, pursuant to § 110(a) of the Clean Air Act and 40 CFR Part 51, the Administrator announced his disapproval of the control strategies for photochemical oxidants and carbon monoxide in the San Diego, Sacramento, San Joaquin, and San Francisco regions, and for photochemical oxidants in the Southeast Desert region, due to the lack of timely submittal of transportation control plans. This was published in the FEDERAL REGISTER on June 22, 1973 (38 FR 16550). The Administrator proposed transportation control plans for these regions on July 16, 1973 (38 FR 18948).

On June 15, 1973, the Administrator also announced his partial approval and partial disapproval of the control strategies for photochemical oxidants and carbon monoxide in the Portland region of Oregon. Transportation control plans were proposed for this region on August 2, 1973 (38 FR 20766.)

If, prior to promulgation, a State has adopted and submitted a plan or revision which the Administrator determines to be in accordance with applicable requirements, the State plan will be approved in lieu of promulgation of all or part of the Administrator's proposals. This notice is issued to advise the public that the State of California has submitted a Revision 3 to the State General Plan and to the plans for San Francisco, San Diego, San Joaquin, and Sacramento, and that the State of Oregon has submitted supplemental information for the Portland region. Comments may be submitted on whether the control strategies should be approved or disapproved in whole or in part by the Administrator under § 110(a) of the Clean Air Act. Only comments received within 21 days from the publication of this notice will be considered. Notice of opportunity to comment on State plans has been published previously on April 24, April 27, May 4, June 1, June 22, July 18, August 3, and August 15, 1973.

A more detailed description of the information submitted is set forth below.

CALIFORNIA

A document entitled "The State of California Implementation Plan for Achieving and Maintaining the National Ambient Air Quality Standards, Revision 3, State General Plan, San Francisco Bay Area Basin Plan, San Diego Air Basin Plan, San Joaquin Valley Air Basin Plan, Sacramento Valley Air Basin Plan," dated June 21, 1973, was received on August 21, 1973, including within it a submittal letter from the Governor dated July 25, 1973. This document notes on page 11 of the chapter entitled "Part I, State General Plan," that a "Regional Transportation Plan" was to be prepared by the Metropolitan Transportation Commission (MTC) for adoption by June 30, 1973, and that, upon adoption, it would be submitted to EPA as a part of Revision 3. The MTC's "Regional Transportation Plan" was included in the submission received on August 21, 1973, consisting of five documents: "Proposed Regional Transportation Plan: Support System Transit—Service Areas," "Proposed Regional Transportation Plan: Existing and Approved Facilities," and "Proposed Regional Transportation Plan: Improvement Proposals," (three maps, dated May 31, 1973), "Regional Transportation Plan, Proposed, June 1, 1973," and a memorandum dated July 10, 1973, from Paul C. Watt, MTC, "Subject: Guide to Revisions and/or Changes In Proposed Regional Transportation Plan" with two attachments consisting of Resolution No. 85 adopted by the MTC on June 27, 1973, and "Revisions to Regional Transportation Plan as Adopted June 27, 1973". Additional documents in the State submission are the "Revision No. 3, Appendix VI—Summaries," dated June 21, 1973, and "Revision to *Appendix* of the State of California Implementation Plan for Achieving and Maintaining the National Ambient Air Quality Standards," dated June 21, 1973. Finally, an unsigned paper by the MTC staff was also included, entitled "Proposed Strategies for Transportation Controls," dated August 21, 1973.

Four public hearings were held by the California Air Resources Board during May 1973, on Revision 3. Four public meetings were held on the Regional Transportation Plan by the MTC.

The Governor's letter, dated July 25, 1973, requests extensions until 1977 of the attainment dates for the photochemical oxidant standard in the San Diego, San Francisco, and Sacramento regions, and for the carbon monoxide standard in the Sacramento region.

OREGON

A document entitled "Department of Environmental Quality, Supplemental Information and Plans, Portland Transportation Control Strategy," has been received, including letters dated August 15 and August 20, 1973, from

Diarmuid F. O'Scannlain, Director, Oregon Department of Environmental Quality. An official transmittal by the Governor is expected shortly. The document consists of Section 1 (Motor Vehicle Inspection/Maintenance—Retrofit Program) Section 2 (Traffic Flow and Mass Transit Improvement Programs), and Appendices A through E. On August 15, 1973, the state Legislative Emergency Board approved an expenditure of $1,000,000 to begin implementation of the vehicle inspection program.

Copies of the proposed California Revision 3 are available at the Regional Counsel's Office, Room 118–A, EPA, Region IX, 100 California Street, San Francisco, California, 94111, and at the Air Resources Board, 1025 P Street, Sacramento, California 95814. Copies of the Oregon supplemental information are available at the Air Programs Branch, Room 10–B, EPA, Region X, 1200 Sixth Avenue, Seattle, Washington 98101, and at the Department of Environmental Quality, 1234 SW. Morrison Street, Portland, Oregon 97205.

Dated: September 18, 1973.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.73–20178 Filed 9–20–73;8:45 am]

[40 CFR Part 120]

PUERTO RICO

Interstate Water Quality Standards

Notice is hereby given that pursuant to the authority of section 303(b) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1313(b); 86 Stat. 816 et seq; P.L. 92–500) ("the Act"), regulations setting forth standards of water quality to be applicable to the navigable waters of the Commonwealth of Puerto Rico are proposed.

Under section 303(a) of the Act, the Administrator of the Environmental Protection Agency is required to review water quality standards for interstate and intrastate waters adopted and submitted by the States. When he determines that changes in such standards are required to meet the requirements of the Act as in effect prior to October 18, 1972 (the date of enactment of the 1972 Amendments to the Act, P.L. 92–500), he must notify the State. If the State does not adopt the required revisions, or if the revisions submitted by the State do not meet the requirements of the Act, the Administrator is to publish proposed revised water quality standards in accordance with such requirements.

The Commonwealth of Puerto Rico prior to October 18, 1972, adopted water quality standards for both interstate and intrastate waters. After the enactment of the 1972 Amendments, EPA reviewed both the interstate and intrastate standards pursuant to section 303(a) of the Act. (A notice concerning EPA review of all interstate and intrastate water quality standards was published in the FEDERAL REGISTER on December 29, 1972, 37 FR 28775–28780.) The interstate standards for Puerto Rico are identified in 40 CFR Part 120 (37 FR 6087, March 24, 1972). The intrastate standards are contained in the same document which is available for inspection and copying at the Environmental Quality Board, 1550 Ponce deLeon Avenue, 4th Floor, P.O. Box 11488, Santurce, Puerto Rico 00910 and the EPA Regional Office, 26 Federal Plaza, Room 908, New York, New York 10007. EPA's information regulations, 40 CFR Part 2, provide that a fee may be charged for making copies.

On January 17, 1973, the Regional Administrator notified Puerto Rico that certain revisions to its interstate water quality standards were necessary to make the standards consistent with the applicable requirements of the Act. On March 8, 1973, a similar notification was made for intrastate water quality standards. The State has not formally submitted the required revisions within the 90-day period allowed by sections 303(a)(1) and 303(a)(2) of the Act. Accordingly, pursuant to section 303(b)(1), EPA is now proposing regulations setting forth standards required to comply with the Act as in effect prior to October 18, 1972.

Section 303(b)(2) of the Act requires the Administrator to promulgate standards no later than April 1, 1974, unless by such time the State shall have adopted a water quality standard which the Administrator determines to be in accordance with the requirements of section 303(a) of the Act. However, the Administrator is not required to await State action for the entire 190 day period prior to promulgation. Thus, these standards may be promulgated by the Administrator at any time following the expiration of time for public comment.

Except as provided in the attached proposed regulations, the interstate and intrastate standards previously adopted by the Commonwealth of Puerto Rico as referenced above are the effective water quality standards under section 303 of the Act for interstate and intrastate navigable waters within that State. Where the proposed regulations set forth below are inconsistent with the referenced standards, these regulations, if promulgated, will supersede such standards to the extent of the inconsistency.

Interested persons may submit written data, views, or arguments, in triplicate, in regard to the proposed regulations to the Regional Administrator, 26 Federal Plaza, Room 908, New York, New York 10007. All revelant material received not later than October 23, 1973.

Dated September 13, 1973.

JOHN QUARLES,
Acting Administrator.

Chapter I of Title 40, Code of Federal Regulations, is amended as follows:

1. Part 120 is amended to add a new § 120.12 as follows:

§ 120.12 Puerto Rico water quality standards.

(a) *Mixing zone.* In no case shall the maximum length of the major axis of the mixing zone in coastal waters exceed 4000 feet.

(b) *Dissolved oxygen.* For Class SC waters the disclosed oxygen concentration shall not be less than 5 mg/1 except when natural conditions cause this value to be depressed.

[FR Doc.73–20177 Filed 9–20–73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19720; FCC 73–944]

FM BROADCAST STATIONS

Tupelo, Miss.; Termination

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Tupelo, Mississippi), RM–1915, (38 FR 9835).

1. The Commission has before it the notice of proposed rulemaking in this proceeding, adopted April 11, 1973 (FCC 73–391; 38 FR 9835), comments filed by the proponent, Town 'N Country (TNC) and an informal response from the mayor of Baldwyn, Mississippi.

2. The proposal put forward in the Notice was to assign Channel 240A to Tupelo, Mississippi, as a second FM assignment. Tupleo, a community of 20,471 persons, already has an operating Class C FM station on its only current FM channel. Before we could proceed to make the requested assignment, it would be necessary to favorably resolve the several issues presented by this case. Beyond the always-present question of the justification for the assignment itself, we need to consider the matters of intermixture and preclusion. In some instances, we decide against making an assignment without regard to such other factors, but the reasoning applicable to such cases does not apply here. TNC has provided sufficient support to warrant making the assignment were it not for these other matters. Since there is no dispute on this score, we need not pursue the aspect of the filings concerned with making a prima facie case for assigning a second channel. Instead we will turn to the other questions to see if they dictate a different resolution of the case.

3. The first point to consider is that of intermixture. As TNC has observed, in some instances we have added a Class A channel to the existing Class B or C assignment (or assignments) in a community. If a Class B or Class C channel, as the case may be, is not available and additional FM service is needed, quite obviously this is the only means to bring it. If no other problems are presented and a party is willing to proceed using a Class A channel, we have given our approval. Before we can conclude that no other problems are presented, we need to examine other aspects of the situation. Since Class A channels are normally intended for use in smaller communities, we need to consider the impact on channel availability for such smaller communities. This channel could instead be used at Baldwyn or Booneville, Mississippi, but the latter already has a channel for

which an application has been filed. Baldwyn does not, and TNC acknowledges that no channel other than 240A could be made available to Baldwyn. Thus, we face a question of preclusion.

4. How important is the preclusionary effect on Baldwyn? To answer this point we need to consider relative need and likelihood of interest in using the channel at Baldwyn. If the Tupelo need is demonstrably greater or no interest in Baldwyn were apparent, it would be possible to accommodate the TNC request. If not, its proposal must be denied. The material on these points is not extensive. Baldwyn's mayor simply states that there is interest in use of the channel and that we should not deprive this community of 2,366 persons of its only chance for local broadcast service. TNC points to Baldwyn's small size, contrasting it with Tupelo's: TNC also emphasizes Tupelo's growth and economic development.

5. Our guidelines for the making of assignments indicate that one or two FM channels might be assigned to communities having a population under 50,000. Tupelo's population is toward the lower end of the range, and for most communities of like size in Mississippi, we have provided only a single FM assignment. In addition, we note that Tupelo has a VHF television station, three AM stations in operation (two full-time, one Class III and one Class IV), an AM station under construction and a 100 kilowatt operation on its current FM assignment.[1] This is not the picture of great deprivation calling for immediate remedy regardless of the consequences.

6. Baldwyn lacks any means of local expression, save for its weekly newspaper. As a small community, it is a suitable location for a Class A assignment. The mayor assures us that interested parties will step forward shortly. If they did, our current inclination would be to act favorably on their request. However, these interested parties have yet to speak. For this reason, we do not think it appropriate to assign the channel to Baldwyn now. If a rule making proposal were to be filed, the matter could then be pursued. In the meantime, we shall not make an assignment to any community. TNC is invited to renew its request should a Baldwyn proposal not be forthcoming within six months. In this way we can protect Baldwyn's needs in a reasonable manner without precluding a future assignment to Tupelo should Baldwyn parties not proceed in due course.

7. Accordingly, *it is ordered*, That the subject proposal is denied and that this proceeding is terminated.

Adopted: September 11, 1973.

Released: September 14, 1973.

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

[FR Doc.73-20151 Filed 9-20-73;8:45 am]

[1] It also has a daily newspaper and a large CATV system. Baldwyn has a CATV system, too, but only a weekly newspaper.

[47 CFR Part 73]

[Docket No. 19825; FCC 73-951]

DUAL-LANGUAGE TV/FM PROGRAMMING IN PUERTO RICO

Notice of Inquiry and Proposed Rule Making

In the Matter of Dual-Language TV/FM Programming in Puerto Rico.

1. The Commission wishes to explore the subject of dual-language programming and to consider the possibility of adopting rules applicable to the presentation of such programming. The need for a rulemaking proceeding was expressed in our Memorandum Opinion and Order adopted June 27, 1973 (FCC 73-706, 41 F.C.C. 2d), continuing in effect the current experimental dual-language operation conducted by San Juan, Puerto Rico, Stations WAPA-TV and WPRM (FM). Pending the outcome of the rule making proceeding to be inaugurated, we declined to expand dual-language operations to encompass new parties or areas of operation.

2. For the purposes of this proceeding, dual-language programming refers to the telecast of a program in one language with the simultaneous transmission of the audio material in a second language. As now conducted experimentally, this has meant the telecast of programs in Spanish on Station WAPA-TV with the audio portion being carried in English on Station WPRM-FM. Thus viewers have a choice of languages when they watch the limited number[1] of programs involved in the experimental operation, mostly feature films.

3. The genesis of the experiment was in 1967 when Station WAPA-TV petitioned the Commission for approval of an agreement with Station WIAC-FM which provided for such an operation for up to 10 hours per week. The Commission indicated its lack of objection to the experiment and the operation commenced. Subsequently objections were raised in a petition for reconsideration, but the Commission found them insufficient to warrant termination of the experiment. On rare occasions, pursuant to Commission approval, the experiment reached beyond San Juan, but for the most part, the experiment continued as originally proposed, save for the replacement of Station WIAC-FM by WPRM-FM. Periodic reports were provided on the experience with the experimental operation.

4. Although there had been some general expressions of interest by other parties, little had happened to suggest that the scope of the subject went beyond the limited purposes of the experimental operation. More recently, however, the Commission received a request from WAPA-TV to extend dual-language operations into the Aguadilla-Mayaguez and Ponce areas of Puerto Rico, and it also received a request from Station WRIK-TV in Ponce for permission to conduct its own dual-language operations in San Juan, Ponce and Mayaguez. In the above Memorandum Opinion and Order the Commission denied both requests to extend dual-language operations and continued the existing WAPA-TV experimental operation pending further action. The action contemplated was the initiation of a rulemaking proceeding on the subject of dual-language programming. In so acting we agreed with the assertion of Station WRIK-TV that all desirous of conducting dual-language operations should be on equal footing, but we held that further inquiry would be required before such operations could be regularized. Even had the requests not been filed, since the experiment had continued for a substantial period, it was clear that the time had come to resolve the legal and policy questions raised by these operations, particularly if they were to be conducted on a continuing basis.

5. In the June 27, 1973, document we indicated our current inclination toward making some provision for dual-language operations on a permanent basis. This inclination should not be taken as expressing a definitive view that such should be our conclusion. Nor, if we should decide to proceed along this line, was it our intention to permit unrestricted dual-language operations. As will be seen from the discussion below, the methodology for conducting these operations may bear significantly on the nature of the restrictions which ought to apply. The broad scope of our inquiry in this proceeding is intended to permit an exploration of all matters pertinent to dual-language operations in Puerto Rico. However, it is not our intention to extend the inquiry to include the possibility of such operations elsewhere. Puerto Rico is unique in that its two languages—English and Spanish—enjoy equal status.[2] It is officially bi-lingual and follows a policy of fostering the ability in all its citizens of being able to utilize both languages. This situation does not obtain anywhere else. By no means do we denigrate the various foreign language offerings of various television and radio stations. Whether partially or totally oriented toward the providing of such offerings, these stations have provided meritorious service in responding to needs in their areas. Nevertheless, the situation on the mainland is different from that obtaining in Puerto Rico. In order for it to be analogous, there would have to be a mainland policy of fostering a facility in Spanish on the part of all continentals. Such, obviously, is not the case. In addition, it is not only Spanish that would be involved on the mainland, for it would be necessary to include the many other languages that are understood by significant numbers of mainland people.

6. At present, the dual-language method utilized in San Juan is that of employing an FM station to broadcast

[1] The parties are limited to providing a maximum of 10 hours per week of dual-language programming.

[2] Title 1, Section 51 P.R. Laws Annotated (1965).

the second audio signal. As we observed in the recent Memorandum Opinion and Order, it was not clear that FM transmissions of material of little value absent the companion video portion was "broadcasting" as defined by the Communications Act. This is a point we intend to consider and one on which we seek comments. Even if we reach the conclusion that it is broadcasting within the meaning of the Communications Act, there are other problems to consider since the programming has little value to a person not watching the TV station. Obviously, it is also duplicative and during the hours involved prevents the FM station from presenting programming directly intended for its FM audience. Were spectrum space unlimited, our concern would be lessened, but since this is not at all the case, we need to consider the impact on FM stations and audience alike. One method of avoiding this problem would be to use a multiplexing approach. Whether the second audio signal were to be multiplexed on the TV signal or were to become one of the forms of FM subsidiary communications authorization (SCA),[3] other problems could be introduced. Technology for the latter approach exists, but in terms of coverage or otherwise, it may not be considered satisfactory. As to the former, new methodology would be required. We need to know how feasible these approaches are, not just technically, but economically as well. What costs would there be for the stations involved, TV or FM? Would it be an expense that they could or would accept? What of the cost to the public? If they had to obtain special receivers or pay for major modifications of current home equipment, would the cost be too high? Would it diminish usage to the point of vitiating the purpose of such operations? Might it not most affect those in greatest need for the service? In responding to these issues parties should address all the policy ramifications and consequences involved. If parties believe that these obstacles could be overcome, they are requested to offer technical proposals for consideration in this proceeding.

7. There are other questions, not necessarily related to methodology, that have to be considered. On what basis should an FM station's main channel be used? What we have in mind here are limitations on the number of hours, or part of the day when the operation would be conducted, or as to minimum number of FM stations in a market before such use of an FM station could be permitted. The possibility of cumulative effects from multiple, perhaps simultaneous, operations also needs to be considered. Should coverage differentials between stations be considered by the Commission or should selection of station be left to private negotiations. What of our multiple ownership rules and our policies on joint rates? Should a rate differential be permitted for dual-language operations? Would this be an unfair form of competition? What of the effect on the inauguration of regular telecasting in English, as once was conducted in San Juan on Channel 18? Would there be an impact? If so, how much should this be taken into account? If such operations are to be permitted on a regularized basis, should they be terminated, reduced or rescheduled upon the commencement of regular, full-time telecasting of English language programming?

8. From reports provided by Station WAPA-TV, we have gathered that dual-language programming has been a popular concept.[4] However, more than local popularity is involved, and before any regularization of this service can be sanctioned, we need answers to the above questions. We seek all useful information, and parties should feel free to comment on any aspect of the issues involved. Because of the wide range of issues involved and the equally wide range of possible solutions, we are not setting forth the language of any proposed rules. While the possibility exists that a further notice of rule making and responsive comments to it may be needed, interested parties are advised that if the information received in response to this document is sufficient for the purpose, rules may be adopted without any further notice. Authority for the subject proposal to amend the Commission's rules is found in sections 4(i), 303(b), (g), and (r) 313(a), and 403 of the Communications Act of 1934, as amended.

9. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before October 26, 1973, and reply comments on or before November 5, 1973. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

10. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its Headquarters in Washington, D.C. (1919 M Street, NW.).

Adopted September 11, 1973.

Released September 14, 1973.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-20153 Filed 9-20-73;8:45 am]

[3] Already, several SCA operations are being conducted on a dual-language basis pursuant to our current SCA rules.

[4] It is not clear how this popularity translates into ratings. WAPA-TV's experience suggests that the impact may vary.

[47 CFR Part 73]

[Docket No. 19823; FCC 73-945]

FM BROADCAST STATIONS IN CERTAIN STATES

Table of Assignments

In the Matter of amendment of § 73.202(b), *Table of assignments*, FM Broadcast Stations (Brattleboro, Vt.; Ship Bottom, N.J.; Derby, Kans.; Amherst, Mass.; Tallulah, La.; Wadesboro, N.C.; Jena, La.; Bowling Green, Mo.; Chillicothe, Ill.; and Butler, Mo.), RM-2131, RM-2159, RM-2189, RM-2190, RM-2191, RM-2202, RM-2204, RM-2207, RM-2220, RM-2221, RM-2233.

1. The Commission has under consideration eleven petitions which propose amending § 73.202(b) of the rules, the FM Table of Assignments, by assigning a first FM channel to each of the abovementioned communities. With the exception of Derby, Kansas, none of these ten communities are located in or near an urbanized area. All petitions are unopposed. The specific channel that has been proposed for each locality and the identity of the respective petitioners are as follows:

RM-2131	Channel 244A to Brattleboro, Vermont (Southern Vermont Broadcasters, Inc.).
RM-2159	Channel 261A to Ship Bottom, New Jersey (Max L. Raab).
RM-2189	Channel 240A to Derby, Kansas (Benjamin Foster and Hank Parkinson).
RM-2190	Channel 224A to Brattleboro, Vermont (Radio Brattleboro, Inc.).
RM-2191	Channel 265A to Amherst, Massachusetts (Hampshire County Broadcasting Co.).
RM-2202	Channel 285A to Tallulah, Louisiana (Radio Station KTLD).
RM-2204	Channel 272A to Wadesboro, North Carolina (Carolinas Advertising, Inc.).
RM-2207	Channel 257A to Jena, Louisiana (Radio Station KCKW).
RM-2220	Channel 265A to Bowling Green, Missouri (Pike County Broadcasting Co.).
RM-2221	Channel 232A to Chillicothe, Illinois (William D. Englebrecht).
RM-2233	Channel 288A to Butler, Missouri (Bates County Broadcasting Co.).

A brief description of each petition follows.

2. *Brattleboro, Vermont (RM-2131 and RM-2190).* Two separate petitions were filed each proposing the assignment of a first FM channel to Brattleboro, Vermont. One was filed on December 11, 1972, as a supplemental filing on March 19, 1973, by Southern Vermont Broadcasters, Inc., licensee of AM Station WTSA, Brattleboro, requesting the assignment of Channel 244A (RM-2131); the other petition was filed on May 4, 1973, by Radio Brattleboro, Inc., licensee of AM Station WKVT, Brattleboro, requesting the assignment of Channel 224A (RM-2190). Both channels could be assigned there in conformity with the Commission's minimum mileage separation rule and without affecting any other

assignments in the FM Table of Assignments. Brattleboro (population 12,239)[1] is in Windham County (population 33,074) and is located in the southeastern part of Vermont. It has no local FM facilities, but has two Class IV AM facilities which provide limited nighttime service to Brattleboro and Windham County.

3. In support of their requests, petitioners state that Brattleboro is the fourth largest community in the State of Vermont and the largest community in the state without an FM channel. They indicate it is anticipated that the town of Brattleboro will steadily grow in the next decade. Petitioners state that employment in non-manufacturing occupations has been growing rapidly, especially in the areas of trade, services, and government, and based on a 3.5 percent annual increase in wholesale employment it is estimated that 607 people will be employed in wholesale trade in Brattleboro by 1977. They add that the manufacturing sector of the economy is divided into durables (lumber and wood products) and non-durables (food, paper, printing and publishing, and leather products). Petitioners state that a survey completed in August 1972 showed a 16 percent increase in new retail establishments since 1967 with a 22 percent increase in retail sales between 1967 and 1971. They point out that Brattleboro has six elementary schools, pre-school nurseries, kindergartens, junior-senior high school, and a parochial elementary school, in addition to three colleges located in the area. Petitioners state that if the proposed channels are assigned, the types of broadcasts which will be provided to the residents in this area, presently not available, are political gatherings, local and community meetings, local news concerning emergency conditions, information of interest to the Brattleboro area and civil defense evacuation warnings. Each petitioner states that if its requested assignment is made it will apply for use of the requested channel and, if authorized, will construct and operate a new FM station in Brattleboro.[2]

4. It would appear that petitioners have made a sufficient public interest showing to warrant issuance of a Notice of Proposed Rule Making as to their proposals. Considering the size of Brattleboro and its anticipated steady growth, we are of the opinion that institution of a rule making looking toward the assignment of two FM channels to Brattleboro, Vermont, merits consideration.

5. *Ship Bottom, New Jersey (RM–2159).* Max L. Raab filed a petition on March 13, 1973, proposing the assignment of Channel 261A to Ship Bottom, New Jersey. Ship Bottom (population 1,079) is located on Long Beach Island in Ocean County (population 208,470). There are no local broadcast facilities in this community. The engineering study which accompanied the petition discloses that the proposed channel assignment can be made in conformity with the Commission's mileage separation requirements and without affecting any currently assigned channel in the FM Table.

6. Petitioners states that while Ship Bottom is a well-known resort community whose population expands to 16,000 persons each summer, the FM service it receives from surrounding cities is not adequate to meet its needs. Petitioner adds that neither FM Station WADB in Point Pleasant, N.J., nor FM Station WOBM at Tom's River, N.J., provide a 1 mV/m service to Ship Bottom and that presently the closest FM assignment is in Atlantic City. A local FM station, petitioner emphasizes, will be more willing to concentrate on developments which affect Ship Bottom. Petitioner believes that Ship Bottom is able to support an FM station. He comments that Ocean County's retail business has improved to meet the demands of the tourist trade. He states that 79 county merchandise establishments had a combined retail sale of $41,000,131 in 1971. Petitioner further declares that, as evidence of the prosperity in the county, total personal income has increased in 1970 from $1,013,000,912 to an estimated $1,-167,000,826 in 1972. Based upon these considerations, the possibility of assigning Channel 261A to Ship Bottom should be explored in a rule making proceeding.

7. *Derby, Kansas (RM–2189).* Benjamin Foster and Hank Parkinson requested the Commission to amend the FM Table of Assignments by adding Channel 240A to Derby, Kansas. Derby, with a population of 7,947 persons, is located in Sedgewick County (population 350,694), 10 miles southeast of Wichita, Kansas. There are no local broadcast facilities in Derby although a daily newspaper is published in the city.

8. Petitioners state in support of their request that Derby's location, which provides easy access to a number of major employment centers in that vicinity, has been a significant factor in bringing about a sharp population increase. Petitioners mention that Derby now has its own water and sanitation facilities, school and local government, which consists of a mayor and an eight member city council. They also observe that there are thirty civic and 20 religious organizations which serve the Derby community. A local FM station, petitioners contend, would be able to provide assistance to these organizations, thereby allowing them to offer better service to Derby residents. Lastly, they add that a Class A FM channel would be able to extend service to a number of contiguous smaller communities.

9. Petitioners' engineering statement attests that the proposed assignment of Channel 240A to Derby would comply with the Commission's mileage separation requirements and would not interfere with the operation of any existing FM stations. Petitioners have noted that those channels which might have been available to them in Wichita under Section 73.203(b) of the Rules have already been occupied. Petitioners have expressed their intent to apply for Channel 240A if it is assigned to Derby. Since this request would supply Derby with its first local broadcast facility, we feel that consideration of the proposal to assign Channel 240A to Derby is warranted.[3]

10. *Amherst, Massachusetts (RM–2191).* On May 9, 1973 Hampshire County Broadcasting Company filed a petition proposing the assignment of Channel 265A to Amherst, Massachusetts. Amherst, with a population of 26,331 persons, is located in Hampshire County (population 123,981) and is 87 miles from Boston. It presently has three educational FM stations, which are licensed to various colleges in the city, and a daytime-only AM station.

11. Petitioner supports its request for an FM assignment to Amherst by noting the sharp population increase which occurred there and in Hampshire County from 1960 to 1970. During this period Amherst registered a 91.9 percent increase, while Hampshire County had a population gain of 20.1 percent. Petitioner also cites the 1967 U.S. Census of Business which reported that Amherst's retail sales amounted to $15,581,000 for the preceding year. Petitioner remarks that Amherst is essentially a college town with the University of Massachusetts, Amherst College and Hampshire College located within its borders. It contends that an FM assignment to this city would provide a clear fulltime signal to the steel-framed dormitories on the college campuses which obstruct AM reception. Petitioner also stresses the lack of competing radio voices in Hampshire County. Two of the stations in the county are WITT in Amherst, which does not operate at night, and WARE in Ware, Massachusetts, the transmitter site of which prohibits it from serving much of Hampshire County. The two remaining stations in the county, WHMP–AM and FM in Northampton, Mass., are owned by the company which controls two-thirds of the daily newspaper. Petitioner

[1] All population figures cited are from the 1970 U.S. Census.

[2] However, it is not clear from the petitions whether if two channels are assigned to Brattleboro each petitioner is willing to build a station there. Petitioners should furnish information on this point in their comments as well as information as to whether Brattleboro could support two FM stations.

[3] The original petition for this rule making was filed on October 13, 1971, but it appears that the petition was misplaced. The petition was refiled on May 4, 1973. Since the original petition would have been considered by this time under the normal processing schedule, we believe it to be equitable and in the public interest to process the May 4, 1973 petition earlier than would normally be the case.

concludes that the assignment of Channel 265A to Amherst would enhance competition among these various radio stations, thereby improving the quality of broadcasting in the county.

12. Petitioner's engineering report determines that the assignment of Channel 265A to Amherst is in conformity with the Commission's minimum mileage separation rule provided that the transmitter site is located two miles southwest of Amherst. The engineering report notes that the requested assignment will have no preclusive effect on any of the six adjacent channels. The precluded area on Channel 265A is limited to a small area near Amherst. Petitioner has expressed its intent to apply for Channel 265A if it is assigned to Amherst.

13. In view of the apparent need for a first fulltime local broadcast service in the area, the proposal to assign FM Channel 265A to Amherst merits consideration in a rule making proceeding.

14. *Tallulah, Louisiana (RM-2202)*. Radio Station KTLD petitioned the Commission on May 23, 1973, to assign FM Channel 285A to Tallulah, Louisiana. Tallulah (population 10,500) is situated in Madison Parish (population 15,065) and is in the east central portion of the state. AM Station KTLD is the only local broadcast facility in this community. KTLD has indicated its intent to apply for use of Channel 285A in Tallulah provided the channel is assigned there.

15. In elaborating on the need of this community for a first local FM service, petitioner emphasizes the 26 percent increase in population which occurred between 1960 and 1970. Petitioner contends that Tallulah is the trade and growth center of Madison Parish. It further believes that an FM channel would encourage additional industrial development in the community which would be instrumental in reducing unemployment and raising the standard of living.

16. The engineering data submitted with the petition concludes that there would be no preclusion with regard to the pertinent adjacent channels. While there would be a minimum preclusionary effect on Channel 285A, there is no town with a population of over 2,500 persons which would be denied access to this channel as a result of the proposed assignment. However, in order to comply with the Commission's mileage separation rule and to avoid interference with any existing station, the transmitter must be located west of the city. Subject to this stipulation, we believe that the proposal to assign Channel 285A to Tallulah merits consideration.

17. *Wadesboro, North Carolina (RM-2204)*. Carolinas Advertising, Inc., petitioned the Commission on May 23, 1973, to amend the FM Table of Assignments by adding Channel 272A to Wadesboro, North Carolina. Carolinas Advertising, Inc. is the licensee of WADE, a daytime-only AM station which is the only local broadcast facility in Wadesboro. Wadesboro, with a population of 3,977 persons, is the seat of Anson County (population 23,488) and is situated approximately 45 miles southeast of Charlotte, North Carolina. Petitioner states its intent to file an application for a construction permit if Channel 272A is assigned to Wadesboro.

18. Petitioner observes that while the economy of the area is basically agricultural, there has ben consistent industrial development. It notes that the greater utilization of farm machinery has contributed to a 50 percent rise in farm income during the last decade in Anson County. Petitioner also mentions that trade and manufacturing employment in the county totaled 3,000 persons as of January 30, 1973, and county bank deposits are in excess of $45 million.

19. Petitioner's engineering report declares that the assignment of Channel 272A to Wadesboro would meet all the Commission's mileage separation requirements, provided the transmitter site is located 6 miles southwest of the city. The report indicates that there will be no preclusionary effect on any of the six adjacent channels. In view of the foregoing information we believe that petitioner has made a sufficient preliminary public interest showing to warrant exploring the possibility of assigning Channel 272A to Wadesboro.

20. *Jena, Louisiana (RM-2207)*. On June 1, 1973, Radio Station KCKW, a daytime-only AM station and the sole broadcast facility in Jena, proposed to amend the FM Table of Assignments by assigning Channel 257A to Jena, Louisiana. Petitioner states that should this channel be assigned to Jena it will apply for and, if granted a construction permit, will build a Class A FM station. Jena (population 2,431) is located in LaSalle Parish (population 13,295) in the central portion of the state.

21. Petitioner contends that Jena warrants a first FM assignment because of the rapid growth and the development which this county is experiencing. It comments that the average family income in LaSalle Parish has increased from $3,433 in 1960 to $5,799 in 1970. Petitioner also mentions the construction of three new hospitals in LaSalle Parish, along with the recent establishment of two garment plants and four other manufacturing shops. It states that these additions have increased the number of available jobs by some 1,750 between 1968 and 1970.

22. The engineering study submitted with the petition indicates that the assignment of Channel 257A to Jena would have no adverse effect upon any existing or proposed station and be in accord with the Commission's mileage separation requirements. The engineering report further points out that the proposed assignment would not cause any preclusionary effect on the six adjacent channels. While a certain region would be precluded from operation on Channel 257A as a consequence of the proposed assignment, there is at least one additional FM channel available for assignment to those communities with a population of over 2,500 persons within the preclusion area. For these reasons we believe that consideration of the proposal to assign Channel 257A to Jena as its first FM channel is warranted.

23. *Bowling Green, Missouri (RM-2220)*. Pike County Broadcasting Company filed a petition on June 18, 1973, which requested the Commission to assign Channel 265A to Bowling Green, Missouri. Bowling Green (population 2,936) is located in Pike County (population 16,928) and currently has a daytime-only AM station KPCR, which is operated by the petitioner. If Channel 265A is assigned to Bowling Green, petitioner proposes to apply for the channel and construct the station should its application be granted.

24. Petitioner emphasizes the lack of local nighttime broadcast service in a community the size of Bowling Green. It mentions that Station KPCR is unable to get authorization to transmit at night because of the interference problems with Station WCKY, a Class I-B station which transmits on the same frequency from Cincinnati, Ohio. Petitioner then states that a fulltime local FM station would be able to inform the people in this primarily agricultural community of potential weather problems and school closings, services not presently available at night. Petitioner adds that numerous community leaders and members of the public have been concerned about the lack of fulltime local radio service. Therefore, since this proposal is in full compliance with the Commission's mileage separation rules and does not require the deletion or substitution of any channel in the FM Table of Assignments, we believe that consideration of the request to assign Channel 265A to Bowling Green, Missouri, is warranted.

25. *Chillicothe, Illinois (RM-2221)*. On June 29, 1973, William D. Engelbrecht proposed that the FM Table of Assignments be amended to include the assignment of Channel 232A to Chillicothe, Illinois. Chillicothe, with a population of 6,052 persons is approximately 150 miles southwest of Chicago and situated at the junction of Woodford, Peoria, and Marshall Counties. The combined population of these three counties is 236,632 persons. Chillicothe has no local broadcast facilities. Petitioner has expressed his intent to apply for Channel 232A if it is assigned to this community.

26. Petitioner supports his request for this assignment by noting that Chillicothe has experienced a 14 percent population increase between 1960 and 1970. He declares that retail sales for this city have been estimated at $16,293,400 for 1972, a 47 percent increase over the corresponding 1963 figure. Petitioner concludes from this information that Chillicothe is developing into a trading center for the numerous small surrounding farm communities. He further states that Chillicothe has two banks and two savings and loan institutions with combined assets of almost $59 million. Petitioner then stresses the fact that a community of this magnitude has a

weekly newspaper as its only local medium of mass communication.

27. Petitioner's engineering study demonstrates that this proposal is in accord with our minimum mileage separation rule for all adjacent and co-channel stations. Based on these observations, we conclude that petitioner's request to assign Channel 232A to Chillicothe, Illinois, warrants our consideration in a rule-making proceeding.

28. *Butler, Missouri (RM–2233).* Bates County Broadcasting Company filed a petition with the Commission on July 18, 1973, which sought the amendment of the FM Table of Assignments to include Channel 288A at Butler, Missouri. Petitioner is the licensee of the daytime-only radio station, KMAM, at Butler. Butler (population 3,984), the seat of Bates County (population 15,468), is located 50 miles south of Kansas City. The only local broadcast service in the city is provided by Station KMAM. If Channel 288A is assigned to Butler, petitioner has stated his intent to promptly file an application for its use.

29. Bates County Broadcasting Company supports its petition by noting that Butler is located in a primarily agricultural region. It states that there is a pressing need for providing local weather information to the farmers in the late evening and early morning hours. As an indication that Butler will be able to support an FM assignment, petitoner remarks that the consumer spendable income per family is $5,100. It also mentions that the city has two banks, three Farm Loan Associations and an airport.

30. Petitioner states that the unavailability of FM channels in nearby communities makes section 73.203(b) of the Commission's Rules inapplicable. The accompanying engineering statement discloses that the proposed assignment would comply with the minimum separation rule and would not necessitate a deletion or substitution of any present FM channel assignment. For these reasons we feel that the assignment of Channel 288A to Butler, Missouri, merits consideration.

31. Since Amherst, Massachusetts, and Brattleboro, Vermont, are within 250 miles of the U.S.-Canadian border, the assignment of the respective channels to these communities is conditional upon the concurrence of the Canadian Government.

32. In view of the foregoing and pursuant to the authority contained in sections 4(i), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the FM Table of Assignments, section 73.202 (b) of the Commission's rules and regulations, as follows for the named communities:

City	Channel No.	
	Present	Proposed
Brattleboro, Vt		224A, 244A
Ship Bottom, N.J.		261A
Derby, Kans.		240A
Amherst, Mass.		‡ 265A
Tallulah, La.		‡ 285A
Wadesboro, N.C.		‡ 272A
Jena, La.		257A
Bowling Green, Mo.		265A
Chillicothe, Ill.		232A
Butler, Mo.		288A

‡ In order to meet the minimum spacing requirements of our rules, a site 2 miles southwest of Amherst, Mass., would be required; a site 6 miles southwest of Wadesboro, N.C., would be required; and a site west of Tallulah, La., would be required.

33. *Showings required.* Comments are invited on the proposals discussed above. Proponents will be expected to answer whatever questions are raised in the Notice and other questions that may be presented in initial comments. The proponents of the proposed assignments are expected to file comments even if they only resubmit or incorporate by reference their former pleading. They should also restate their present intention to apply for the channel if it is assigned and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

34. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with the proposals in this notice, they will be considered as comments in the proceeding, and public notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

35. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before October 26, 1973, and reply comments on or before November 5, 1973. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

36. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

37. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C. (1919 M Street, NW.).

Adopted September 11, 1973.

Released September 17, 1973.

FEDERAL COMMUNICATIONS COMMISSION

[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-20152 Filed 9-20-73;8:45 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 217]

MASSACHUSETTS AND NEW HAMPSHIRE NOW Accounts

On September 15, 1973, a new Federal law becomes effective with applicability to interest-bearing accounts from which the depositor is allowed to make transfers of funds by negotiable orders of withdrawal (NOW's). At the present time, such accounts are offered only by mutual savings banks in Massachusetts and New Hampshire.

Section 2(a) of P.L. 93–100 provides that "No depository institution shall allow the owner of a deposit or account on which interest or dividends are paid to make withdrawals by negotiable or transferable instrument for the purpose of making transfers to third parties, except that such withdrawals may be made in the States of Massachusetts and New Hampshire." The Board regards this language as affirmatively authorizing, so far as Federal law is concerned, NOW accounts in the two States for all depository institutions, including member banks. This authorization, however, is subject to the Board's broad authority under section 19(j) of the Federal Reserve Act to prescribe regulations governing the payment of interest on deposits in member banks.

The Board proposes to treat the NOW account as a form of savings deposit. This would mean that (1) such accounts may be offered only to individuals and certain nonprofit organizations, and (2) withdrawals from such accounts are subject to the right of the bank to require the depositor to give at least 30 days notice of any intended withdrawal, although this right need not be exercised.

The Board believes some limitation is needed so as to assure that the offering of NOW accounts remains a regional, rather than a national, experiment. Accordingly, the Board proposes to limit these accounts to residents of Massachusetts and New Hampshire (except that a bank could offer NOW accounts to any of its present customers). This is consistent with the statutory focus on "the owner of a deposit or account on which interest or dividends are paid."

The Board further believes that some constraints on the use of such accounts are needed in order to differentiate NOW accounts from ordinary demand deposits. Without some constraints, one can expect an excessive initial conversion from family checking accounts to NOW accounts in the two States. Such an eventuality would be consistent with the public interest only if brought about in an orderly and carefully planned manner. Therefore, the Board proposes for the present to permit the payment of interest on the minimum (or average) balance in such accounts, subject to the requirement that the bank impose a per-item service charge on all items written by the depositor in excess of a 10 item-per-month limit. (Such a requirement would not preclude service charges on the first 10 items.) As an alternative, it is considering requiring, if interest is to be paid, (1) that the number of negotiable orders of withdrawals that a depositor writes per month not exceed 15 items, and (2) that there be a minimum (or average daily) balance of $400 in the account. (This alternative might be further conditioned to provide a lower interest rate ceiling on the first $400 in the account than on the remainder, and to call for some per-item service charge for items in excess of 15 per month.)

At the same time, the Board believes that NOW accounts should be differentiated in some fashion from ordinary savings deposits. For that reason, it proposes to set the maximum rate of interest payable on such deposits at a level below that for ordinary savings deposits; it is preliminarily giving consideration to a maximum rate of 4½ percent for NOW accounts.

The Federal Reserve System also proposes to permit all thrift institutions offering NOW accounts to make full use of the Federal Reserve collection system in order to clear these items—so long as any nonmember thrift institution clearing items in this manner maintains a clearing account with the Federal Reserve Bank of Boston. "Full use" of the collection system would include sending items directly to the Federal Reserve for collection and receiving items drawn on the institution directly from the Federal Reserve. Under section 13 of the Federal Reserve Act, the nonmember clearing account must be of a size sufficient to offset the items in transit. The dollar amount of the items in transit would generally be a function of the total dollar amount of the NOW accounts in the institution. Accordingly, the Board proposes to require, as a condition to clearing NOW's for a nonmember thrift institution, a clearing balance of 3 percent of the total NOW accounts of the institution. This requirement is not intended to affect present clearing arrangements for nonmember commercial banks. In this connection, it should be noted that the reserve requirement for a member bank's savings deposits (including NOW accounts) is presently 3 percent.

Interested persons are invited to submit relevant data, views, or arguments with respect to the Board's proposed policies. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 1, 1973. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's rules regarding availability of information.

Pending the Board's adoption of final rules for NOW accounts, it is recommended that member banks abstain from offering NOW accounts, Offering NOW accounts, in the present uncertain environment, would be unwise, since the proposed policies outlined above are tentative and subject to change before final adoption in light of the public comments received.

By order of the Board of Governors, September 14, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-20075 Filed 9-20-73;8:45 am]

[12 CFR Part 266]

FORMER MEMBERS AND EMPLOYEES OF THE BOARD

Limitations on Activities

The Board of Governors proposes to adopt rules relating to activities of former members and employees of the Board in matters connected with their duties or official responsibilities while employed by the Board.

Although the Federal Criminal Code applies criminal sanctions against former officers and employees of the Government whose activities involve a conflict of interest or an appearance of such conflict, it is believed that rules of the Board on this subject would provide additional protection to the public as well as to both present and former employees. the adoption of such rules seem particularly desirable in view of the increase in the last few years in the number of the Board's employees and in the Board's responsibilities in areas that require applications for its approval.

Accordingly, the Board proposes to adopt the following new Part 266:

PART 266—LIMITATIONS ON ACTIVITIES OF FORMER MEMBERS AND EMPLOYEES OF THE BOARD

§ 266.1 Scope.

This Part relates to limitations on former members and employees of the Board with respect to participation in matters connected with their former duties and official responsibilities while serving with the Board.

§ 266.2 Definitions.

(a) "Employee" means a regular officer or employee of the Board; it does not include a consultant to the Board.

(b) "Official responsibility", with respect to a matter, means administrative, supervisory, or decisional authority, whether intermediate or final, exercisable alone or with others, personally or through subordinates, to approve, disapprove, decide, or recommend Board action or to express staff opinions in dealings with the public.

(c) "Appear personally" includes personal appearance or attendance before, or personal communication, either written or oral, with the Board or a Federal Reserve Bank or any member or employee thereof, or personal participation in the formulation of material relating to such an appearance or communication, in connection with any application or interpretation arising under the statutes or regulations administered by the Board or the Federal Reserve Banks, except that requests for general information or explanations of Board policy or interpretation shall not be construed to be a personal appearance.

§ 266.3 Limitations.

(a) *Matters on which member or employee worked.* No former member or employee of the Board shall act as an agent, representative, or attorney for, or appear personally on behalf of, anyone other than the United States, an agency thereof, or a Federal Reserve Bank in connection with any judicial or other proceeding, application, request for ruling or determination, or other particular matter involving a specific party or parties in which the United States, an agency thereof, or a Federal Reserve Bank is also a party or has a direct and substantial interest and in which he participated personally and substantially as a member or employee of the Board through approval, disapproval, decision, recommendation, advice, investigation, or otherwise.

(b) *Matters within Board member or employee's official responsibility.* No former member or employee of the Board shall appear personally before any court, the Board, or a Federal Reserve Bank, on behalf of anyone other than the United States, an agency thereof, or a Federal Reserve Bank, in connection with any proceeding, application, request for ruling or determination, or other particular matter involving a specific party or parties in which the United States, an agency thereof, or a Federal Reserve Bank is also a party or has a direct and substantial interest, and which was under his official Federal Reserve responsibility, at any time within a period of one year after the termination of such responsibility.

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[1] While former consultants to the Board are not covered by these Rules, they appear to fall within the coverage of section 207 of the United States Criminal Code (18 U.S.C. § 207) that provides criminal penalties for engaging in activities similar, although not identical, to those described in paragraphs (a) and (b) of section 266.3 of this Part.

(c) *Consultation as to propriety of appearance before the Board.* Any former member or employee of the Board who wishes to appear before the Board on behalf of any party other than the United States or a Federal Reserve Bank at any time within two years from termination of employment with the Board is advised to consult the General Counsel or the Secretary of the Board as to the propriety of such appearance.

(d) *Disclosure of unpublished information.* Former Board members and employees are strongly advised not to disclose unpublished information of the Board obtained in the course of their work. Questions with respect to this provision should be addressed to the General Counsel or the Secretary or the Board.

(e) *Rulemaking proceedings.* Nothing in this section shall preclude a former member or employee of the Board from representing another person in any proceeding governed by a rule, regulation, standard, or policy of the Board solely by reason of the fact that such former member or employee participated in or had official responsibility in the formulation or adoption of such rule, regulation, standard, or policy.

(f) *Effective date.* This Part shall become effective immediately upon adoption by the Board following the period for comment. Notwithstanding the foregoing, the limitations of this Part, other than that provided by paragraph (d) of this section, shall not apply to any activities with respect to a specific matter before the Board in which any former Board member or employee may be engaged on September 21, 1973, the date of publication of this Part, until the expiration of 60 days following the effective date of this Part or of such additional period as the Secretary of the Board may determine to be appropriate in order to avoid inequity.

§ 266.4 Suspension of appearance privilege.

If any person knowingly and willfully fails to comply with the provisions of this Part, the Board may decline to permit such person to appear personally before it for such periods of time as it may determine and may impose such other sanctions as the Board may deem just and proper.

§ 266.5 Criminal penalties.

Any former member or employee of the Board who engages in actions in contravention of paragraphs (a) or (b) of § 266.3 may be subject to criminal penalties for violation of section 207 of the United States Criminal Code (18 U.S.C. 207).

To aid in the consideration of this proposal by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 23, 1973. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's rules regarding availability of information.

By order of the Board of Governors, September 18, 1973.

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

[FR Doc.73-20271 Filed 9-20-73;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-68]

SHIPPING COORDINATING COMMITTEE

Notice of Meeting

A meeting of the Shipping Coordinating Committee (as a whole) and its subcommittee, the National Committee for the Prevention of Marine Pollution, will be held at 9:30 a.m. on Monday, October 1, 1973, in Room 4234, Coast Guard Headquarters, 400 Seventh Street SW., Washington, D.C. The meeting will be open to the public.

Tne meeting will consider preparations for the IMCO-sponsored International Conference on Marine Pollution scheduled to meet in London, October 8 to November 2.

For further information on the subject matter of the meeting, contact Mr. Richard K. Bank, Executive Secretary, Shopping Coordinating Committee, Department of State, Washington, D.C. 20520, telephone, area code 202-632-0704.

Dated September 18, 1973.

RICHARD K. BANK,
Executive Secretary,
Shipping Coordinating Committee.

[FR Doc.73-20105 Filed 9-20-73;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

DoD HEMOGLOBINOPATHY POLICY REVIEW ADVISORY COMMITTEE

Establishment, Organization and Functions

In accordance with the provisions of Public Law 92-463, Federal Advisory Committee Act, notice is hereby given that the DoD Hemoglobinopathy Policy Review Advisory Committee has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its establishment.

The charter for the DoD Hemoglobinopathy Policy Review Advisory Committee is as follows:

Designation. The Department of Defense Hemoglobinopathy (Sickle Cell Trait) Policy Review Advisory Committee, hereinafter referred to as "the Committee" is hereby established as being in the public interest in connection with the performance of duties imposed on the Department of Defense by statute. The Committee will be operated in accordance with the Federal Advisory Committee Act (Public Law 92-463) and Executive Order 11686, and implementing OMB and DoD regulations.

Objectives and scope. The Committee serves as a scientific advisory body to the Assistant Secretary of Defense (Health and Environment) to provide him with scientific and professional advice and recommendations on hemoglobinopathy policy.

Duties. The Committee shall assist the Assistant Secretary of Defense (Health and Environment) by providing professional advice and recommendations concerning the safe and efficient utilization, by the military department, of persons with various hemoglobinopathies, the various methods and procedures to identify such persons, and various medical research programs to answer military requirements concerning military duty for persons with these hemoglobinopathies.

Membership. The Committee shall be composed of not more than nine members. Six of the members shall be selected from civil life on the basis of their nationally recognized competence in fields allied to the duties of the Committee. Three members will be selected from the military departments. Each Surgeon General will nominate one military medical corps officer to serve as a member of the Committee with authority to speak for his department.

Members of the Committee shall be selected and appointed by the Assistant Secretary of Defense (Health and Environment) with the approval of the Secretary of Defense or his designated representative.

Members of the Committee shall recommend to the Assistant Secretary of Defense (Health and Environment), from among the membership, a chairman who shall serve during the duration of the Committee.

Meetings. The Committee shall meet at least once for a one-day session. The Principal Deputy Assistant Secretary of Defense (Health and Environment), who is a full-time, salaried Federal employee, is designated to approve all meetings and agenda in advance, be in attendance at all meetings, and is authorized and required to adjourn any meeting when he determines adjournment to be in the public interest.

Responsible official. The report of the Committee shall be made to the Assistant Secretary of Defense (Health and Environment).

Support. The Office of the Assistant Secretary of Defense (Health and Environment) is responsible for providing necessary administrative support to the Committee.

Resources. The estimated operating cost of the Committee is $5,000 for one year. Less than one-quarter man-year of full-time staff support is required.

Duration and termination date. The period of time necessary for the Committee to accomplish its duties is anticipated to be one year. Should the requirement for the Committee continue beyond that period, the Assistant Secretary of Defense (Health and Environment) may request continuation of the Committee for one additional year. Otherwise, the Committee shall terminate one year from the date this charter is filed, as indicated below, or whenever its mission is completed, whichever is sooner.

Dated filed.

MAURICE W. ROCHE,
Director, Correspondence and Directives Directorate, OASD (Comptroller).

SEPTEMBER 18, 1973.

[FR Doc.73-20107 Filed 9-20-73;8:45 am]

DEFENSE SCIENCE BOARD

Notice of Meeting

The Defense Science Board will meet in closed session in the Pentagon, Washington, D.C., October 11 and 12, 1973.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

SEPTEMBER 18, 1973.

[FR Doc.73-20150 Filed 9-20-73;8:45 am]

DEFENSE WAGE COMMITTEE

Notice of Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that meetings of the Department of Defense Wage Committee will be held on:

Tuesday, October 2, 1973.
Tuesday, October 9, 1973.
Tuesday, October 16, 1973.
Tuesday, October 23, 1973.
Tuesday, October 30, 1973.

These meetings will convene at 9:30 a.m. and will be held in Room 1E-801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and make recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) on all matters involved in the development and authorization of wage schedules for Federal prevailing rate

employees pursuant to Public Law 92–392.

At these scheduled meetings, the Committee will consider wage survey specifications, wage survey data, local reports and recommendations, statistical analyses and proposed pay schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92–463 and 5 U.S.C. 552 (b)(2) and (4), the Assistant Secretary of Defense (Manpower and Reserve Affairs) has determined that these meetings will be closed to the public.

However, members of the public who may wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D–281, the Pentagon, Washington, D.C.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

SEPTEMBER 18, 1973.

[FR Doc.73–20029 Filed 9–20–73;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

CONTROLLED SUBSTANCES IN SCHEDULES I AND II

1974 Final Aggregate Production Quotas

Section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826) requires the Attorney General to establish aggregate production quotas for all controlled substances in schedules I and II by July 1 of each year. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration pursuant to § 0.100 of Title 28 of the Code of Federal Regulations (see 38 FR 18380, July 2, 1973).

On July 3, 1973, a notice of the proposed aggregate production quotas for these substances, including a detailed explanation of factors considered, was published in the FEDERAL REGISTER (38 FR 17741). All interested parties were invited to comment on or object to the proposed aggregate production quotas on or before July 30, 1973. No comments or objections have been received by the Administration any proposed quota except amphetamine. On July 30, 1973, the Pennwalt Corporation filed comments stating that (1) the estimated conversion of demand from combination amphetamine products (being withdrawn from the market) to single-entity preparations has been underestimated by DEA; (2) the estimated continuing need for single-entity preparations has been underestimated by DEA; and (3) projected inventories of amphetamines on hand at the end of 1973 have been overestimated by DEA. At the same time, Pennwalt Corporation requested a hearing on the proposed amphetamine quota. The Administrator is now evaluating Pennwalt Corporation's comments and has not reached a decision whether to grant a full adversary-type hearing. Any other person interested in the matter of the proposed aggregate production quota for amphetamines is welcome to submit comments at any time prior to the Administrator's final decision. In the event that comments or objections raise one or more issues which the Administrator finds, in his sole discretion, warrant a full adversary-type hearing, the Administrator shall publish an order for a public hearing in the FEDERAL REGISTER summarizing the issues to be heard and setting the time for the hearing (which shall not be less than 30 days after the date of publication).

Based upon consideration of the factors set forth in 38 FR 17741, the Acting Administrator of the Drug Enforcement Administration, under the authority vested in the Attorney General by section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826) and delegated to the Administrator by § 0.100 of Title 28 of the Code of Federal Regulations (see 38 FR 18380), orders that the aggregate production quotas for 1974 for narcotics and cocaine, expressed in grams in terms of their respective anhydrous bases, be established as follows:

Basic class:	*Granted 1974*
1. Alphaprodine	68,000
2. Anileridine	265,000
3. Apomorphine	3,600
4. Cocaine	1,125,000
5. Codeine (for conversion)	1,071,142
6. Codeine (for sale)	41,000,000
7. Diphenoxylate	900,000
8. Dihydrocodeine	740,000
9. Ecgnine	305,300
10. Ethylmorphine	31,000
11. Fentanyl	3,816
12. Hydrocodone	748,000
13. Hydromorphone	58,000
14. Levorphanol	14,000
15. Methadone	3,500,000
16. Methadone Intermediate (4-cyano-2 - dimethylamino-4,4-diphenyl butane)	1,700,000
17. Mixed Alkaloids of Opium	110,000
18. Morphine (for conversion)	37,370,000
19. Morphine (for sale)	665,000
20. Norpethidine	730,000
21. Opium (tinctures, extracts, etc., expressed in terms of opium)	1,765,000
22. Oxycodone (for conversion)	3,500
23. Oxycodone (for sale)	1,840,000
24. Oxymorphone	5,080
25. Pethidine	17,900,000
26. Phenazocine	300
27. Thebaine (for conversion)	996,000
28. Thebaine (for sale)	3,050,000

The Administrator also orders that the aggregate production quotas for stimulants for 1974, expressed in grams of the anhydrous free base, be established as follows:

Basic class:	*Granted 1974*
29. Amphetamine	[reserved]
30. Methamphetamine	517,961
31. Methylphenidate	1,516,511
32. Phenmetrazine	3,046,344

The Administrator also orders that the aggregate production quotas for hallucinogens for 1974, expressed in grams, be established as follows:

Basic class:	*Granted 1974*
33. Beta-(3,4-methylene dioxyphenyl) isopropylamine	1,075
34. Mescaline hydrochloride	285
35. N, N-diethyltryptamine	22
36. N, N-dimethyltryptamine	115

All persons who submitted an application for either an individual manufacturing quota or procurement quota for 1974 will be notified by mail as to their respective 1974 quota established by the Drug Enforcement Administration.

This order is effective Sept. 21, 1973.

Dated Sept. 14, 1973.

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

[FR Doc.73–20146 Filed 9–20–73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

ALASKA

Applications for Determination of Eligibility of Unlisted Villages

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs by § 2651.2(a) (6), (8), (9), and (10) of Subchapter B of Chapter II Title 43 of the Code of Federal Regulations published on Pages 14223 of the May 30, 1973, issue of FEDERAL REGISTER.

The Alaska Native Claims Settlement Act of December 18, 1971 (Public Law 92–203, 92nd Congress, 85 Stat. 688–716), provides for the Settlement of certain land claims of Alaska Natives and for other purposes.

Accordingly, pursuant to the Authority contained in said Act of December 18, 1971, and § 2651.2 of said regulations, notice is hereby given that the following is a list of Native villages not listed in section 11(b) of the Act who have filed applications with the Director, Juneau Area Office, Bureau of Indian Affairs for the determination of their eligibility for land benefits under the Act:

Name of unlisted native village:	*Bureau of Land Management serial number*
Aiaktalik	AA–8481
Alexander (Alexander Creek.	AA–8487
Attu	AA–8488
Anton Larsen Bay	AA–8460
Ayakulik	AA–8482
Bells Flats	AA–8459
Bettles Field (Evansville).	F–19328

Name of unlisted native village:	*Bureau of Land Management serial number*
Caswell	AA-8468
Chenega	AA-8483
Chickaloon	AA-8489
Chuloonawick (Chuloonavik).	F-19571
Council	F-19525
Eyak	AA-8484
Haycock	F-19578
Haines	AA-8465
Healy Lake	F-19329
Kasilof	AA-8464
King Island	F-19573
Knik	AA-8485
Litnik	AA-8490
Little Afognak	AA-8469
Montana Creek	AA-8495
Point Possession	AA-8462
Port William	AA-8461
Solomon	F-19570
Tenakee	AA-8491
Uganik	AA-8492
Umkumute (Umkumiute)	F-19558
Wiseman	F-19575
Woody Island	AA-8463

The foregoing applications were filed in duplicate with the Director, Juneau Area Office, Bureau of Indian Affairs prior to September 1, 1973. All of the above listed applications constituted prima facie evidence of compliance with the requirements of § 2651.2(b) of the regulations. The Director, Juneau Area Office, Bureau of Indian Affairs has already filed the above listed applications with the appropriate office of the Bureau of Land Management and each application identifies the township or townships in which each Native village is located.

Pursuant to § 2651.2(a)(8) of the regulations the Director, Juneau Area Office, Bureau of Indian Affairs is publishing a notice of the filing of the above listed applications in the FEDERAL REGISTER and in one or more newspapers of general circulation in Alaska and shall promptly review the statement contained in each application. He shall investigate and examine records and evidence that may have a bearing on the character of the village and its eligibility pursuant to this Subpart 2651, and thereafter make findings of fact as to the character of each village. No later than December 19, 1973, the Director, Juneau Area Office, Bureau of Indian Affairs, shall make a determination as to the eligibility of each village as a Native village for land benefits under the Act and shall issue a decision. He shall publish his decision in the FEDERAL REGISTER and in one or more newspapers of general circulation in Alaska and shall mail a copy of the decision to the representative or representatives of each village, all villages in the region in which the village is located, all regional corporations, and the State of Alaska.

Any interested party may protest a decision of the Director, Juneau Area Office, Bureau of Indian Affairs, regarding the eligibility of a Native village for land benefits under the provisions of section 11(b)(3)(A) and (B) of the Act by filing a notice of protest with the Director, Juneau Area Office, Bureau of Indian Affairs, within thirty days from the date of publication of the decision in the FEDERAL REGISTER. A copy of the protest must be mailed to the representative or representatives of the village, all villages in the region in which the village is located, all regional corporations within Alaska, the State of Alaska, and any other parties of record. If no protest is received within the thirty-day period, the decision shall become final and the Director, Juneau Area Office, Bureau of Indian Affairs, shall certify the record and the decision to the Secretary. No protest shall be considered which is not accompanied by supporting evidence. Anyone protesting a decision concerning the eligibility or ineligibility of any unlisted Native village shall have the burden of proof in establishing that the decision is incorrect. Such decision shall become final unless appealed to the Secretary by a notice filed with the Ad Hoc Board as established in § 2651.2(a)(5) of the regulations within thirty days of its publication in the FEDERAL REGISTER.

This is the first and only notice of applications filed requesting the determination of eligibility of unlisted villages under the provisions of section 11(b)(3) of the Act.

MORRIS THOMPSON,
Director.

[FR Doc.73-20088 Filed 9-20-73;8:45 am]

Bureau of Land Management

[CA 568]

CALIFORNIA

Proposed Withdrawal and Reservation of Lands

SEPTEMBER 14, 1973.

The Bureau of Land Management, U.S. Department of the Interior, has filed an application, serial No. CA 568, for the withdrawal of the national resource lands described below, from appropriation under the public land laws including the mining laws, but not the mineral leasing laws, for inclusion in the Amargosa Canyon—Dumont Dunes Natural Area in California. The purpose of the withdrawal and reservation of the lands is to protect substantial public values in the Amargosa Canyon—Dumont Dunes Area which include but are not limited to the desert pupfish, the desert flora and fauna, and the Dumont Sand Dunes.

On or before October 24, 1973, all persons who wish to submit comments, suggestions, or objections in connection with the proposed protective withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

The Department's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. Adjustments will be made as necessary to provide the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior, who will determine whether or not the lands will be withdrawn as required.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 18 N., R. 6 E.,
  Sec. 1.
T. 18 N., R. 7 E.,
  Secs. 1 and 2, partly unsurveyed;
  Secs. 3 and 4, unsurveyed;
  Sec. 5, E½E½, unsurveyed;
  Sec. 6, Lots 1 and 2 of NW¼;
  Sec. 8, E½E½, unsurveyed;
  Secs. 9 and 10, partly unsurveyed.
T. 18 N., R. 8 E.,
  Sec. 6.
T. 19 N., R. 7 E.,
  Secs. 1, 2, and 3, unsurveyed;
  Secs. 10, 11, 12, 13, 14, and 15, All, unsurveyed, excepting patented Mineral Survey 4731;
  Secs. 21, 22, and 28, unsurveyed;
  Secs. 26 and 27, partly unsurveyed;
  Sec. 28, unsurveyed;
  Sec. 31;
  Secs. 32, 33, 34, and 35, partly unsurveyed.
T. 19 N., R. 8 E.,
  Sec. 6, fractional NW¼, unsurveyed.
T. 19½ N., R. 7 E.,
  Sec. 33, fractional E½, unsurveyed;
  Secs. 34 and 35, unsurveyed.
T. 19½ N., R. 8 E.,
  Sec. 31, fractional W½, unsurveyed.
T. 20 N., R. 7 E.,
  Sec. 15;
  Sec. 21, E½;
  Sec. 22, E½, NW¼, N½SW¼, and SW¼SW¼;
  Sec. 25, E½, N½NW¼, SE¼NW¼, NE¼SW¼, and S½SW¼;
  Sec. 26, Lots 1 and 4, E½NE¼NE¼, NW¼NE¼NE¼, NE¼NW¼NE¼, W½W½NE¼, and NW¼;
  Sec. 27, Lots 1, 2, 3, 5, and 6, NE¼, and NW¼NW¼;
  Sec. 28, Lots 1, 2, and 8;
  Sec. 33, Lots 1, 2, and 3, and SE¼;
  Sec. 34, Lots 1, 2, 3, 4, 5, 6, 7, and 8, and SW¼;
  Sec. 35, Lots 1, 4, 5, 6, 7, and 8, E½SE¼, and SW¼SE¼.

The areas described aggregate 22,763.48 acres in Inyo and San Bernardino Counties, California.

WALTER F. HOLMES,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.73-20087 Filed 9-20-73;8:45 am]

[OR 11172]

OREGON

Designation of the Deschutes River Recreation Lands

AUGUST 29, 1973.

Pursuant to the authority in 43 CFR, Subpart 2070, and the authorization from the Director dated August 15, 1973, I hereby designate the national resource lands in the following described areas as the Deschutes River Recreation Lands:

WILLAMETTE MERIDIAN

T. 1 N., R. 15 E.,
Sec. 1, W½;
Sec. 2;
Sec. 11;
Sec. 12, W½;
Sec. 13, W½;
Sec. 14;
Sec. 23;
Sec. 24;
Sec. 25;
Sec. 26;
Sec. 36.

T. 1 N., R. 16 E.,
Sec. 30, S½S½, N½SW¼, SW¼NW¼;
Sec. 31 to 33, inclusive;
Sec. 34, S½.

T. 2 N., R. 15 E.,
Sec. 28;
Sec. 35.

T. 1 S., R. 15 E.,
Sec. 1;
Secs. 24 to 26, inclusive;
Sec. 35;
Sec. 36.

T. 1 S., R. 16 E.,
Secs. 4 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 32, inclusive.

T. 2 S., R. 15 E.,
Sec. 1;
Sec. 2;
Secs. 11 to 15, inclusive;
Secs. 22 to 28, inclusive;
Secs. 32 to 35, inclusive.

T. 2 S., R. 16 E.,
Secs. 5 to 8, inclusive;
Secs. 17 to 19, inclusive;
Sec. 20, W½;
Sec. 29, W½, NW¼NE¼, SE¼;
Sec. 30;
Sec. 31, N½, NE¼SE¼;
Sec. 32, N½NE¼.

T. 3 S., R. 14 E.,
Sec. 1;
Sec. 10, SE¼SE¼;
Sec. 11, S½;
Secs. 12 to 15, inclusive;
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.

T. 3 S., R. 15 E.,
Secs. 3 to 10, inclusive;
Secs. 16 to 18, inclusive.

T. 4 S., R. 14 E.,
Secs. 1 to 4, inclusive;
Sec. 7, SE¼SE¼;
Sec. 8, S½;
Secs. 9 to 17, inclusive;
Secs. 20 and 21;
Secs. 28 and 29;
Secs. 32 and 33.

T. 5 S., R. 13 E.,
Secs. 12 and 13;
Secs. 24 and 25;
Sec. 36.

T. 5 S., R. 14 E.,
Secs. 4 to 7, inclusive;
Secs. 18 and 19;
Secs. 30 and 31.

T. 6 S., R. 14 E.,
Secs. 6 and 7;
Secs. 13 to 27, inclusive;
Sec. 28, that portion lying north of the north boundary of the Warm Springs Indian Reservation;
Sec. 29, that portion lying north of the Warm Springs Indian Reservation;
Secs. 30 and 31;
Secs. 34 to 36, inclusive.

T. 7 S., R. 14 E.,
Secs. 1 to 3, inclusive;
Sec. 4, that portion lying on the east side of the Deschutes River;
Sec. 9, that portion lying east of the Deschutes River;
Secs. 10 to 16, inclusive;
Sec. 17, that portion lying east of the Deschutes River;
Sec. 20, that portion lying east of the Deschutes River;
Secs. 21 to 28, inclusive;
Sec. 29, that portion lying east of the Deschutes River;
Sec. 32, that portion lying east of the Deschutes River;
Secs. 33 to 36, inclusive.

T. 8 S., R. 14 E.,
Secs. 1 to 3, inclusive;
Sec. 4, that portion lying east of the Deschutes River;
Sec. 5, that portion lying east of the Deschutes River;
Sec. 9, that portion of the NE¼ lying east of the Deschutes River;
Secs. 10 to 14, inclusive;
Sec. 15, that portion lying east of the Deschutes River.
Sec. 16, that portion lying east of the Deschutes River;
Sec. 20, that portion lying east of the Deschutes River;
Sec. 21, that portion lying east of the Deschutes River.
Secs. 22 to 28, inclusive;
Sec. 29, that portion lying east of the Deschutes River.
Sec. 32, that portion lying east of the Deschutes River.
Secs. 33 to 36, inclusive.

T. 9 S., R. 13 E.,
Sec. 12, that portion lying east of the Deschutes River;
Sec. 13, N½;
Sec. 14, that portion of the N½ lying south of the Deschutes River;
Sec. 15, that portion of the N½ lying south of the Deschutes River;
Sec. 16, that portion lying south of the Deschutes River;
Sec. 17, that portion lying east of the Deschutes River;
Sec. 20, that portion lying east of the Deschutes River;
Sec. 29, that portion of the W½NW¼ lying east of the Deschutes River, W½NE¼, E½NW¼;
Sec. 30, that portion lying east of the Deschutes River;
Sec. 31, that portion lying east of the Deschutes River;

T. 9 S., R. 14 E.,
Secs. 1 to 4, inclusive;
Sec. 5, that portion lying east of the Deschutes River;
Sec. 6, that portion lying east of the Deschutes River;
Sec. 7, that portion of the N½N½ lying southeast of the Deschutes River, S½NW¼, N½SW¼.

The areas described aggregate about 130,000 acres, of which approximately 39,000 acres are national resource lands administered by the Prineville District of the Bureau of Land Management. The lands are located in Wasco, Sherman, and Jefferson Counties.

The Deschutes River recreation lands include Class II—General Outdoor Recreation Areas, under the Bureau of Outdoor Recreation System of Classification.

ARCHIE D. CRAFT,
State Director.

[FR Doc.73-20203 Filed 9-21-73;8:45 am]

National Park Service

COWPENS NATIONAL BATTLEFIELD SITE, S.C.

Designation of Boundary

Section 301 and 302 of the Act of April 11, 1972 (86 Stat. 121), authorize a revision of the boundaries of the Cowpens National Battleground (Battlefield) Site in South Carolina to add approximately 845 acres to this area, which previously comprised 1.24 acres. The Act provided that the revision was to become effective upon publication in the Federal Register of a map or other description of the lands so added.

Notice is given that the boundaries of the Cowpens National Battlefield Site, South Carolina have been revised, pursuant to the above act, to include altogether, the lands (approximately 845.76 acres) depicted on boundary map numbered 331-30,001B, dated July 1973, prepared by the Denver Service Center of the National Park Service. This map is on file and available for inspection in the administrative office of the Cowpens National Battlefield Site, c/o Kings Mountain National Military Park, P.O. Box 31, Kings Mountain, North Carolina 28086, and in the office's of the National Park Service, Department of the Interior, Washington, D.C. 20240.

Dated September 7, 1973.

RAYMOND L. FREEMAN,
Associate Director,
National Park Service.

[FR Doc.73-20094 Filed 9-20-73;8:45 am]

WESTERN REGIONAL ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Western Regional Advisory Committee will be held from 8 a.m. to 4:30 p.m., October 5–6 at the Stovepipe Wells Village, Death Valley National Monument. On the 5th, the Committee will tour Death Valley National Monument for on-the-ground orientation and inspection to provide background for discussion topics on the 6th.

The purpose of the Western Regional Advisory Committee is to provide for the free exchange of ideas between the National Park Services and the public and to facilitate the solicitation of advice or counsel from members of the public in problems and programs pertinent to the Western Region of the National Park Service.

The members of the Advisory Committee are as follows:

Mr. Ben Avery, Phoenix, Arizona.
Mr. Jack H. Walston, Los Angeles, California.
Dr. R. Roy Johnson, Prescott, Arizona.
Mr. James R. Hooper, Crescent City, California.
Mr. Lewis Swifton Eaton, Fresno, California.
Mr. Todd Watkins, Bishop, California.
Mr. C. Clifton Young, Reno, Nevada.
Mr. Ed Fike, Las Vegas, Nevada.
Mr. David W. Ballie, Jr., Lihue, Kauai, Hawaii.

The matters to be considered at the are:

1. Mining in Death Valley, Organ Pipe Cactus and Coronado National Monuments and Lake Mead National Recreation Area.
2. Current Legislative Proposals to end or restrict mining in the national parks.
3. National park status for Death Valley National Monument.
4. Other topics of interest.

The meeting will be open to the public. The Committee will plan to arrive the afternoon of October 4, with an orientation program that evening at the Village. On October 5, transportation facilities will not be available for the public, but they are welcome to participate in the tour by providing their own transportation. Any member of the public may file with the Committee a written statement concerning the matters to be considered.

Persons wishing further information concerning the meeting, or who wish to submit written statements, may contact Regional Director Howard Chapman, Western Regional Office, 450 Golden Gate Avenue, San Francisco, California, at 415–556–1486, or Superintendent James B. Thompson, Death Valley National Monument, Death Valley, California, at 714–786–2331.

Dated September 11, 1973.

IRA WHITLOCK,
Acting Associate Director,
National Park Service.

[FR Doc.73–20093 Filed 9–20–73;8:45 am]

SLEEPING BEAR DUNES NATIONAL LAKESHORE ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Sleeping Bear Dunes National Lakeshore Advisory Commission will be held between 1 p.m. and 5 p.m. on Friday, September 28, 1973, at the Glen Haven Interim Visitor Center, Glen Arbor, Michigan.

The Commission was established by Public Law 91–479 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Sleeping Bear Dunes National Lakeshore.

The members are as follows:

Mr. John B. Daugherty (Chairman)
Frankfort, Michigan
Mr. William B. Bolton
Empire, Michigan
Mr. Verrol Conklin
Honor, Michigan
Mr. Frank C. MacFarlane
Cedar, Michigan
Mr. John Stanz
Glen Arbor, Michigan
Mr. Carl T. Johnson
Cadillac, Michigan
Mr. Noble Travis
Leland, Michigan
Mr. Louis F. Twardzik
East Lansing, Michigan
Ms. Charles R. Williams
Traverse City, Michigan
Mr. Charles Yeates
Allegan, Michigan

The purpose of the meeting is to report on the status of land acquisition and related activities, and to bring the commission members up to date on management programs and plans. These items will be presented by the staff of Sleeping Bear Dunes National Lakeshore. Committee reports and discussions include, committee appointments for the commission; background and current status of the national lakeshore master plan; and review of the State of Michigan Waterways Commission proposal to construct a launching facility in Good Harbor Bay.

The meeting is open to the public. It is expected that 20 persons will be able to attend the session in addition to the advisory commission members and the national lakeshore staff.

Any member of the public may file with the Commission a written statement concerning matters to be discussed. Further information concerning this meeting may be obtained from J. A. Martinek, Superintendent, Sleeping Bear Dunes National Lakeshore, Frankfort, Michigan, at 616–352–9611. Minutes of the meeting will be available for public inspection two weeks after the meeting at the office of the Superintendent, 400½ Main Street, Frankfort, Michigan.

Dated September 14, 1973.

IRA WHITLOCK,
Acting Associate Director,
National Park Service.

[FR Doc.73–20188 Filed 9–20–73;8:45 am]

Office of the Secretary

SECRETARY'S ADVISORY COMMITTEE ON METAL AND NONMETALLIC MINE HEALTH AND SAFETY

Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), notice is hereby given that the Secretary's Advisory Committee on Metal and Nonmetallic Mine Health and Safety, authorized to be established under the Federal Metal and Nonmetallic Mine Safety Act (Public Law 89–577), will meet on Wednesday, October 10, 1973 and Thursday, October 11, 1973, starting at 8:30 a.m. each day, in the Auditorium of the General Services Administration, located at 18th and F Streets NW., Washington, D.C.

Section 7(a) of the Act requires the Advisory Committee to include among its members an equal number of persons qualified by experience and affiliation to present the viewpoint of the mine operators, and of persons similarly qualified to present the viewpoint of the mine workers, as well as one or more representatives of mine inspection or safety agencies of the states. The members of the Advisory Committee are as follows:

REPRESENTATIVES OF THE MINE OPERATORS

Dr. James Boyd, Committee Chairman
Past Chairman of the Board
Copper Range Company, Inc.
700 New Hampshire Avenue NW.
Washington, D.C. 20037
Mr. Marion W. Bevard, President
District Concrete Company
4714 St. Barnabas Road
Temple Hills, Maryland 20031
Mr. Gordon M. Miner, Vice President-Operations
Hecla Mining Company
Box 320
Wallace, Idaho 83873

REPRESENTATIVES OF THE MINE WORKERS

Mr. L. Damian Heinen, Vice President
Local 7044, United Steelworkers of America
627 Julius Street
Lead, South Dakota 57754
Mr. Ernest H. Ronn, Sub-District Director
United Steelworkers of America, District 33
P.O. Box 83
Negaunee, Michigan 49866
Mr. Joseph F. Sedivy, Executive Secretary
Ohio State Building and Construction Trades Council
236 East Town Street, Suite 303
Columbus, Ohio 43215

REPRESENTATIVES OF STATE MINE INSPECTION OR SAFETY AGENCIES

Mr. Norman R. Blake, Deputy Commissioner of Mines
Colorado Division of Mines
Department of Natural Resources
1845 Sherman Street
Denver, Colorado 80203
Mr. Harry R. Mason, Chairman
New York State Board of Standards and Appeals
11 North Pearl Street, Suite 1802
Albany, New York 12207
Mr. Verne C. McCutchan, State Mine Inspector
State of Arizona
431 State Capitol Building
Phoenix, Arizona 85007

The matters to be discussed at this meeting are new and revised health and safety standards relating to (1) air quality, ventilation, radiation, and physical agents, and (2) fire prevention and control in underground metal and nonmetallic mines.

The meeting of the Advisory Committee is open to the public. Public attendance will be limited to the seating available in the Auditorium. Persons desiring to attend this meeting are requested to notify the Executive Secretary in writing of their intention to attend the meeting by Wednesday, October 3, 1973.

Written data, views, or arguments concerning the subjects to be considered may be filed, together with 25 copies thereof, with the Executive Secretary by Wednesday, October 3, 1973. Any such submissions, timely received, will be provided to the members of the Committee

and will be included in the record of the meeting. Persons wishing to orally address the Committee at the meeting should submit a written request to be heard, together with 25 copies thereof, to the Executive Secretary no later than October 3, 1973. The request must contain a short summary of the intended presentation and an estimate of the amount of time that will be needed. Copies of the suggested new and revised standards may be obtained from or may be examined in the office of the Executive Secretary.

At the meeting the Chairman will announce whether oral presentations will be allowed, and, if so, under what conditions.

All written notices and requests to the Executive Secretary should be addressed as follows:

Mr. James I. Craig
Executive Secretary
Secretary's Advisory Committee on Metal and Nonmetallic Mine Health and Safety
Mining Enforcement and Safety Administration
Room 2517
U.S. Department of the Interior
Washington, D.C. 20240

Dated September 17, 1973.

STEPHEN A. WAKEFIELD,
Assistant Secretary of the Interior.

[FR Doc.73-20095 Filed 9-20-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

RAISIN ADVISORY BOARD

Notice of Public Meeting

Pursuant to the Federal Advisory Committee Act (P. L. 92-463; 86 Stat. 770), notice is given of a meeting of the Raisin Advisory Board at 7:30 p.m., P.d.t., October 5, 1973, in the Runway Room of the Airport Marina Hotel, Fresno, California.

The purpose of the meeting is to: Review marketing policy matters for the 1973-74 crop year; consider California's 1973 raisin production; consider the need for volume regulation during the 1973-74 crop year; and make the annual review of payment rates to handlers for services on reserve tonnage raisins. The meeting will be open to the public.

The Raisin Advisory Board is established under the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

The names of board members, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Clyde E. Nef, Manager, Raisin Administrative Committee, 732 North Van Ness, Fresno, California 93720; telephone 209-268-5666.

Dated September 18, 1973.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.73-20174 Filed 9-20-73;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

COMPUTER PERIPHERALS, COMPONENTS AND RELATED TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the Input/Output Equipment Subgroup of the Computer Peripherals, Components, and Related Test Equipment Technical Advisory Committee will be held Wednesday, October 3, 1973, at 10 a.m. in the Board Room, Building 4A, Varian Data Machines, 611 Hansen Way, Palo Alto, California.

Members advise the Office of Export Control, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer peripherals, components, and related test equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Opening remarks and review of purpose of subgroup by Irving L. Weiselman, Chairman.
2. Presentation of papers or comments by the public.
3. Discussion and modification of reports prepared by members of the subgroup.
4. Executive session: Continuation of discussion and modification of reports prepared by members of the subgroup.
5. Adjournment.

The public will be permitted to attend the discussion of agenda items 1-3, and a limited number of seats will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the subcommittee. Interested persons are also invited to file written statements with the subcommittee.

With respect to agenda item 4, "Executive Session," the Assistant Secretary of Commerce for Administration, on August 13, 1973, determined, pursuant to section 10(d) of Public Law 92-463, that this agenda item should be exempt from the provisions of sections 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552(b)(1).

Further information may be obtained from Irving L. Wieselman, Chairman of the subgroup, Data Products Corporation, 6219 De Soto Avenue, Woodland Hills, California 91364 (A/C 213 + 887-8000).

Minutes of those portions of the meeting which are open to the public will be available 30 days from the date of the meeting upon written request addressed to: Central Reference and Records Inspection Facility, U.S. Department of Commerce, Washington, D.C. 20230.

Dated September 18, 1973.

STEVEN LAZARUS,
Deputy Assistant Secretary for East-West Trade, U.S. Department of Commerce.

[FR Doc.73-20185 Filed 9-20-73;8:45 am]

Office of the Secretary

[Dept. Organization Order 40-1; Amdt. 2]

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

Organization and Functions

This order effective August 24, 1973, further amends the material appearing at 37 FR 25557 of December 1, 1972, 38 FR 12145 of May 9, 1973, and supersedes the material appearing at 37 FR 25559 of December 1, 1972.

At the direction of the Secretary, Department Organization Order 40-1, dated November 17, 1972, as amended, is hereby further amended as follows:

1. In Sec. 8. *The Bureau of Competitive Assessment and Business Policy.* The Office of Business Assistance is renamed the Office of the Ombudsman for Business. Paragraph .05 is amended to read as follows:

.05 The *Office of the Ombudsman for Business* shall be headed by the Ombudsman for Business and shall:

a. Receive and answer questions on Federal programs of interest to business; assist business by providing a focal point for receiving and handling communications involving information, complaints, criticisms and suggestions about Government activities relating to business; arrange conferences with appropriate officials within the Department and in other agencies, and follow up on referrals to determine whether further assistance is necessary and appropriate; and develop suggested changes to remedy the causes of business complaints about the Federal Government, as appropriate.

b. In carrying out its functions, the Office shall not represent, intervene on behalf of or otherwise seek to assist business and individuals on specific matters, cases, or issues before Federal regulatory agencies or before Federal departments exercising a regulatory function with respect thereto; nor shall it participate in, intervene in regard to, or in any way seek to influence, the negotiation or renegotiation of the terms of contracts between business and the Government.

NOTE.—A copy of the Organization Chart is attached to the original of this document on file in the Office of the Federal Register.

HENRY B. TURNER,
Assistant Secretary for Administration.

[FR Doc.73-20086 Filed 9-20-73;8:45 am]

[Dept. Organization Order 25–5B; Amdt. 2]

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Organization and Functions

This order effective September 16, 1973, further amends the material appearing at 38 FR 15980 of June 19, 1973, and 38 FR 19267 of July 19, 1973.

Department Organization Order 25–5B, effective May 7, 1973, is hereby further amended as follows:

1. In Sec. 12. *National Marine Fisheries Service,* paragraphs .03 and .04 are revised to read as follows:

.03 The *Office of Resource Utilization* shall plan, develop, evaluate, and manage programs of economic and marketing research including demand and supply projections, cost benefit studies, and foreign trade analysis of collection, analysis, compilation, and dissemination of fisheries statistical and market news information; of financial assistance to the fishing industry in the form of loans, mortgages, loan insurance, and subsidies; of microbiological, chemical, and technological research to enhance the quality and utilization of fishery resources; of voluntary national inspection and certification of fishery products; to improve marketing practices and to alleviate extraordinary short term supply-demand imbalances; and of fishery extension services. The Office shall also be responsible for the management of national research programs in fishery products technology.

.04 The *Office of Resource Management* shall manage programs concerning promulgation and enforcement of domestic and international regulations for the protection of marine fisherics and marine mammal resources of the United States; the Pribilof Islands fur seal harvest; the Columbia River Anadromous Fisheries Resources Enhancement; water resources development projects and fisheries environment protection; and State-Federal fisheries management. It shall plan, develop, and evaluate programs to improve the management of fisheries resources so as to achieve the appropriate allocation of these resources among competing users and to protect their environment; establish national guidelines for managing fisheries for biological, economic, and social purposes; provide a mechanism through legislation, coordination, and cooperation for State and the Federal Government to jointly manage resources within these guidelines; and administer a grant-in-aid program to improve the capability of the States to conduct improved biological, social, and economic information required for management of fisheries resources.

2. In Sec. 14. *National Weather Service,* paragraph .02 is revised to read as follows:

.02 The *Office of Meteorological Operations* shall have cognizance over and establish policies and procedures to observe, prepare and distribute forecasts of weather conditions and warnings of severe storms and other adverse weather conditions for protection of life and property; develop the plans and procedures for operation of meteorological field services; and serve as the primary channel for coordinating NWS field services operations and for technical aspects of meteorological programs.

3. In Sec. 17. *Environmental Research Laboratories:* (a) The introductory paragraph is revised to read as follows:

The Environmental Research Laboratories (ERL) shall conduct an integrated program of research, fundamental technology development, and services relating to the oceans and inland waters, the lower and upper atmosphere, and the space environment so as to increase understanding of man's geophysical environment and thus provide the scientific basis for improved services. The ERL shall be organized as set forth below.

(b) Paragraph .02, *Earth Sciences Laboratories,* is deleted in its entirety, and paragraphs .03 through .06 are renumbered .02 through .05 respectively.

4. The organization chart attached to this amendment supersedes the organization chart of June 26, 1973, which is attached as Exhibit 1 to Amendment 1. Copy of the Organization Chart is attached to the original of this document on file in the Office of the Federal Register. A copy of each organization map is also attached to the original of this document on file in the Office of the Federal Register.

HENRY B. TURNER,
Assistant Secretary for Administration.

[FR Doc.73–20085 Filed 9–20–73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 9861; Docket No. FDC–D–495; NDA Nos. 9–921, 10–456, and 10–646]

CERTAIN CARDIOVASCULAR PREPARATIONS

Withdrawal of Approval of New-Drug Applications

On August 25, 1972, a notice of opportunity for hearing (DESI 9861) was published in the FEDERAL REGISTER (37 FR 17226), in which the Commissioner of Food and Drugs proposed, under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), to withdraw approval of the new drug applications for Butiserpine Tablets and Butiserpine R–A Tablets in the absence of substantial evidence that these fixed combination drugs have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling or that each component of the combinations contributes to the total effects claimed for the drugs.

On September 22, 1972 McNeil Laboratories, holder of NDA 9–921 Butiserpine Tablets and NDA 10–646 Butiserpine R–A Tablets, elected to avail itself of the opportunity for a hearing on the two drugs. This request for a hearing was supplemented on July 24, 1973, when McNeil Laboratories submitted data and arguments it contends entitle it to a hearing. The thrust of the request for hearing is that (1) the data submitted constitute substantial evidence of effectiveness of the drugs and (2) the drugs are exempt from the provisions of 21 U.S.C. 355 both because they are not now new drugs and because they are encompassed by the "grandfather" provisions of the Drug Amendments of 1962.

The Commissioner has reviewed McNeil Laboratories' request for a hearing and the medical documentation submitted, with the following findings:

THE DRUGS—RATIONALE AND CLAIMS

a. Butiserpine Tablets contain 15 milligrams butabarbital sodium and 0.1 milligram reserpine per tablet. Butiserpine R–A Tablets (Repeat Action Tablets) are labeled as containing a single dose of Butiserpine in the outer layer for immediate release and a second equal dose in the specially coated core for delayed release. The current labeling indicates that the Butiserpine drugs are effective in the treatment of mild to moderate hypertension, severe essential hypertension, premenstrual tension and anxiety neurosis.

The combination is described as providing the intermediate "daytime sedative" effect of sodium butabarbital and the mild tranquilizing and antihypertensive effects of reserpine, for antihypertensive-sedative effect without sedative accumulation or reserpine overload.

b. Indications for use contained in previous labeling, such as recommendations for use in coronary occlusion, angina pectoris, congestive heart failure, menopausal syndrome, functional gastrointestinal disorders, and insomnia, were reviewed by the National Academy of Sciences-National Research Council, and the Commissioner and found to be unsupported by substantial evidence of effectiveness. These indications for use have been deleted from the labeling by McNeil Laboratories. In its request for hearing the firm has not attempted to demonstrate that these indications are supported by adequate evidence.

c. Butiserpine Elixer was labeled as containing 15 milligrams butabarbital sodium and 0.1 milligram reserpine per 5 cubic centimeters. Each dose contained 7 percent alcohol. Indications for use in current and former labeling were the same as for the other butiserpine drugs. Approval of NDA 10–456 was withdrawn by notice published in the FEDERAL REGISTER on November 29, 1972 (37 FR 25247) after McNeil Laboratories failed to request a hearing.

LEGAL ARGUMENTS

a. The request for hearing on whether the butiserpine drugs are exempt from the drug effectiveness provisions of 21 U.S.C. 355 under the "grandfather" clause, section 107(c) of P.L. 87–781, is denied. The new-drug applications involved had not been withdrawn prior to

enactment of Public Law 87-781. They were "deemed approved" under the 1962 amendments to the act and one subject to withdrawal on the basis of the effectiveness requirements of the amendments.

b. The request for hearing on whether the butiserpine drugs are generally recognized as safe and effective for use and not new drugs within the meaning of 21 U.S.C. 321(p) is also denied. No adequate and well controlled clinical investigations of the butiserpine drugs published in the medical literature have been identified in the request for hearing. There is no data upon which experts can fairly and responsibly conclude that the safety and effectiveness of a fixed combination of 15 milligrams butabarbital sodium and 0.1 milligram reserpine has been proven and is so well established that such combination drugs can be generally recognized among such experts as safe and effective for their intended uses. The data are evaluated below.

DATA SUBMITTED IN SUPPORT OF REQUEST FOR HEARING

Literature relative to the individual components of the butiserpine drugs is only partially relevant to a determination of the safety and effectivenes of those components when administered in a single, combined dosage form. Data on individual components do not take into account factors pertinent to an assessment of the safety and effectiveness of the fixed combination, including, among other things, drug interaction (whether it be additive, synergistic, or negative). Insofar as the request for hearing is based on data respecting individual-components of the butiserpine drugs, it is denied.

McNeil Laboratories has also identified data on the butiserpine drugs which it states constitute substantial evidence of the drugs effectiveness. On their face, these data do not qualify as adequate and well controlled studies. They may be summarized as follows:

a. *The Dituri Study (unpublished).* McNeil Laboratories described the data as a "double-blind" study of two different treatment regiments. One group of nine hypertensive patients was administered butabarbital sodium 30 milligrams twice daily for four weeks, followed by reserpine 0.2 milligram twice daily for four weeks. Seven of the nine patients experienced lowered blood pressure on both drugs.

A second group of 10 hypertensive patients received reserpine 0.2 milligram twice daily for four weeks, followed by two butiserpine tablets (equivalent to butabarbital sodium 30 milligrams and reserpine 0.2 milligram) twice daily for four weeks. Four of 10 patients on reserpine alone experienced lower blood pressure readings. Three of these four pateints maintained decreased readings or experienced a further drop in blood pressure. Of the six patients who did not respond to reserpine alone, three evidenced a decrease in blood pressure readings on butiserpine.

This investigation, conducted in 1955, is not adequate and well controlled under § 130.12(a)(5) (21 CFR 130.12). The data consists of 32 pages of unevaluated forms upon which are cryptically recorded (1) the identification of the drug as "Group A", or "B" etc., (2) the patient's name, sex, age, weight, and diagnosis, (3) concurrent treatments, (4) dates of semimonthly visits, (5) pulse and blood pressure readings on the dates of visits, (6) side effects, (7) dosage of drug administered, and (8) in some cases, brief "additional comments". There is no manuscript or other evaluation of the data by Dr. Dituri. No statement of the objective of the study is provided as required by § 130.12(a)(5)(ii)(*a*)(*1*) (21 CFR 130.12).

Many patients had multiple diagnosis in addition to hypertension, such as diabetes mellitus, obesity, arthritis, arteriosclerotic heart disease, psychoneuroses, and pyelonepiritis. The data do not reflect a method of patient selection that provides adequate assurance that they are suitable for the purposes of the study as required by § 130.12(a)(5)(ii)(*a*)(2) (21 CFR 130.12). It is possible these subjects are suitable for purposes of the study, but the data do not show that any criteria other than hypertension was used to include subjects in the study, and no criteria are stated for exclusion of subjects from the study because of concurrent medical conditions. More important, however, is the fact that the data show only three patients diagnosed with "hypertension associated with conditions requiring the use of a daytime sedative (e.g. anxiety and tension)". Because McNeil Laboratories has indicated in its request for hearing (p. 3, Summary of Information) that the drug is indicated for patients with both hypertension and anxiety, it is apparent that the Dituri subjects were not suitable for purposes of the study.

The Dituri data also suffers from other deficiencies. Since there is no protocol or manuscript provided, there is no way for any reviewer of the data to determine how subjects were assigned to test groups to minimize bias as required by § 130.12(a)(5)(ii)(*a*)(2)(*ii*) (21 CFR 130.12), or how comparability in test and control groups of pertinent variables, such as age, sex, severity, or duration of disease, and use of drugs other than the test drug was achieved, as required by § 130.12(a)(5)(ii)(*a*)(2)(*iii*) (21 CFR 130.12). In this connection, the Commissioner observes that no information on the subjects relative to the history of their hypertension, its severity, duration, or regulation by other drugs was provided.

There is no explanation of the methods of observation and recording of results, including variables measured, quantitation, assessment of any subjects' responses, and steps taken to minimize bias on the part of the subjects and observer as required by § 130.12(a)(5)(ii)(*a*)(*3*) (21 CFR 130.12). The data does reflect pulse and blood pressure readings were taken once every two weeks, but no explanation is provided concerning the quantitative significance between different readings and variables which could influence such readings, such as body position when blood pressures were recorded.

There is no comparison of results of treatment with the control treatments which would permit quantitative evaluation of the results; and the nature of the control is neither stated nor documented, as required by § 130.12(a)(5)(ii)(*a*)(*4*) (21 CFR 130.12). Although McNeil Laboratories describes the study as "double blind" there is no data to show that the study was blind either to Dr. Dituri or the subjects.

Finally, there is no statistical analysis provided, as required by § 130.12(a)(5)(ii)(*a*)(5) (21 CFR 130.12). In this connection, however, the Commissioner observes that the group on butiserpine (six of 10 with some improvement) did not do as well as the control group (seven of nine with some improvement).

b. Clark, T. and Cross, C., "Clinical Effectiveness of Four Hypotensive Preparations" Angiology, 16: 238, May, 1965. A group of 118 hypertensive patients was divided into four sub-groups: 14 patients were given butabarbital 30 milligrams three or four times daily for three months; 35 patients were given butiserpine two to four times a day for a minimum of three months and for as long as eight months; 29 patients were given butabarbital 30 milligrams and hydrochlorothiazide (25 milligrams or 50 milligrams) one to three times daily for a minimum of three months; and another 40 patients were treated similarly with a combination of butabarbital, reserpine, and hydrochlorothiazide. The authors concluded that excellent control of blood pressure was obtained by butabarbital in 11 or 14 patients (79 percent); twelve patients (86 percent) reported they were less nervous, irritable, and no longer sufferred from insomnia. The butiserpine patients also were reported to have excellent results in the control of blood pressure (65 percent), nervousness (85 percent), irritability (100 percent), and insomnia (86 percent). Results in the two other treatment groups were also reported as excellent. However, on its face the study fails to meet the requirements of an adequate and well controlled study.

The purpose of the study, as stated by the authors, was to determine the clinical effectiveness of butabarbital alone and in combination with hydrochlorothiazide and/or reserpine. It was not designed to determine the contribution, if any, of butabarbital and reserpine to safety and effectiveness of the combination drug as required by 21 CFR 3.86. On this basis alone the study cannot be accepted as demonstrating the effectiveness of butiserpine. The authors of the paper concur. They state as a conclusion: "Although the role of the barbiturate has not been scientifically established, there is a clinical impression that it adds to the therapeutic usefulness of an antihypertensive agent."

Even if the study were designed to satisfy the inquiry into the roles the individual components play, there are

patent defects in the study rendering it unacceptable. The plan of study did not include a method of patient selection which (1) provides adequate assurance that they are suitable for purposes of the study (all patients were diagnosed as having hypertension, but it is unclear whether and how any diagnosis of anxiety was made, or whether the presence of anxiety was assumed on the basis of remarks or comments by patients to the investigators; the patient population had variable disease conditions in that some patients had labile hypertension, that is variable from day to day, while others had chronic or relatively stable hypertension; (2) diagnostic criteria of the condition to be treated or diagnosed, including confirmatory laboratory tests (diagnosis appears to be based on only one blood-pressure reading, body position unstated; no baseline was established by a number of readings at different times in different body attitudes; no laboratory tests, such as x-ray to determine heart enlargement, renal function tests to determine kidney involvement, eye ground examinations to determine vessel changes, etc. were conducted); (3) assigned the subjects to test groups in a way to minimize bias (labile hypertension patients were administered butabarbital while chronic patients were given the other test substances); and (4) assured comparability in test and control groups of pertinent variables such as severity and duration of disease and use of drugs other than the test substance (the authors state the test subjects were not comparable in duration or severity of disease; there is no indication of what other drugs, if any, the subjects in different test groups received), all of which are required by § 130.12(a)(5)(ii)(*a*)(2) (21 CFR 130.12).

The data do not show the methods of observation of results, including the variables measured and quantification (measurement of variables and quantification of results would appear to be impossible given the absence of an established baseline for blood pressure, particularly for those patients with labile or variable hypertension) as required by § 130.12(a)(5)(ii)(*a*)(3) (21 CFR 130.12). The data also do not provide information on the nature of any controls employed so as to minimize bias on the part of the investigators, and to permit quantitative evaluation of the contribution the components make to butiserpine (apparently neither the subjects or the investigators were blinded to minimize bias; reserpine was not administered alone and butabarbital was given to patients with labile, not chronic hypertension) as required by § 130.12(a)(5)(ii)(*4*) (21 CFR 130.12).

There was no statistical analysis. The only analysis was computation of rough percentages showing success of butabarbital similar to butiserpine in patient groups with different diagnoses.

c. Johnson, H. J., "Collections of Case Reports" (unpublished). Groups of from 14 to 49 patients diagnosed as suffering from anxiety, hypertension, or both were treated with butiserpine over a period of three weeks to two and one-half years. McNeil Laboratories state the treatments were generally successful.

The Johnson data is nothing more than a collection of case histories of patients administered butiserpine. The data do not purport to be controlled clinical investigations. In no respect are the criteria for well controlled investigations as set forth in § 130.12(a)(5)(ii) (21 CFR 130.12) satisfied by this data; i.e., there is no protocol, diagnostic criteria are unstated, patients were not assigned to test groups to minimize bias, pertinent variables such as duration and severity of disease and use of concurrent therapy are not taken into account, there is no comparison of the patients with any control (historical controls are inappropriate, but even so no data were provided in an attempt to establish such a control), and there is no statistical analysis. All of the data is testimonial in nature.

d. *All clinical data.* None of the data purport to establish the contributions the individual components make to the safety and effectiveness of butiserpine. McNeil Laboratories has not attempted to establish that there is a significant patient population for which combined therapy is necessary. At a minimum, such a population must be identified and documented; and thereafter, separate groups should be administered butiserpine, butabarbital alone, and reserpine alone. Statistical analysis must show a significant increase in effectiveness or safety of the combination over that of either component alone.

CONCLUSION

Therefore, the Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)), and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to each of said drugs, evaluated together with the evidence available to him when each application was approved, there is a lack of substantial evidence that each of the drugs will have the effects it is purported or is represented to have under the conditions of use prescribed, recommended or suggested in the labeling thereof.

Pursuant to the foregoing findings, approvals of the above new-drug applications, and all amendments and supplements thereto, are withdrawn effective October 1, 1973.

(Sec. 505(e), 52 Stat. 1053, as amended (21 U.S.C. 355(e)).)

Dated September 19, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-20214 Filed 9-20-73;8:45 am]

[DESI 5668; Docket No. FDC-D-599; NDA No. 5-668 etc.]

CERTAIN COMBINATION GASTROINTESTINAL DRUGS

Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications

In a notice (DESI 5668) published in the FEDERAL REGISTER of June 18, 1971 (36 FR 11757), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the drugs described below stating that the drugs were regarded as possibly effective and lacking substantial evidence of effectiveness for the various labeled indications. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no data have been submitted pursuant to the notice.

NDA No.	Drug	NDA holder
5-668...	Malglyn Tablets and Malglyn Compound Magma containing phenobarbital, belladonna alkaloids, and dihydroxyaluminum aminoacetate.	Brayten Pharmaceutical Co., 1715 West 38th St. Chattanooga, Tenn. 37409.
11-183	Aludrox SA suspension containing ambutonium bromide, butabarbital, aluminum hydroxide gel, and magnesium hydroxide.	Wyeth Laboratories Division, American Home Products Corp., P.O. Box 8299, Philadelphia, Pa. 19101.
11-391..	Aludrox SA tablets containing ambutonium bromide, butabarbital, dried aluminum hydroxide gel, and magnesium hydroxide.	Wyeth Laboratories Division, American Home Products Corp.

The holders of the new drug applications listed above have informed the Food and Drug Administration that marketing of Malglyn Magma Compound and Aludrox SA Suspension and Tablets has been discontinued.

Therefore, notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new drug application(s) and all amendments and supplements thereto on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products, not the subject of an approved new

drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD–300), 5600 Fishers Lane, Rockville, Maryland 20852.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug applications(s) should not be withdrawn.

On or before Oct. 23, 1973, the applicant(s) and any other interested person is required to file with the Hearing Clerk, Food and Drug Administration, Room 6–86, 5600 Fishers Lane, Rockville, Maryland 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election within the specified time will constitute an election by him not to avail himself of the opportunity for a hearing. No extension of time may be granted.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s).

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before October 23, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claims involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after October 23, 1973 a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated September 13, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73–20148 Filed 9–20–73;8:45 am]

Health Resources Administration

NURSING RESEARCH AND EDUCATION ADVISORY COMMITTEE

Notice of Meeting

The Administrator, Health Resources Administration, announces the meeting date and other required information for the following National Advisory body scheduled to assemble the month of September 1973:

Committee name	Date, time, and place	Type of meeting and/or contact person
Nursing Research and Education Advisory Committee.	9/24–25, 8:30 a.m., Conference Room 3, Bldg. 31, National Institutes of Health, Bethesda, Md.	Open—8:30 a.m.–10:00 a.m. on Sept. 24. Closed—remainder of meeting. Contact Dr. Doris Bloch, Federal Bldg., Room 6A–10, 9000 Rockville Pike, Bethesda, Md., code 301–496–6955.

Purpose. The committee is charged with the initial review of research grant applications in all areas of nursing education and practice, including studies of extended professional roles model curricula, clinical investigations, historical research, and institutional research development and with surveying the status of research in nursing education and practice.

Agenda. Agenda items will cover administrative and staff reports during the open session of the meeting. The remainder of the meeting will be devoted to the review of grant applications and will not be open to the public, in accordance with the determination by the Administrator, Health Resources Administration, pursuant to Public Law 92–463, section 10(d).

Agenda items are subject to change as priorities dictate.

A roster of members and other relevant information regarding the open/closed session may be obtained from the contact persons listed above.

Dated September 17, 1973.

KENNETH M. ENDICOTT, M.D.,
Administrator, Health Resources Administration.

[FR Doc.73–20147 Filed 9–20–73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 73–213N]

NEW YORK HARBOR VESSEL TRAFFIC SYSTEM ADVISORY COMMITTEE

Notice of Meeting

This is to give notice pursuant to Publice Law 92–463, sec. 10(a), approved October 6, 1972, that the New York Harbor Vessel Traffic System Advisory Committee will conduct an open meeting on Wednesday, October 17, 1973, in the Auditorium of Building 108, Governors Island, New York beginning at 10:30 a.m.

Members of the Committee and their industry positions are:

Admiral John M. Will, USN (Ret.), State of New York Board of Commissioners of Pilots.
Captain H. C. Breitenfeld, United New York Sandy Hook Pilots' Benevolent Association.
Captain W. H. Burrill, State of New Jersey Board of Commissioners of Pilots.
Mr. Richard Dewling, U.S. Environmental Protection Agency.
Captain L. T. Earl, United New Jersey Sandy Hook Pilots' Benevolent Association.
Mr. A. Giallorenzi, American Institute of Merchant Shipping—Petroleum Industry Representative.
Mr. Alfred Hammon, Port Authority of New York and New Jersey.
Captain T. A. King, U.S. Department of Commerce Maritime Administration.
Commodore F. Lindner, Long Island Sound Commodores Association.
Colonel H. W. Lombard, USA, Department of the Army, Corps of Engineers.
Mr. Robert W. Sanders, New York Harbor Panel Marine Towing and Transportation Industry.
Captain R. D. Sante, USN, U.S. Navy, Military Sealift Command.
Captain S. M. Seledee, American Institute of Marine Underwriters.

Captain J. G. Stillwaggon, Interport Pilot's Associates, Inc.
Captain K. C. Torrens, American Institute of Merchant Shipping.

The Agenda for the October 17, 1973 meeting consists of:

1. Brief discussion of changes made to the Implementation Working Paper.
2. Report to the Committee of the progress on Communications analysis. Committee to determine:
a. Are additional studies required?
b. Time reports, if any, should be completed.
c. Briefing of probability of multi-channel Vessel Traffic System Communications Requirements nationally—re: Headquarters Study.
3. Announce:
a. Status of sub-committees for the study of Long Island Sound and Upper Hudson River.
b. Specific tasks of sub-committees.
4. Announce the Committee procedures relative to requests for exemptions to the system.
5. Discuss equipment requirements for vessels—determine economic impact on the industry.
6. Report by the Captain of the Port New York, reference to possible speed limits to be imposed in the various areas of the harbor and anchorage area restrictions with respect to length, tugs required, etc.
7. Comments from the floor.

The New York Harbor Vessel Traffic System Advisory Committee was established by the Commander, Third Coast Guard District on April 1, 1973, to advise on the need for, and development, installation and operation of a Vessel Traffic System for the New York Harbor. Public members of the Committee serve voluntarily without compensation from the Federal Government, either travel or per diem.

Interested persons may seek additional information by writing Commander H. A. Pledger, Project Officer, Vessel Traffic System, Third Coast Guard District, Governors Island, New York 10004, or by calling 212–264–0409.

Dated September 7, 1973.

G. W. WAGNER,
Captain, U.S. Coast Guard, Acting Commander, Third Coast Guard District.

[FR Doc.73–20092 Filed 9–20–73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50–450 and 50–451]

DELMARVA POWER & LIGHT COMPANY AND PHILADELPHIA ELECTRIC COMPANY

Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicants' Environmental Report; Time for Submission of Views on Antitrust Matter

Delmarva Power & Light Company, 800 King Street, Wilmington, Delaware 19899, and Philadelphia Electric Company, 2301 Market Street, Philadelphia, Pennsylvania 19101 (the applicants), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, have filed an application which was docketed on August 16, 1973, for authorization to construct and operate two generating units utilizing high temperature gas-cooled reactors. The application was tendered on April 30, 1973. Following a preliminary review for completeness, it was accepted on June 15, 1973.

The proposed nuclear facilities, designated by the applicants as the Summit Power Station, Units 1 and 2 will be located on a site in New Castle County, Delaware, approximately 1.2 miles south of the Chesapeake and Delaware Canal, 5 miles northeast of Middletown, Delaware, and 15 miles southwest of Wilmington, Delaware. Each reactor is designed for initial operation at approximately 2000 megawatts thermal, with a net electrical output of approximately 785 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before October 30, 1973. The request should be filed in connection with Docket Nos. 50–450–A and 50–451–A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and at the Newark Free Library, Elkton Road and Delaware Avenue, Newark, Delaware 19711.

The applicants also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR, Part 50, an environmental report dated April 1973. Following a preliminary review for completeness, it was rejected on June 15, 1973, for lack of sufficient information. The applicants submitted a supplement to the environmental report on July 30, 1973, and the report was accepted. The report has been made available for public inspection at the aforementioned locations. The report, which discusses environmental considerations related to the proposed construction of the Summit Power Station, Units 1 and 2 is also being made available at the Delaware State Planning Office, Tomas Collins Building, 530 South Dupont Highway, Dover, Delaware 19901, and at the Wilmington Metropolitan Area Planning and Coordinating Council, 4613 Robert Kirkwood Highway, Wilmington, Delaware 19808.

After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, requesting comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials thereon will be made available when received.

Dated at Bethesda, Maryland, this 20th day of August 1973.

For the Atomic Energy Commission.

DARRELL G. EISENHUT,
Acting Chief, Gas Cooled Reactors Branch, Directorate of Licensing.

[FR Doc.73–18380 Filed 8–20–73;8:45 am]

[Docket Nos. 50–448 and 50–449]

POTOMAC ELECTRIC POWER COMPANY

Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicant's Environmental Report; Time for Submission of Views on Antitrust Matter

Potomac Electric Power Company (the applicant), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed on August 9, 1973, for authorization to construct and operate two single cycle, forced circulation, boiling water nuclear reactors. The application was tendered on July 2, 1973. Following a preliminary review for completeness, it was found acceptable for docketing on August 6, 1973.

The proposed nuclear facilities, designated by the applicant as the Douglas Point Nuclear Generating Station, Units 1 & 2 are located on the east bank of the Potomac River, about 30 miles south-southwest of Washington, D.C., in Charles County, Maryland, and are designed for initial operation at approximately 3579 megawatts (thermal), with a net electrical output of approximately 1173 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before October 30, 1973. The request should be filed in connection with Docket Nos. 50–448–A & 50–449–A.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR, Part 50, an environmental report dated August 8, 1973. The report has been made available for public inspection at the aforementioned locations. The report, which discusses environmental considerations relative to the proposed construction of the Douglas Point Nuclear Generating Station, Units 1 & 2, is also being made available at the Department

of State Planning, 301 West Preston Street, Baltimore, Maryland 21201 and at the Metropolitan Washington Council of Governments, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, requesting comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials thereon will be made available when received.

Dated at Bethesda, Maryland, this 14th day of August 1973.

For the Atomic Energy Commission.

WALTER R. BUTLER,
Chief, Boiling Water Reactors, Branch 1 Directorate of Licensing.

[FR Doc.73-18379 Filed 8-30-73;8:45 am]

[Docket No. 50-389]

FLORIDA POWER & LIGHT CO.

Hearing on Application for Construction Permit

In the matter of Florida Power & Light Company (St. Lucie Plant, Unit 2).

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 Florida Power and Light Company (the applicant), for a construction permit for a pressurized water nuclear reactor designated as the St. Lucie Plant, Unit 2 (the facility), which is to be designed for initial operation at approximately 2570 thermal megawatts with a net electrical output of approximately 810 megawatts. The proposed facility is to be located on the applicant's site on Hutchinson Island in St. Lucie County, Florida, between the cities of Ft. Pierce and Stuart on the East Coast of Florida. The hearing will be scheduled to begin in the vicinity of the site of the proposed facility.

The hearing will be conducted by an Atomic Safety and Licensing Board (Board) which has been designated by the Chairman of the Atomic Safety and Licensing Board Panel, consisting of Dr. David L. Hetrick, Dr. Frank F. Hooper, and John B. Farmakides, Esq., Chairman. Dr. Marvin M. Mann has been designated as a technically qualified alternate, and Michael Glaser, Esq. has been designated as an alternate qualified in the conduct of administrative proceedings.

Upon completion by the Commission's regulatory staff of a favorable safety evaluation of the application and an environmental review, and upon receipt of a report by the Advisory Committee on Reactor Safeguards, the Director of Regulation will consider making affirmative findings on Items 1–3, a negative finding on Item 4, and an affirmative finding on Item 5 specified below as a basis for the issuance of a construction permit to the applicant:

Issues pursuant to the Atomic Energy Act of 1954, as amended. 1. Whether in accordance with the provisions of 10 CFR § 50.35(a):

(a) The applicant has described the proposed design of the facility including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facility, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicant is technically qualified to design and construct the proposed facility;

3. Whether the applicant is financially qualified to design and construct the proposed facility;

4. Whether the issuance of a permit for construction of the facility 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 permit should be issued as proposed.

In the event that this proceeding is not a contested procedure 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 permit proposed by the Director of Regulation; and (2) determine whether the review conducted by the Commission pursuant to NEPA has been adequate. In the event that this proceeding is not contested the Board will convene a prehearing conference of the parties at a time and place to be set by the Board. It will also set the schedule for the evidentiary hearing. Notice of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

In the event that this proceeding becomes a contested proceeding, the Board will consider Items 1–5 above as a basis for determining whether the construction permit should be issued to the applicant.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, to be held at such time as may be appropriate, at a place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR 2.751a. Notice of the special prehearing conference will be published in the FEDERAL REGISTER.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any special prehearing conference, after discovery has been completed, at a time and place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR 2.752.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with section A.11 of Appendix D of 10 CFR Part 50, (1) determine whether the requirements of section 102(2) (C) and (D) of NEPA and Appendix D of 10 CFR Part 50 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken; and (3) determine whether the construction permit should be issued, denied, or appropriately conditioned to protect environmental values.

For further details, see the application for a construction permit and the applicant's Environmental Report, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., between the hours of 8:30 a.m. and 5 p.m. on weekdays. Copies of those documents are also available at the Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Florida 33450, for inspection by members of the public between the hours of 8 a.m. and 9:30 p.m. Monday through Thursday, 8 a.m. and 5 p.m. on Friday, and 2 p.m. and 5 p.m. on Sunday. As they become available, a

copy of the Safety Evaluation Report 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 permit, 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, the Commission's final detailed statement on environmental considerations, the proposed construction permit, 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 October 23, 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 Items 1–5 above.

Any person whose interest may be affected by the proceeding, who does not wish to make a limited appearance but 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 October 23, 1973. A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR 2.714(a)(1)–(4) and 2.714(d).

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have all the rights to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the applicant not later than October 11, 1973.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the petition or request for limited appearance should also be sent to the Chief Hearing Counsel, Office of the General Counsel, U.S. Atomic Energy Commission, Washington, D.C. 20545, and to Mr. Jack R. Newman, Newman, Reis & Axelrad, 1100 Connecticut Avenue NW., Washington, D.C. 20036, attorney for the applicant.

Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission.

With respect to this proceeding, pursuant to 10 CFR 2.785, an Atomic Safety and Licensing Appeal Board will exercise the authority and the review function which would otherwise be exercised and performed by the Commission. Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER.

Dated at Washington, D.C., this 13th day of September 1973.

UNITED STATES ATOMIC ENERGY COMMISSION,
GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.73-20034 Filed 9-20-73;8:45 am]

[Docket No. 50-389]

FLORIDA POWER AND LIGHT CO.

Receipt of Application for Construction Permit and Facility License; Availability of Applicant's Environmental Report; Time for Submission of Views on Antitrust Matter

The Florida Power and Light Company (the applicant), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed an application dated May 14, 1973, which was docketed September 4, 1973, for authorization to construct and operate a pressurized water nuclear reactor. The application was initially tendered on April 19, 1973. Following a preliminary review for completeness, the Preliminary Safety Analysis Report was found to be acceptable for docketing; however, the Environmental Report was rejected for lack of sufficient information. The applicant submitted additional environmental information on August 8, 1973, and the application was found acceptable for docketing. Docket No. 50-389 has been assigned to this application and should be referenced in any correspondence relating to it.

The proposed nuclear facility, designated by the applicant as the St. Lucie Plant, Unit 2, is to be located at the applicant's site on Hutchinson Island in St. Lucie County, Florida, between the Cities of Ft. Pierce and Stuart on the East Coast of Florida. The facility is to be designed for initial operation at approximately 2570 megawatts thermal, with a net electrical output of approximately 810 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before November 20, 1973. The submittal should reference Docket No. 50-389-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and at the Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Florida 33450.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, an Environmental Report. This report, which discusses environmental considerations related to the proposed construction of the St. Lucie Plant, Unit 2, is available for public inspection at the aforementioned locations, and is also being made available at the Department of Administration, State Planning and Development Clearinghouse, 725 South Bronough Street, Tallahassee, Florida 32304.

After the Environmental Report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, requesting comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials thereon will be made available when received.

Dated at Bethesda, Maryland, this 12th day of September 1973.

For the Atomic Energy Commission.

KARL R. GOLLER,
Chief, Pressurized Water Reactors Branch No. 3, Directorate of Licensing.

[FR Doc.73-20038 Filed 9-20-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25881]

AMERICAN AIRLINES, INC. AND HUGHES AIRWEST

Route Exchange Agreement, Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 24, 1973, at 10:00 a.m. (local time) in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Alexander N. Argerakis.

In order to facilitate the conduct of the conference parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before October 11, 1973, and the other parties on or before October 18, 1973. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., September 17, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-20159 Filed 9-20-73;8:45 am]

[Docket No. 24488; Order 73-9-58]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Fares Over South Pacific

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 14th day of September 1973.

By Order 73-7-55, dated July 12, 1973, the Board approved IATA agreements revising the South Pacific fare structure. The Board's approval of that portion of the agreement which provides for through fares between the mainland U.S. and South Pacific points in excess of the sum of local sector fares was approved subject to modification after receipt and evaluation of carrier justification and comments from interested third parties.[1]

Comments in support of the IATA agreement have been received from American Airlines, Inc. (American), Pan American World Airways, Inc. (Pan American) and Air New Zealand Limited (New Zealand). The respondents generally contend that IATA negotiates fares for international routes based on cost considerations for the routes to be operated; that it would be unsound to construct an international fare for a long-haul, low-traffic-density route by using a domestic fare that is recognized as unprofitable; that domestic and international fare structures will always coexist and the resultant fare undercutting cannot be entirely eliminated; that the Board has approved IATA resolutions establishing the precedence of specified through fares over any lower combinations of intermediate fares; that the problems of establishing international fares are made more difficult because of the multi-tier domestic fare structure to Hawaii; and that fluctuations in domestic fares are beyond the control of IATA members and compliance with the Board's proposal would create additional problems of routing control and other undercuts. Pan American further alleges that the Board erred in its fare table in Appendix B of Order 73-7-55 in that the combination of fares over Honolulu are in fact understated and are not in conformance with the IATA agreements.

The Board has on several occasions in the past addressed itself to the matter of the combinability of fares. The first major decision, IATA Regional Traffic Conference Investigation, 24 CAB 463 (1957), commonly known as the TAN case, dealt primarily with the combinability of U.S. domestic fares in international air transportation offered by non-IATA carriers. More recently, by Order 72-10-1, October 2, 1972, the Board conditioned IATA Resolution 001 (Permanent Effectiveness Resolution) as follows:

> No IATA resolution shall be construed as preventing any agent or carrier from selling a ticket or any number of tickets for air transportation to any person who meets the travel requirements affixed to the air fares subject to the stipulations contained in the lawful tariffs of the various carriers involved in said transportation, as filed with the Civil Aeronautics Board (where such filing is required by law).

[1] For example, the sum of the local-sector coach/economy one-way fares over Honolulu on mainland-Sydney services would undercut the through IATA fares from $18 to $55. On mainland-Papeete services, the undercuts range from $28 to $65.

As a consequence of the above condition the combination of sector fares filed with the Board in the carriers' tariffs are valid for transportation even though the IATA through fare as published may be undercut. As we said in Order 72-10-1:

> A through fare which is higher than the aggregate of intermediate fares is ordinarily considered to be unreasonable per se, and would not ordinarily be permitted to go into effect.

While the lower combination fares are legal and can be used to secure the desired transportation, Board approval of the higher IATA through-fare agreement would mean that the higher fares will be shown in various ticket-selling publications, and as a consequence only the more knowledgeable traveler or travel agent would be aware of the savings to be realized from the purchase of a combination of fares ticket. We, therefore, conclude that approval of the agreements establishing through first-class and normal economy fares higher than the sum of the individual sector fares would be adverse to the public interest.

We do not deny that certain procedural problems may result from our decision but we do not believe these problems are insurmountable. Should domestic fares change, IATA has ample wherewithal to likewise change IATA fares by mail or cable vote. Further, as noted in Order 73-7-55, although an IATA review of the fare construction rules is pending, we have serious reservations about constructing South Pacific fares over Los Angeles rather than over Hawaii because, for example, Hawaii is a stop on many South Pacific services.

Finally, we would first point out that level of mainland-Hawaii fares is not at issue in this proceeding. In any event the Board has recently permitted certain increases in the domestic Hawaii fares. A comparison of the IATA-agreed South Pacific through fares and the combination of fares over Hawaii reflecting the increase is shown in the attachments hereto. It is apparent that significant undercuts will continue to exist.

The Board, acting pursuant to sections 102, 204(a) and 412 of the Act, finds that the agreement establishing first-class and economy fares in air transportation at levels higher than the sum of the individual sector fares are adverse to the public interest or in violation of the Act and should be disapproved.

Accordingly, *It is ordered, That:* The following resolutions incorporated in Agreement C.A.B. 23596 as they would apply in air transportation be and hereby are disapproved.

Agreement CAB 23596	IATA No.	Title	Application
R-6.....	015a	South Pacific Proportional Fares-North America (Revalidating and Amending).	3/1 South Pacific.
R-7.....	056a	II South Pacific First-Class Fares.	Do.
R-9.....	066a	II South Pacific Economy-Class Fares.	Do.

This Order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[1]

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-20163 Filed 9-20-73;8:45 am]

[Docket No. 25630]

SURINAAMSE LUCHTVRACHT ONDERNEMING N.V.

Postponement of Prehearing Conference and Hearing

In the matter of Surinaamse Luchtvract Onderneming N.V. (Surinam Air Cargo Corporation), foreign air carrier permit renewal, Surinam-Miami service.

Counsel for the applicant has requested a postponement of the prehearing conference and hearing in this proceeding to October 17, 1973, in order to have sufficient time to prepare exhibit material requested by the Bureau of Operating Rights.

Accordingly, notice is given that the prehearing conference and hearing now scheduled for October 3, 1973 (38 FR 25466, September 13, 1973), is hereby postponed to October 17, 1973, at 10 a.m. (local time), in Room 503, Universal Biulding, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., September 17, 1973.

[SEAL] ALEXANDER N. ARGERAKIS,
Administrative Law Judge.

[FR Doc.73-20160 Filed 9-20-73;8:45 am]

COMMISSION ON CIVIL RIGHTS

ARIZONA

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Civil Rights Act of 1957, 71 Stat. 634, as amended, that a public hearing of the U.S. Commission on Civil Rights will commence on October 22, 1973, and that an executive session, if appropriate, will be convened on October 21, 1973, to be held at the Navajo Civic Center, Window Rock, Arizona.

The purpose of the hearing is to collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin which affect educational opportunities, or the provision of medical and welfare services, or employment opportunities, or economic development for the Navajo Indians who reside on or near the Navajo Reservation in Arizona, New Mexico, or Utah; to appraise the laws and policies of the Federal Government with respect to denials of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin as they affect the educational opportunities, or the provision of medical and welfare services, or employment opportunities, or economic development for Navajo Indians, in the above areas, and to disseminate information with respect to denials of equal protection of the laws because of race, color, religion, sex, or national origin in the fields of education, medical and welfare services, employment, economic development, and related matters.

Dated at Washington, D.C., September 18, 1973.

STEPHEN HORN,
Acting Chairman.

[FR Doc.73-20191 Filed 9-20-73;8:45 am]

NEW JERSEY STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the New Jersey State Advisory Committee will convene at 7:30 p.m. on September 21, 1973, in Room 115, Labor Education Center, Rutgers University, Ryders Lane, New Brunswick, New Jersey 08903.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street NW., Washington, D.C. 20425.

The purpose of this meeting shall be to discuss current developments in the progress of the New Jersey State Advisory Committee's prison study.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., September 13, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-20270 Filed 9-20-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report 666]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

SEPTEMBER 17, 1973.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commissions rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 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 cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below 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] VINCENT J. MULLINS,
Acting Secretary.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20253-C2-74—Comex, Inc. (KCI295). C.P. to utilize facilities operating on 43.22 mHz as standby at Loc. #1: Elm Street, Manchester, New Hampshire, and to replace transmitter at Loc. #3: Swenson's Quarry, Rattlesnake Hill, Concord, New Hampshire.

20254-C2-P-74—Radio Relay Corporation (KEC745). C. P. to change antenna system operating on 43.22 MHz at Loc. #7: 135 St. Andrews Lane, Glen Cove, New York.

20255-C2-P-74—General Telephone Company of the Southwest (KKO351). C.P. for additional facilities to operate on 152.54 MHz at 5.8 Miles West of San Angelo, Texas.

20256-C2-P-74—Phenix Communications Company, Inc. (KLF555). C.P. to change antenna system and location and to replace transmitter operating on 152.09 MHz to be located at a new site described as Loc. #2: 809 S. Seventh Street, Opelika, Alabama.

20257-C2-AL-74—Collins Communications Company. Consent to Assignment of License from Clarence Collins, ASSIGNOR to Collins Radio Communications Corporation, ASSIGNEE. Station: (KUO574), Garner Lake Route, Gillette, Wyoming.

20259-C2-P-74—Telepage, Inc. (KLF605). C.P. to change antenna system and location operatin on 158.61 mHz to a new Loc. #2: 1010 West Holly Street, Bellingham, Washington.

20260-C2-P-74—Southwestern Bell Telephone Company (NEW). C.P. for a new 2-way station to operate on 152.66 MHz to be located 6 miles South of Canadian, by Hwy. 60, Texas.

[1] Attachment A, Comparison of IATA South Pacific Through Fares and Combination of Local Fares over Honolulu (One-Way First-Class Fares), is filed as part of the original document.

[1] All applications listed below 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 cutoff rules apply to those applications listed below 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).

20261–C2–P–74 — Massachusetts-Connecticut Mobile Telephone Company (KQZ747). C.P. for additional facilities to operate on 158.70 MHz to be located at seven new sites described as: Loc. #2: Killingsworth, Connecticut; Loc. #3: Beseck Mountain, Middletown, Connecticut; Loc. #4: End of Cook Drive, Montville, Connecticut; Loc. #5: On Route 195 approx. 0.5 mile South of Storrs, Connecticut; Loc. #6: Willis Street, Bristol, Connecticut; Loc. #7: Highland Avenue, Torrington, Connecticut; Loc. #8: Circle Watner Tract, Extension of Garden Hill, Waterbury, Connecticut; and control facilities to operate on 75.46 MHz at a location described as Loc. #9: Meriden Mountain, Connecticut.

20262–C2–P–(2)–74—Westchester Mobilfone System, Inc. (KEA274). C.P. to change antenna location and replace transmitter operating on 152.06 and 152.15 MHz to be located at St. Marys In The Field School, Mt. Pleasant, New York.

20263–C2–P–74—Zipcall (KTS212). C.P. for additional facilities to operate on 43.22 MHz at Loc. #1: End of Tower Road, Fall River, Massachusetts.

20264–C2–AL–73—Montana Communications. Consent to Assignment of License from Montana Communications, ASSIGNOR to James W. Corn d/b as Omnicom, ASSIGNEE. Station: KOF914, 3200 Clark, on TV Mtn., 9 miles north of Missoula, Montana.

MAJOR AMENDMENTS

4472–C2–P–(2)–73—Gulf Mobilphone Alabama, Inc. (NEW), Birmingham, Alabama. Amend to change base and mobile frequencies for location #2 to 454.275 and 459.275 respectively. All other particulars remain as reported on PN #628, dated December 26, 1972.

8336–C2–P–73—Portable Communications, Inc. (NEW). Amend to change base frequency to 454.325 MHz and location to near Rt. 83 and Center Rd., 6 miles SE. of Dunkirk, New York. All other particulars to remain as reported on PN #649, dated May 21, 1973.

8337–C2–P–73—Portable Communications, Inc. (NEW). Amend to change location to near Rt. 83 and Center Rd., 6 miles SE. of Dunkirk, New York. All other particulars to remain as reported on PN #649, dated May 21, 1973.

CORRECTION

20157–C2–P–74—General Telephone Company of the Southwest (KKO966). Correct call sign to read (KKQ966) instead of (KKO966). All other particulars to remain as reported on PN #662, dated August 20, 1973.

INFORMATIVE

It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference.

California

United Radiophone System (NEW) 102–C2–P–(2)–73.

Peninsula Radio Secretarial Service, Inc. (KMA608) 2607–C2–P–73.

• • • • •

Indiana—454.125 MHz

Lake Shore Communications (KSJ818) 1956–C2–P–73.

Mobile Radio Communications of Gary KSD-311) 3985–C2–P–73.

RURAL RADIO SERVICE

60056–C6–AL–74—Montana Communications. Consent to Assignment of License from Montana Communications, ASSIGNOR, to James W. Corn d/b as Omnicom, ASSIGNEE. Station: KPX22, Temporary-Fixed.

POINT TO POINT MICROWAVE SERVICE

9484–C1–P–72 and 2034–C1–L–73—Madison Valley Telephone Company. (New) Big Sky, 30.5 miles SW. of Bozeman, Montana. Lat. 45°16'05" N., Long. 111°17'24" W. C.P. for a new station on frequencies: 10,915V and 11,155H to Big Sky P.R. on azimuth 344°43'.

766–C1–P–74—The Mountain States Telephone and Telegraph Company. (KPR76) 2 miles North of Salt Lake City, Utah. Lat. 40°48'18" N., Long. 111°53'48" W. C.P. to increase circuit capacity and transmitter power output to 2 watts on frequencies: 6241.7H and 6301.0H toward Ogden, Utah, via Passive Reflector.

767–C1–P–74—Same. (KPR77) 431 26th Street, Ogden, Utah. Lat. 41°13'04" N., Long. 111°58'07" W. C.P. to increase circuit capacity and transmiter power output to 2 watts on frequencies: 6019.3H and 6078.6H toward Salt Lake City via Passive Reflector and frequencies: 6056.4H and 6115.7H toward Little Mountain, Utah.

768–C1–P–74—Same. (KPS98) 8.3 miles WSW. of Plain City, Utah. Lat. 41°15'25" N., Long. 112°14'13" W. C.P. to increase circuit capacity and transmitter power output to 2 watts on frequencies: 6308.4H and 6367.-7H toward Ogden, Utah, and frequencies: 6382.6H and 10.995V toward Brigham City, Utah.

769–C1–P–74—Same. (KPZ71) 42 East Second South, Brigham City, Utah. Lat. 41°30'23" N., Long. 112°00'49" W. C.P. to increase circuit capacity and transmitter power output to 2 watts on frequencies: 6130.5H and 11,445V toward Little Mountain and frequencies: 6115.7H and 11,645V toward Logan, Utah, via double Passive Reflectors.

770–C1–P–74—Same. (KPZ72) 10 South 1st East, Logan, Utah. Lat. 41°43'52" N., Long. 111°49'53" W. C.P. to increase circuit capacity and transmitter power output on frequencies: 6367.7H and 10,715V toward Brigham City, Utah, via double Passive Reflectors.

771–C1–P–74—KHC Microwave Corporation. (New) 6 miles West of Winnie, Texas. Lat. 29°50'48" N., Long. 94°29'05" W. C.P. for a new station on frequencies: 5945.2H, 6004.5H, 6063.8H, 6123.1H, and 6152.8V toward LaBelle, Texas, on azimuth 91°13'. (NOTE.—A waiver of Section 21.701(1) is requested by KHC.)

772–C1–P–74—Northwestern Bell Telephone Company. (New) ½ mile SW. of Jamestown, North Dakota. Lat. 46°54'16" N., Long. 98°43'57" W. C.P. for a new station on frequencies: 11,685 and 11,445 toward Courtenay, North Dakota, on azimuth 19°47'.

773–C1–P–74—Same. (New) South edge of Courtenay, North Dakota. Lat. 47°13'08" N., Long. 98°33'59" W. C.P. for a new station on frequencies: 10,755 and 10,995 toward Jamestown, North Dakota, on azimuth 199°55'.

774–C1–P–74—The Pacific Telephone and Telegraph Company. (KME46) 3848 Seventh Avenue, San Diego, California. Lat. 32°44'52" N., Long. 117°09'29" W. C.P. to change antenna system and add frequency 3710V toward Mt. Laguna, Calif., on azimuth 77°24'.

775–C1–P–74—The Pacific Telephone and Telegraph Company. (KMJ79) Mt. Laguna, Calif. Lat. 32°53'06" N., Long. 116°25'103" W. C.P. to change antenna system and add frequencies: 3750V toward San Diego, Calif., on Azimuth 257°49'; 3750H toward El Centro, Calif., on Azimuth 97°08'.

776–C1–P–74—Same. (KHZ78) 763 State Street, El Centro, California. Lat. 32°47'29" N., Long. 115°33'35" W. C.P. to add frequency 3710H toward Mt. Laguna, Calif., on azimuth 277°36'.

779–C1–P–74—Pacific Northwest Bele Telephone Company.(KOJ91) 208 West Yakima Avenue, Yakima, Washington. Lat. 46°36'-03" N., Long. 120°30'37" W. C.P. to add frequency 4130V toward Bluelight Hill, Washington, on azimuth 158°48'.

780–C1–P–74—Same. (KOJ92) 6 miles Northeast of Bickleton, Washington. Lat. 46°04'-50" N., Long. 120°13'14" W. C.P. to add frequency 4170V toward Joe Butte, Washington, on azimuth 87°53'.

781–C1–P–74—New England Telephone and Telegraph Company. (KCL85) 25 Concord Street, Manchester, New Hampshire. Lat. 42°59'32" N., Long. 71°27'46" W. C.P. to add frequencies: 6197.2H and 6256.5H toward Nashua, N.H., on azimuth 181°47'; delete frequency 6271.4V toward Nashua, N.H.

782–C1–P–74—Same. (KPP37) 50 Feet West of Water Tank on Columbia Avenue Extension 1.1 mile North of Nashua Central Office, Nashua, New Hampshire. C.P. to change antenna system, delete frequency 6108.3V toward Manchester, New Hampshire, add frequencies: 5945.2H and 6123.1H toward Manchester, New Hampshire, on Azimuth 01°47'.

777–C1–P–74—Midwestern Relay Company (WIV61) 3.8 miles West of Hinckley, Minnesota. Lat. 45°01'28" N., Long. 93°01'21" W. C.P. to add frequency 6375.2H and delete frequency 6256.2H toward Isanti, Minnesota, on azimuth 191°58'.

778–C1–P–74—Same. (WIV63) Duluth, Minnesota. Lat. 46°47'21" N., Long. 92°06'51" W. C.P. to change polarization of frequency 6375.2 from H to V toward Duquette, Minnesota, on azimuth 216°10'.

783–C1–P–74—Penn Service Microwave Company. (WAY89) 3 miles South of Williamsport, Pennsylvania. Lat. 41°12'31" N., Long. 76°57'30" W. C.P. to shorten authorized radio path to Cogan Station on azimuth 325°30' by ten feet.

784–C1–P–74 — Eastern Microwave, Inc. (New) 0.4 mile North of West Richfield, Ohio. Lat 41°14'43" N., Long. 81°39'23" W. C.P. for a new station on frequencies: 10,775V and 10,935V toward Parma, Ohio, on azimuth 339°5'.

785–C1–P–74—Same. (New 0.4 mile North of West Richfield, Ohio. Lat. 41°14'43" N., Long. 81°39'23" W. C.P. for a new station on frequencies: 10,775V and 10,935V toward Akron, Ohio, on azimuth 163°21'.

786-C1-P-74—Eastern Microwave, Inc. (New) 0.4 mile north of West Richfield, Ohio. Lat. 41°14'43" N., Long. 81°39'23" W. C.P. for a new station on frequency: 10,775V toward Cleveland, Ohio, on azimuth 340°23'.

787-C1-P-74—Microwave Transmission Corporation. (KPZ25) 6.7 miles South of Kennewich, Washington. Lat. 46°06'16" N., Long. 119°07'50" W. C.P. to change point of communication to Walla Walla, Washington, on azimuth 92°2'; change antenna system.

788-C1-P-74—United Wehco, Inc. (New) 3.0 miles North of Bruce, Arkansas. Lat. 34°17' 54" N., Long. 92°11'08" W. C.P. for a new station on frequencies: 6226.9H and 6286.2H toward Pine Bluff. Lat. 34°12'11" N. Long. 92°05'30" W. Arkansas, on azimuth 140°41'. (Information: United Wehco, by separate amendment, is severing from its pending application, file number 1883-C1-P-72, that portion for service to Pine Bluff and, by this application, restores same service proposal to Pine Bluff. 30 days Public Notice is not applicable. See Public Notice period is not applicable. See Public Notice October 12, 1971, and September 5, 1972.

Corrections

373-C1-P-74—Michigan Bell Telephone Company. (KQF43) Correct to read C.P. to add frequencies: 4010H and 4090H toward Flint, Michigan, on azimuth 183°20'; 4010V and 4090V toward Saginaw, Michigan, on azimuth 323°48'. (All other particulars to remain the same as report on Public Notice #661, dated August 13, 1973.)

497-C1-P-74—American Telephone and Telegraph Company. (KKP96) Correct to read C.P. to add frequency 3950H toward Emory, Texas, on azimuth 83°50'.

498-C1-P-74—Same. (KKP97) Correct to read C.P. to add frequency 3950H toward Lindale, Texas, on azimuth 127°38'.

499-C1-P-74—Same. (KKP98) Correct to read C.P. to add frequency 3950H toward East Mountain, Texas, on azimuth 79°54'.

500-C1-P-74—Same. (KKP99) Correct to read C.P. to add frequency 3990H toward Marshall, Texas, on azimuth 89°24'.

501-C1-P-74—Same. (KKT20) Correct to read C.P. to add frequency 3950H toward Leigh, Texas, on azimuth 92°30'.

592-C1-P-74—Same. (KKT21) Correct to read C.P. to add frequency 3990H toward Shreveport, La., on azimuth 107°28'. All other particulars same as reported Public Notice dated September 4, 1973, Report No. 664.

760-C1-P-74—Florida Telephone Corporation. Correct to read (KIO44) Winter Garden, Fla. (All other particulars same as reported Public Notice dated September 10, 1973, Report No. 665.

[FR Doc.73-20154 Filed 9-20-73;8:45 am]

[Docket No. 19808]

TELERENT LEASING CORP. ET AL.

Petition for Declaratory Rulings

In the matter of Telerent Leasing Corporation, et al., petition for declaratory rulings on questions of Federal pre-emption on regulation of interconnection of subscriber-furnished equipment to the nationwide switched public telephone network.

1. In its Memorandum Opinion and Order of September 6, 1973, in this proceeding (FCC 73-901) released September 7, 1973 which designated the above captioned matter for oral argument before the Commission on October 30, 1973, preliminary procedural dates were established, namely, October 1, 1973, for filing of briefs and October 15, 1973, for filing replies and statements of intention to appear for the oral argument.

2. In order to establish a procedure whereby all parties filing briefs may receive prompt service of all briefs filed by other parties and, in light of the tight schedule previously established, we shall require all parties who plan to file briefs with the Commission on or before October 1, 1973, to notify the Chief, Common Carrier Bureau, and Chief, Domestic Rates Division, in writing, on or before September 24, 1973, of such intention. We shall promptly issue a public notice prior to October 1, 1973, listing all such parties and all parties so listed shall be served with a copy of all briefs filed on October 1, 1973, and with a copy of reply briefs. We also shall extend the time for filing reply briefs from October 15, 1973, to and including October 22, 1973, in order to grant additional time for the preparation of such reply briefs.

3. Accordingly, *it is, hereby, ordered,* Pursuant to authority delegated by section 0.303(c) of the Commission's Rules, That the time for filing reply comments is extended from October 15, 1973, to October 22, 1973.

4. *It is further ordered,* That each person or entity intending to file a brief on or before October 1, 1973, shall so notify the Chief of the Common Carrier Bureau and the Chief, Domestic Rates Division, in writing by no later than September 24, 1973.

5. *It is further ordered,* That a copy of all briefs filed on or before October 1, 1973 and replies filed on or before October 22, 1973, shall be served on all parties listed in a Public Notice to be published by the Commission prior to October 1, 1973.

[SEAL] BERNARD STRASSBURG,
Chief, Common Carrier Bureau.

Adopted September 14, 1973.

Released September 14, 1973.

[FR Doc.73-20155 Filed 9-20-73;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN PERU

Entry or Withdrawal From Warehouse for Consumption

SEPTEMBER 19, 1973.

On November 23, 1971, the United States Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a comprehensive bilateral cotton textile agreement with the Government of Peru concerning exports of cotton textiles and cotton textile products from Peru to the United States over a five-year period beginning on October 1, 1971, and extending through September 30, 1976. Among the provisions of the agreement are those establishing an aggregate limit for the 64 categories and within the aggregate limit specific limits on Categories 22, 56, 57, 58, and 60 for the third agreement year beginning October 1, 1973.

Accordingly, there is published below a letter of September 19, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in the above categories, produced or manufactured in Peru, which may be entered or withdrawn from warehouse for consumption in the United States for the twelve-month period beginning October 1, 1973, and extending through September 30, 1974,, be limited to the designated levels. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

SEPTEMBER 19, 1973.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of November 23, 1971, between the Governments of the United States and Peru, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective October 1, 1973 and for the twelve-month period extending through September 30, 1974, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 22, 56, 57, 58, and 60, produced or manufactured in Peru, in excess of the following levels of restraint:

Category:		*Twelve-Month Levels of Restraint*
22	square yards	1,929,375
56	dozen	53,927
57	do	44,100
58	do	99,225
60	do	15,914

In carrying out this directive, entries of cotton textiles and cotton textile products in the above categories, produced or manufactured in Peru, which have been exported to the United States from Peru prior to October 1, 1973, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period October 1, 1972 through September 30, 1973. In the event that the levels of restraint established for such goods for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of November 23, 1971, between the Governments of the United States and Peru which provide, in

part, that within the aggregate limit, the limits of certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above will be made to you by further letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on April 29, 1972 (37 FR 8802), as amended on February 14, 1973 (38 FR 4436).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Peru and with respect to imports of cotton textiles and cotton textile products from Peru have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73-20304 Filed 9-20-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CI73-900]

ADOBE OIL CO.

Order Granting Intervention, Setting Hearing Date and Prescribing Procedure

SEPTEMBER 13, 1973.

On June 18, 1973, Adobe Oil Company (Adobe) filed an application in Docket No. CI73-900 for a limited term certificate of public convenience and necessity with pregranted abandonment authority, pursuant to section 7(c) of the Natural Gas Act and the Commission's regulations thereunder, for the sale of gas to Transwestern Pipeline Company (Transwestern) from the Rock Tank (Morrow) Field, Eddy County, New Mexico (Permian Basin).

Specifically, Adobe proposes to sell approximately 240,000 Mcf per month to Transwestern for one year from its No. 2 Smith Federal well pursuant to a letter agreement dated May 2, 1973. The proposed rate of 54.25 cents per Mcf, subject to downward Btu adjustment from a base of 1,000 and upward Btu adjustment from a base of 1,000 to a maximum of 1,100 Btu, exceeds the applicable area ceiling rate of 35 cents per Mcf for sales in the Permian Basin, established by Commission Opinion No. 662.

Adobe commenced a 60 day emergency sale pursuant to § 157.29 of the Commission's regulations under the Natural Gas Act from the subject well on June 20, 1973. This sale ended August 19, 1973. On August 17, 1973, an extension of the 60 day emergency sale was granted by letter.

A late petition to intervene in the above application was filed by Transwestern on July 18, 1973.

Transwestern, in its petition to intervene, has requested that the intermediate decision be omitted, that oral hearing be waived and that the application be heard under the shortened procedure afforded by § 1.32 of the Commission's rules of practice and procedure.

The application in this proceeding represents a sizable volume of gas potentially available to the interstate market. It is of critical importance that interstate pipelines procure emergency supplies of gas to avoid disruption of service to consumers nevertheless, we must determine whether the rate to be paid serves the public convenience and necessity. It is therefore necessary that this application be set for public hearing and expeditious determination. The hearing will be held to allow presentations, cross-examination, and rebuttal of evidence by any participant. This evidence should be directed to the issue of whether the present or future public convenience and necessity requires issuance of a limited-term certificate on the terms proposed in that application.

The Commission finds

(1) The intervention of Transwestern in this proceeding may be in the public interest.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

The Commission orders

(A) Petitioner's request that the intermediate decision be omitted, that oral hearing be waived and that the application be heard under the shortened procedure afforded by § 1.32 of the Commission's Rules of Practice and Procedure is not in the public interest and is hereby denied.

(B) Transwestern is hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission: *Provided, however,* That the participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene; and *Provided, further,* That the admission of said intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure and the Regulations under the Natural Gas Act, a public hearing shall be held on October 2, 1973, at 10 a.m., e.d.t. in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the issue of whether a certificate of public convenience and necessity should be granted as requested by the applicant.

(D) On or before September 21, 1973, Adobe and any supporting party shall file with the Commission and serve upon all parties, including Commission Staff, their testimony and exhibits in support of their position.

(E) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at, and control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

By the Commission.[1]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20130 Filed 9-20-73;8:45 am]

[Docket Nos. CP72-35, CP69-41]

ALGONQUIN GAS TRANSMISSION CO.

Compliance Tariff Filing

SEPTEMBER 12, 1973.

Take notice that on August 21, 1973, Algonquin Gas Transmission Company (Algonquin) tendered for filing First Revised Sheet No. 11-D to its FPC Gas Tariff, Original Volume No. 1. Algonquin states the tariff sheet as revised complies with the condition specified in the Commission's order issued in these dockets on August 10, 1973, and conforms the Minimum Bill provision to the subject tariff sheets requirements of that order.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NW., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 26, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20124 Filed 9-20-73;8:45 am]

[Docket No. RP71-122]

ARKANSAS LOUISIANA GAS CO.

Order Denying Petition, Establishing Procedures and Setting Hearing Date

SEPTEMBER 13, 1973.

On May 14, 1973, Arkansas Lightweight Aggregate Corporation (Arkansas Lightweight) filed its petition with the

[1] Statements of Commissioners Brooke and Moody are filed as part of the original document.

Commission seeking a declaratory order as to the proper interpretation of, or, in the alternative, extraordinary relief from the curtailment plan ordered by the Commission for Arkansas Louisiana Gas Company (Arkla) in Opinion Nos. 643 and 643–A issued in the above-captioned proceeding on January 8 and April 10, 1973, respectively. Notice of Arkansas Lightweight's petition was given by publication in the FEDERAL REGISTER on June 1, 1973 (38 FR 15383).

Arkansas Lightweight alleges that the natural gas requirements for its England, Arkansas aggregate manufacturing plant are approximately 1500–2200 Mcfd, whereas its contract maximum is 1200 Mcfd. Arkansas Lightweight states that despite the disparity between its requirements and its contract maximum, Arkla has until recently served the total requirements of the England plant. However, by letter dated April 12, 1973, Arkla notified Arkansas Lightweight that it was exceeding its daily contract maximum and that Arkla could no longer deliver more than that amount. Arkansas Lightweight further alleges that if deliveries are reduced to 1200 Mcfd, it will be forced to reduce production at its England plant by 50% which will cause it to lay off several of its 29 employees.

Therefore, Arkansas Lightweight requests the Commission by way of declaratory order to direct Arkla to measure curtailments from actual requirements rather than from contractual entitlements. Arkansas Lightweight argues that this interpretation is consistent with the intent of Opinion Nos. 643 and 643–A. Alternatively, should the Commission determine not to issue the declaratory order sought, Arkansas Lightweight requests extraordinary relief in the form of authorization to receive its daily requirements for a period of one year. During this period Arkansas Lightweight will complete the installation of alternate fuel facilities thereby enabling it to operate within its contractual limitation without disruption.

On June 19, 1973, Arkla filed its answer to Arkansas Lightweight's petition. Therein, Arkla opposed both Arkansas Lightweight's request for a declaratory order and its request for extraordinary relief.

Arkla argues that since the petition fails to disclose a case or controversy with regard to the contractual relations between Arkla and Arkansas Lightweight, a request for a declaratory order will not lie. Arkla further states that the appropriate vehicle for the relief sought by Arkansas Lightweight is extraordinary relief, not a declaratory order.

A fair reading of Opinion No. 643 issued in this docket on January 8, 1973, leaves no doubt as to the lack of merit or Arkansas Lightweight's request for a declaratory order. Therein, we stated as paragraph 42:

> If system deliverability permits only partial delivery of gas to a given category of use, curtailment will be effected on the basis of a pro rata sharing based on historical deliveries to customers for that category. Historical takes will be calculated on the basis of a 3-year average taken from the 3-year period ending September 30, 1971, which is prior to the implementation of the filed curtailment plan on October 15, 1971. On days when curtailment is required, total deliveries to individual customers may not exceed contract volumes.

The allegations made by Arkansas Lightweight, at best, constitute the basis for the filing of a request seeking extraordinary relief. Therefore, Arkansas Lightweight's petition for a declaratory order is denied. We will treat its filing solely as a petition for extraordinary relief.

The Commission finds

It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing to determine whether the public convenience and necessity requires the grant of extraordinary relief sought.

The Commission orders

(A) Pursuant to the authority of the Natural Gas Act, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter 1), a public hearing shall be held commencing on October 2, 1973, at 10:00 a.m. (EDT) in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 to determine whether extraordinary relief is required.

(B) On or before September 17, 1973, Arkansas Lightweight shall prepare and file with the Commission and serve on all parties, including Staff, testimony and exhibits in support of its request for extraordinary relief. Any other party herein choosing to file evidence and exhibits shall make them available to all participants at the beginning of the hearing and should endeavor to make such materials available at an earlier date if possible.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for the purpose (see Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

By the Commission.

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

[FR Doc.73-20108 Filed 9-20-73;8:45 am]

[Docket No. CI73-898]

BALLARD & CORDELL CORP.

Order Providing for Hearing, Permitting Intervention and Establishing Procedures

SEPTEMBER 13, 1973.

On April 15, 1971, the Commission, acting pursuant to the authority of the Natural Gas Act, as amended, particularly sections 4, 5, 7, 8, 10, and 16 thereof (52 Stat. 822, 823, 824, 825, 826, 830; 56 U.S.C. 717c, 717d, 717f, 717g, 717l and 717), issued Order 431 promulgating a Statement of General Policy with respect to the establishment of measures to be taken for the protection of as reliable and adequate service as present natural gas supplies and capacities will permit.

On June 18, 1973, The Ballard & Cordell Corporation (Applicant) filed in Docket No. CI73–898 an application pursuant to section 7(c) of the Natural Gas Act and § 2.70 of the Commission's general policy and interpretations thereunder for a limited term certificate of public convenience and necessity with pre-granted abandonment, authorizing the emergency sale of natural gas to Texas Eastern Transmission Corporation (Texas Eastern) from acreage in Wharton County, Texas. Applicant requests that the application be disposed of under the shortened procedure set forth in § 1.32 of the Commission's rules of practice and procedure.

The one year limited-term certificate application, pursuant to a letter agreement dated June 1, 1973, limits Texas Eastern's obligation to purchase to 3,000 Mcf per day at a rate of 50.0¢ per Mcf.

Applicant received a limited-term certificate in Docket No. CI72–853 authorizing sales to Texas Eastern from the same acreage at a rate of 35.0¢ per Mcf. This limited-term certificate expired on August 5, 1973.

In Order 431, the Commission amended Part 2, Subchapter A, General Rules, Chapter I, Title 18 of the Code of Federal Regulations by adding a new § 2.70, which reads in pertinent part:

> (3) The Commission recognizing that additional short-term gas purchases may still be necessary to meet the 1971–1972 demands, will continue the emergency measures referred to earlier for the stated 60-day period. If the emergency purchases are to extend beyond the 60-day period, paragraph 12 in the Notice issued by the Commission on July 17, 1970, in Docket No. R–389A should be utilized (35 FR 11638). The Commission will consider if the pipeline demonstrates emergency need * * *

Paragraph 12 of R–389A provided, in part, that applicants, requesting certificates for sales of natural gas in excess of the ceiling or guideline rate, shall state the grounds for claiming that the present or future public convenience and necessity requires issuance of a certificate on the terms proposed in the application.

The application in this proceeding represents a significant volume of gas potentially available to the interstate market. It is of critical importance that interstate pipelines procure emergency supplies of gas to avoid disruption of service to consumers; nevertheless, we must determine whether the rate to be paid serves the public convenience and necessity. It is therefore necessary that this application be set for public hearing and expeditious determination. The hearing will be held to allow presentation, cross-examination, and rebuttal of evidence by any participant. This evidence should be directed to the issue of whether the present or future public convenience and necessity requires issuance of a limited-term certificate on

the terms proposed in that application.

The period for filing protests or interventions expired on July 16, 1973. No protests or interventions were received prior to that date. On July 18, 1973, Texas Eastern filed a late petition to intervene in support of the application. Texas Eastern requests that the certificate be issued under the shortened procedure prescribed in § 1.32 of the Commission's rules of practice and procedure.

The Commission finds

(1) Good cause exists to set for formal hearing the application for a limited term certificate herein and deny the requests to dispose of this application under the shortened procedure prescribed in § 1.32 of the Commission's rules of practice and procedure.

(2) It may be in the public interest to permit Texas Eastern Transmission Corporation, which filed a late petition, to intervene in this proceeding.

The Commission orders

(A) The application for limited-term certificate for sale of natural gas filed in Docket No. CI73-898 is hereby set for hearing and the requests to dispose of this application under the shortened procedure prescribed in Section 1.32 of the Commission's rules of practice and procedure are hereby denied.

(B) Pursuant to the authority contained in and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly Sections 7, 15, and 16, and the Commission's rules and regulations under that Act, a public hearing shall be held commencing October 17, 1973 at 10:00 a.m. (EDT) at a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning whether the present or future convenience and necessity requires the issuance of a limited-term certificate for the sale of natural gas on the terms proposed in this application and whether the issuance of said certificate should be conditioned in any way.

(C) Texas Eastern Transmission Corporation is hereby permitted to become an intervener, subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and, *Provided, further,* That the admission of such intervener shall not be construed as recognition by the Commission that it might be aggrieved because of any order of the Commission entered in these proceedings.

(D) The applicant seeking the limited-term certificate and the proposed purchaser, Texas Eastern shall, on or before October 5, 1973, file with the Commission and serve on all parties to this proceeding, including Commission Staff, all testimony to be sponsored in support of the instant application.

By the Commission.[1]

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

[FR Doc.73-20121 Filed 9-20-73;8:45 am]

[Docket No. CI73-920]

BRUNSON AND McKNIGHT, INC. ET AL.

Order Granting Intervention, Setting Hearing Date, and Prescribing Procedure

SEPTEMBER 13, 1973.

On June 25, 1973, Brunson and McKnight, Inc. (Operator), et al., (Brunson and McKnight) filed an application for a limited term certificate of public convenience and necessity with pre-granted abandonment authority, pursuant to section 7(c) of the Natural Gas Act and the Regulations thereunder, for the sale of gas to Transwestern Pipeline Company (Transwestern) from the South Carlsbad Area, Eddy County, New Mexico) Permian Basin).

Specifically, Brunson and McKnight proposes to sell approximately 40,000 Mcf of gas per month to Transwestern for a period of one year pursuant to a letter agreement dated April 17, 1973. The proposed rate of 52 cents per Mcf, subject to downward Btu adjustment from a base of 1000 and upward Btu adjustment from a base of 1000 to a maximum of 1100 Btu, exceeds the applicable area ceiling rate of 35 cents per Mcf for sales in the Permian Basin, established by Commission Opinion No. 662.

Brunson and McKnight commenced a 60 day emergency sale pursuant to § 157.29 of the Commission's regulations under the Natural Gas Act from the subject well on May 17, 1973. Such sale ended on July 16, 1973. Brunson and McKnight were authorized to extend such emergency sale an additional 60 days by letter of July 13, 1973.

A timely petition to intervene in support of the application was filed on July 23, 1973, by Transwestern.

Brunson and McKnight, in its application, has requested that the intermediate decision be omitted, that oral hearing be waived and that the application be heard under the shortened procedure afforded by § 1.32 of the Commission's rules of practice and procedure.

The application in this proceeding represents a sizeable volume of gas potentially available to the interstate market. It is of critical importance that interstate pipelines procure emergency supplies of gas to avoid disruption of service to consumers nevertheless, we must determine whether the rate to be paid serves the public convenience and necessity. It is therefore necessary that this application be set for public hearing and expeditious determination. The hearing will be held to allow presentation, cross-examination, and rebuttal of evidence by any participant. This evidence should be directed to the issue of whether the present or future convenience and necessity requires issuance of a limited-term certificate on the terms proposed in that application.

The Commission finds

(1) The intervention of Transwestern in this proceeding may be in the public interest.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

The Commission orders

(A) Applicant's request that the intermediate decision be omitted, that oral hearing be waived and that the application be heard under the shortened procedure afforded by Section 1.32 of the Commission's Rules of Practice and Procedure is not in the public interest and is hereby denied.

(B) Transwestern is hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission: *Provided, however,* That the participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene; and *Provided, further,* That the admission of said intervener shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held on October 30, 1973, at 10 a.m. (e.s.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, concerning the issue of whether a certificate of public convenience and necessity should be granted as requested by the applicant.

(D) On or before October 9, 1973, Brunson and McKnight and any supporting party shall file with the Commission and serve upon all parties, including Commission Staff, their testimony and exhibits in support of their positions.

(E) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at, and control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

By the Commission.[1]

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

[FR Doc.73-20103 Filed 9-20-73;8:45 am]

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[1] Statements of Commissioners Moody and Brooke filed as part of the original document.

[1] Statements of Commissioners Brooke and Moody filed as part of the original document.

[Docket No. CP74-57]

CITIES SERVICE GAS CO.

Notice of Application

SEPTEMBER 12, 1973.

Take notice that on August 30, 1973, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP74-57 an application pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations thereunder (18 CFR 157.7 (b)) for a certificate of public convenience and necessity authorizing the construction during the calendar year 1974 and operation of facilities to take in to its pipeline system natural gas purchased from producers and other similar sellers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas in various producing areas generally coextensive with said system.

The total cost of the proposed facilities will not exceed $4,000,000, and the cost of any single project will not exceed $1,000,000. The facilities are to be financed with cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 9, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations and under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20114 Filed 9-20-73;8:45 am]

[Docket No. RP72-157]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Changes in Rates and Charges

SEPTEMBER 12, 1973.

Take notice that Consolidated Gas Supply Corporation (Consolidated) tendered for filing on August 27, 1973, proposed changes in its FPC Gas Tariff, First Revised Volume No. 1. The filing consists of a proposed Second Substitute Eighteenth Revised Sheet No. 8 which reflects an increase in revenues of $0.7 million annually over the revenues that would be generated under Alternate First Substitute Eighteenth Revised Sheet No. 8, filed July 24, 1973. The proposed effective date is October 1, 1973.

In support of its filing, Consolidated states that the proposed rates reflect an increase from Transcontinental Gas Pipe Line Corporation (Transco), filed on August 15, 1973, and proposed to be effective on October 1, 1973. Further, Consolidated states that it did not receive notice of Transco's rate change in sufficient time for Consolidated to meet the 45 day notice requirement of § 12.5 of the General Terms and Conditions of its FPC Gas Tariff. Accordingly, Consolidated requests waiver of that section and such other of the Commission's rules and regulations as may be required to permit the proposed changes to become effective October 1, 1973.

Consolidated states that copies of this filing were served on each of its jurisdictional customers and interested State Commissions.

Any person not presently a party to this proceeding who desires to be heard or protest said changes should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). Any party desiring to comment or object should also file as prescribed above. All such petitions, protests, or comments should be filed on or before September 20, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person not presently a party who wishes to become a party must file a petition to intervene. Copies of Consolidated's tendered filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20125 Filed 9-20-73;8:45 am]

[Docket No. CI73-889]

CORPENING ENTERPRISES

Notice Denying Motion To Reschedule Hearing

SEPTEMBER 12, 1973.

On September 6, 1973, A. V. Corpening, Jr. d/b/a Corpening Enterprises (Corpening) filed a motion requesting that the hearing on its application for a limited term certificate be rescheduled at some date after October 21, 1973.

Upon consideration, notice is hereby given that the motion is denied. The procedural dates set by the order issued August 31, 1973, are in effect.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20118 Filed 9-20-73;8:45 am]

[Docket No. E-8275]

DUKE POWER CO.

Notice of Application

SEPTEMBER 13, 1973.

Take notice that on June 14, 1973, Duke Power Company (Applicant) tendered for filing a supplemental Exhibit A-1 dated May 24, 1973, amending the Electric Power Contract with the City of Landis, North Carolina, designated Rate Schedule FPC No. 230. Exhibit A-1 provides for an increase in contract demand from 4,000 KW to 5,500 KW made at the City's request, to become effective July 20, 1973, for a term of one year thereafter.

Any person wishing to be heard or to make any protests with reference to such Application should, on or before October 5, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The Application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20109 Filed 9-20-73;8:45 am]

[Docket No. CI72-845]

EMERALD PETROLEUM CORP.

Order Setting Matter for Formal Hearing, Prescribing Procedures and Fixing Date of Hearing

SEPTEMBER 13, 1973.

On April 15, 1971, the Commission, acting pursuant to the authority of the Natural Gas Act, as amended, particularly Sections 4, 5, 7, 8, 10, and 16 thereof

(52 Stat. 822, 823, 824, 825, 826, 830; 56 U.S.C. 717c, 717d, 717f, 717g, 717i, and 717), issued Order 431 promulgating a Statement of General Policy with respect to the establishment of measures to be taken for the protection of as reliable and adequate service as present natural gas supplies and capacities will permit.

On July 24, 1973, Emerald Petroleum Corporation (Emerald) filed in the above-entitled docket a petition to amend a current one year limited term certificate under which it is selling natural gas to Transcontinental Gas Pipeline Corporation (Transco). The original certificate permitted Emerald to sell Transco natural gas from August 1, 1972, through August 10, 1973, from the Southwest Lake Boeuf Field, Lafourche Parish, South Louisiana, at a rate of 35 cents per Mcf.

In its current petition, Emerald proposes to continue its sale of gas to Transco for an additional year. A letter agreement submitted concurrently with the petition provides for the sale of all available gas on a best efforts basis. Emerald estimates that the initial daily volume will be 3,000 Mcf. The letter agreement requires that the gas have a gross heating value of at least 1000 Btu per cubic foot but does not provide for a price adjustment for Btu content. The new proposed rate is 50.0 cents per Mcf which is above the 26.875 cents per Mcf area rate for South Louisiana.

In Order 431, the Commission amended Part 2, Subchapter A, General Rules, Chapter I, Title 18 of the Code of Federal regulations by adding a new § 2.70, which reads, in pertinent part:

(3) The Commission recognizing that additional short-term gas purchases may still be necessary to meet the 1971–1972 demands, will continue the emergency measures referred to earlier for the stated 60-day period. If the emergency purchases are to extend beyond the 60-day period, paragraph 12 in the Notice issued by the Commission on July 17, 1970, in Docket No. R–389A should be utilized (35 FR 11638). The Commission will consider if the pipeline demonstrates emergency need
• • •

Paragraph 12 of R–389A provided, in part, that applicants, requesting certificates for sales of natural gas in excess of the ceiling or guideline rate, shall state the grounds for claiming that the present or future public convenience and necessity requires issuance of a certificate on the terms proposed in the application.

The application in this proceeding represents a sizeable volume of gas potentially available to the interstate market. It is of critical importance that interstate pipelines procure emergency supplies of gas to avoid disruption of service to consumers; nevertheless, we must determine whether the rate to be paid serves the public convenience and necessity. It is therefore necessary that this application be set for public hearing and expeditious determination. The hearing will be held to allow presentation, cross-examination, and rebuttal of evidence by any participant. This evidence should be directed to the issue of whether the present or future public convenience and necessity requires issuance of a limited-term certificate on the terms proposed in that application.

Public notice of the petition was given with protests or petitions to intervene due on August 13, 1973. None were received. Transco filed a letter in support of the petition.

The Commission finds

(1) Good cause exists to set for formal hearing the petition to amend the limited-term certificate herein.

The Commission orders

(A) The petition to amend the limited-term certificate for sale of natural gas filed in Docket No. CI72–845 is hereby set for hearing.

(B) Pursuant to the authority contained in and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 7, 15, and 16 and the Commission's rules and regulations under that Act, a public hearing shall be held commencing October 10, 1973, at 10 a.m. (e.d.t.) at a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning whether the present or future public convenience and necessity requires the issuance of a limited-term certificate for the sale of natural gas on the terms proposed in this application and whether the issuance of said certificate should be conditioned in any way.

(C) Emerald shall, on or before September 26, 1973, file with the Commission and serve on all parties to this proceeding, including Commission Staff, all testimony to be sponsored in support of this application.

By the Commission.[1]

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

[FR Doc.73–20137 Filed 9–20–73;8:45 am]

[Docket No. CI74–2]

EXXON CORP.

Order Granting Intervention, Setting Hearing Date and Prescribing Procedures

SEPTEMBER 13, 1973.

Exxon Corporation (Exxon) filed an application in Docket No. CI74–2 on July 2, 1973 for a limited-term certificate of public convenience and necessity with pre-granted abandonment authority, pursuant to Order No. 431 and § 157.23 of the Commission's regulations under the Natural Gas Act for the sale of gas to United Gas Pipe Line Company (United) from acreage in the Arp Field, Smith County, Texas Railroad Commission District 6.

Specifically, Exxon proposes to deliver gas to United at 50.0¢ per Mcf (14.65 psia) without any Btu adjustment. Exxon's proposed sale is for a period of one year. Delivery is to be made at the wellhead. The projected delivery volume is 60,000 Mcf per month. Gas is to be sold from a lease in the Arp Field, Smith County, Texas Railroad Commission District 6. Exxon initiated a 60-day emergency sale to United on June 25, 1973 which terminated on August 24, 1973. The proposed rate exceeds the applicable area base rate of 23.5 cents established by the Commission's Opinion No. 607.

The application in this proceeding represents a sizeable volume of gas potentially available to the interstate market. It is of critical importance that interstate pipelines procure emergency supplies of gas to avoid disruption of service to consumers; nevertheless, we must determine whether the rate to be paid serves the public convenience and necessity. It is therefore necessary that this application be set for public hearing and expeditious determination. The hearing will be held to allow presentation, cross-examination, and rebuttal of evidence by any participant. This evidence should be directed to the issue of whether the present or future public convenience and necessity requires issuance of limited-term certificates on the terms proposed in the application.

A timely petition to intervene in favor of the application was filed by United on July 20, 1973.

The Commission finds

(1) The intervention of United in this proceeding may be in the public interest.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

The Commission orders

(A) United is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene; and *Provided, further,* That the admission of said intervener shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act, a public hearing shall be held on October 30, 1973, at 10 a.m. (e.s.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, concerning the issue of whether a certificate of public convenience and necessity should be granted as requested by Exxon.

(C) On or before October 16, 1973, Exxon and any supporting parties shall file with the Commission and serve upon all parties, including Commission Staff, their

[1] Statements of Commissioners Brooke and Moody filed as part of the original document.

testimony and exhibits in support of their positions.

(D) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at, and control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

By the Commission.[1]

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

[FR Doc.73-20131 Filed 9-20-73;8:45 am]

[Dockets Nos. CI73-676; CI73-746]

FLORIDA GAS EXPLORATION COMPANY ET AL.

Order Granting Motion To Consolidate Proceedings and Fixing Date for Hearing

SEPTEMBER 13, 1973.

By orders of July 25, 1973, and August 2, 1973, in the above-named dockets the Commission set the two applications for separate hearings and prescribed a different set of procedural dates for each proceeding.

By a motion filed August 11, 1973, Florida Gas Exploration Company (Operator), et al., seeks consolidation of these proceedings stating that the two applications concerned natural gas production from the same well, that the two applicants have one hundred percent of the working interest in this well, and that the two underlying contracts have the same terms.

We find that orderly procedure requires that these two applications be consolidated for purposes of hearing and disposition. We further find that the procedural dates set forth in the motion seeking consolidation of these proceedings should be adopted as the procedural dates for the consolidated proceeding and we shall so provide.

The Commission finds

It is necessary and in the public interest that the above-docketed proceedings be consolidated for hearing and disposition and that the motion to consolidate these proceedings be granted.

The Commission orders

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 15, and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I) Docket Nos. CI73-676 and CI73-746 are consolidated for the purpose of hearing and disposition.

(B) The Chief Administrative Law Judge shall designate a Presiding Administrative Law Judge to preside at the hearing in this consolidated proceeding pursuant to the Commission's rules of practice and procedure.

(C) The procedural dates established by the order of August 2, 1973, in Docket No. CI73-746 are hereby adopted as the procedural dates for this consolidated proceeding, i.e.,

(a) Applicants and all intervenors supporting the applications shall file their direct testimony and evidence on or before September 24, 1973. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties to these proceedings.

(b) The Commission Staff and all intervenors opposing the application shall file their direct testimony and evidence on or before October 8, 1973. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, and all other parties to these proceedings.

(c) All rebuttal testimony and evidence shall be served on or before October 23, 1973. All parties submitting rebuttal testimony and evidence shall serve such testimony and evidence upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties to these proceedings.

(d) The hearing will commence October 29, 1973, at 10 a.m. (e.s.t.) in a hearing room of the Federal Power Commission, Washington, D.C.

(e) The Administrative Law Judge's decision shall be rendered on or before December 4, 1973. All briefs on exceptions shall be due on or before December 14, 1973, and replies thereto shall be due on or before December 21, 1973.

By the Commission.

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

[FR Doc.73-20138 Filed 9-20-73;8:45 am]

[Docket No. E-8323]

FLORIDA POWER AND LIGHT CO.

Order Accepting Service Agreement for Filing, Denying Motion To Reject, and Permitting Intervention

SEPTEMBER 13, 1973.

On July 16, 1973, Florida Power and Light Company (Florida) tendered for filing a service agreement dated April 16, 1973, between Florida and the City of Homestead (Homestead), providing for Florida to supply emergency power and energy to Homestead under Rate Schedule WH. An effective date of September 16, 1973, was requested for the agreement.

At the same time the company exercised its right to make its FPC Electric Tariff Original Volume No. 1 and accompanying Rate Schedule SR applicable to the City of Homestead as of September 1, 1973, subject to refund in accordance with Ordering Paragraph (A) of the Commission's Order of March 29, 1973 in Docket No. E-8008.

On July 31, 1973, Florida amended the July 16 filing by requesting an effective date of September 1, 1973 for the service agreement and the substitution of Rate Schedule SR. Florida also requested such waiver of the notice requirements of our Rules as may be necessary.

In response to the Secretary's notice for comments, Homestead filed a protest, petition to intervene, a motion to reject and opposition to waiver of notice requirements.

In support of its motion to reject, Homestead claims that Florida has given no justification for the proposed rates and that the proposed increases are contrary to antitrust laws and policies. Our review of the filing reveals that the rates and charges that Florida seeks to apply to Homestead in this docket under Rate Schedule SR are currently suspended until September 1, 1973, and under review in Docket No. E-8008. Florida did file supporting data and evidence for the requested rates in that docket. Whether such support is sufficient to justify the proposed increases will be determined in the proceedings ordered in that docket. By its July 16, 1973, filing, Florida is merely exercising its contractual right to file unilaterally and apply the SR Rate to Homestead.

As to the possible antitrust problems raised by the motion to reject, Homestead argues that Florida should not be able to impose terms and rates such as those proposed in this filing. There is no question of "imposition" in this proceeding, however, because the contract filed by Florida recognizes the right of either party to "unilaterally at any time seek, by appropriate filing wth the regulatory agency * * * having jurisdiction, changes or substitutions in the rate and terms and conditions for such service." Having conceded such a right to Florida in the signed service agreement, Homestead is in no position to complain of Florida's exercise of its contractual rights.

In the alternative, Homestead requests that if we fail to reject the filing, we suspend the requested rates for the full five month statutory period. These same rates have been suspended and set for hearing in Docket No. E-8008 and are presently scheduled to become effective, subject to refund, September 1, 1973, the same effective date as requested in this docket. We fail to recognize any hardship that might be suffered by Homestead by our failure to suspend the rates for an additional five months in this docket. Homestead has a right to refund of any amount found to be unreasonable or unjustified in Docket No. E-8008; therefore, we shall deny the request for a five month suspension.

Finally, since the amendment to the filing advancing the effective date to September 1, 1973 was filed on July 31, 1973, it complies with the thirty day notice requirements of our rules and regulations; therefore, no action is required by us on the request for waiver of those regulations.

The Commission finds

(1) Florida's July 16, 1973, filing should be accepted for filing under Section 205 of the Federal Power Act and made effective September 1, 1973.

(2) Homestead's motion to reject should be denied.

(3) Good cause exists to permit the intervention of the above-named petitioner.

[1] Statements of Commissioners Brooke and Moody are filed as part of the original document.

The Commission orders

(A) Florida's agreement with Homestead and the superseding rate schedule thereunder is accepted for filing to become effective on September 1, 1973.

(B) Consistent with our order issued March 29, 1973 in Docket No. E–8008, Florida will be required to refund to Homestead any amount found to be unjustified or unreasonable by the proceedings in Docket No. E–8008.

(C) Homestead's motion to reject is denied.

(D) The above-named petitioner is hereby permitted to interevene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenor shall be limited to matters affecting rights and interests specifically set forth in the petition to intervene, and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that he might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

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

[FR Doc.73–20136 Filed 9–20–73;8:45 am]

[Docket No. CI74–3]

FRANKS PETROLEUM, INC.

Order Providing for Hearing, Permitting Intervention, and Prescribing Procedures

SEPTEMBER 13, 1973.

On April 15, 1971, the Commission, acting pursuant to the authority of the Natural Gas Act, as amended, particularly sections 4, 5, 7, 8, 10 and 16 thereof (52 Stat. 822, 823, 824, 825, 826, 830; 56 U.S.C. 717c, 717d, 717f, 717g, 717i, and 717), issued Order 431 promulgating a Statement of General Policy with respect to the establishment of measures to be taken for the protection of as reliable and adequate service as present natural gas supplies and capacities will permit.

On July 2, 1973, Franks Petroleum Inc. (Franks) filed in Docket No. CI74–3 an application pursuant to section 7(c) of the Natural Gas Act and Order No. 431 in Docket No. R–418, for a one year limited-term certificate of public convenience and necessity with pre-granted abandonment authorizing the sale of natural gas to United Gas Pipe Line Company (United) from acreage in Columbia County, South Arkansas.

The limited-term certificate application provides for Franks to sell to United approximately 4,500 Mcf of gas per month at a contractually agreed rate of 48.0¢ per Mcf (15.025 psia), subject to upward and downward Btu adjustment from a 1,000 Btu base.

Franks states that it commenced a sixty day emergency sale to United on July 11, 1973, pursuant to § 157.29 of the Commission's regulations. The emergency sale expires on September 9, 1973. Franks requests that its application be disposed of under the shortened procedure as prescribed by Section 1.32 of the Commission's Rules of Practice and Procedure.

In Order 431, the Commission amended Part 2, Subchapter A, General Rules, Chapter I, Title 18 of the Code of Federal Regulations by adding a new § 2.70, which reads, in pertinent part:

> (3) The Commission recognizing that additional short-term gas purchases may still be necessary to meet the 1971–1972 demands, will continue the emergency measures referred to earlier for the stated 60-day period. If the emergency purchases are to extend beyond the 60-day period, paragraph 12 in the Notice issued by the Commission on July 17, 1970, in Docket No. R–389A should be utilized (35 FR 11638). The Commission will consider if the pipeline demonstrates emergency need • • •

Paragraph 12 of R–389A provided, in part, that applicants, requesting certificates for sales of natural gas in excess of the ceiling or guideline rate, shall state the grounds for claiming that the present or future public convenience and necessity requires issuance of a certificate on the terms proposed in the application.

The application in this proceeding represents a volume of gas potentially available to the interstate market. It is of critical importance that interstate pipelines procure emergency supplies of gas to avoid disruption of service to consumers; nevertheless, we must determine whether the rate to be paid serves the public convenience and necessity. It is therefore necessary that this application be set for public hearing and expeditious determination. The hearing will be held to allow presentation, cross-examination, and rebuttal of evidence by any participant. This evidence should be directed to the issue of whether the present or future public convenience and necessity requires issuance of a limited-term certificate on the terms proposed in that application.

On July 20, 1973, United filed a timely petition to intervene in this proceeding, pursuant to the notice of the instant application.

The Commission finds

(1) Good cause exists to set for formal hearing the application for a limited term certificate herein and to deny Franks' request that its application be disposed of under the shortened procedure prescribed by § 1.32 of the Commission's rules of practice and procedure.

(2) It may be in the public interest to permit United Gas Pipe Line Company, which filed a timely petition, to intervene in this proceeding.

The Commission orders

(A) The application for limited-term certificate for sale of natural gas filed in Docket No. CI74–3 is hereby set for hearing.

(B) Franks' request that its application be disposed of under the shortened procedure prescribed by § 1.32 of the Commission's rules of practice and procedure is hereby denied.

(C) Pursuant to the authority contained in and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 7, 15, and 16, and the Commission's rules and regulations under that Act, a public hearing shall be held commencing October 10, 1973, at 10 a.m. (e.d.t.) at a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning whether the present or future convenience and necessity requires the issuance of a limited-term certificate for the sale of natural gas on the terms proposed in this application and whether the issuance of said certificate should be conditioned in any way.

(D) United Gas Pipe Line Company is hereby permitted to become an intervenor, subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and, *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order of the Commission entered in these proceedings.

(E) The applicant seeking the limited-term certificate and the proposed purchaser, United, shall, on or before October 1, 1973, file with the Commission and serve on all parties to this proceeding, including Commission Staff, all testimony to be sponsored in support of the instant application.

By the Commission.[1]

KENNETH F. PLUMP, *Secretary.*

[FR Doc.73–20133 Filed 9–20–73;8:45 am]

[Docket No. CI73–940]

D. L. HANNIFIN AND JOE DON COOK

Order Granting Intervention, Setting Hearing Date and Prescribing Procedure

SEPTEMBER 13, 1973.

On June 29, 1973, D. L. Hannifin and Joe Don Cook (Hannifin and Cook) filed an application in Docket No. CI73–940 for a limited term certificate of public convenience and necessity with pregranted abandonment authority pursuant to section 7(c) of the Natural Gas Act, for the sale of gas to El Paso Natural Gas Company (El Paso) from the South Carlsbad Morrow Field (Grace Atlantic No. 1 well), Eddy County, New Mexico (Permian Basin).

Specifically, Hannifin and Cook propose to sell approximately 210,000 Mcf of gas per month to El Paso for a period of twelve months following the expiration of an initial 60 day delivery period,

[1] Statements of Commissioners Brooke and Moody are filed as part of the original document.

pursuant to a letter agreement dated June 9, 1973. The proposed rate of 55 cents per Mcf, subject to upward and downward Btu adjustment, exceeds the current area ceiling rate of 35 cents for sales in the Permian Basin, established by Commission Opinion No. 662.

Hannifin and Cook commenced a 60 day emergency sale pursuant to § 157.29 of the Commission's regulations under the Natural Gas Act from the subject well on June 9, 1973. This sale ended on August 8, 1973.

A timely petition to intervene in the support of the application was filed by El Paso on July 24, 1973.

Hannifin and Cook, in their application, have requested that the intermediate decision be omitted, that oral hearing be waived and that the application be heard under the shortened procedure afforded by § 1.32 of the Commission's rules of practice and procedure.

The application in this proceeding represents a sizeable volume of gas potentially available to the interstate market. It is of critical importance that interstate pipelines procure emergency supplies of gas to avoid disruption of service to consumers nevertheless, we must determine whether the rate to be paid serves the public convenience and necessity. It is therefore necessary that this application be set for public hearing and expeditious determination. The hearing will be held to allow presentation, cross-examination, and rebuttal of evidence by any participant. This evidence should be directed to the issue of whether the present or future public convenience and necessity requires issuance of a limited-term certificate on the terms proposed in that application.

The Commission finds

(1) The intervention of El Paso in this proceeding may be in the public interest.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

The Commission orders

(A) Applicant's request that the intermediate decision be omitted, that oral hearing be waived and that the application be heard under the shortened procedure afforded by § 1.32 of the Commission's rules of practice and procedure is not in the public interest and is hereby denied.

(B) El Paso is hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission: *Provided, however,* That the participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene; and *Provided, further,* That the admission of said intervener shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act, a public hearing shall be held on October 4, 1973, at 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, concerning the issue of whether a certificate of public convenience and necessity should be granted as requested by the applicants.

(D) On or before September 24, 1973, Hannifin and Cook and any supporting party shall file with the Commission and serve upon all parties, including the Commission Staff, their testimony and exhibits in support of their position.

(E) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at, and control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

By the Commission.[1]

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

[FR Doc.73-20134 Filed 9-20-73;8:45 am]

[Docket No. CI73-747]

INEXCO OIL CO.

Intervention and Setting Date for Hearing

SEPTEMBER 12, 1973.

The above-named Applicant has filed applications pursuant to section 7(c) of the Natural Gas Act,[1] and pursuant to § 2.75 [2] of the Commission's General Policy Statements, the Optional Procedure for Certificating New Producer Sales of Natural Gas set forth in Order No. 455,[3] (hereinafter § 2.75) for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce.

On May 5, 1973, Inexco Oil Company (Inexco) filed in Docket No. CI73-747 an application pursuant to § 2.75 of the Commission's rules of practice and procedure (18 C.F.R. § 2.75) for authorization to sell natural gas to Natural Gas Pipe Line Company (Natural) from Strong City Area, Roger Mills County, Oklahoma, Hugoton-Anadarko. The contract, dated April 1, 1973, extends for a term of 20 years and provides for an initial price of 50 cents per Mcf, 1 cent per Mcf escalations each year, upward or downward Btu adjustments from 1,000, and 100 percent reimbursements for any new or additional taxes to the seller.

Inexco states that deliveries will not commence prior to the issuance of a satisfactory certificate pursuant to § 2.75. The contract may be terminated upon 30 days notice if the Commission issues an order denying certification or granting a certificate with unacceptable conditions or upon 10 days notice if a satisfactory certificate is not issued within 8 months.

Notice of Inexco's application was issued on May 30, 1973, and published in the FEDERAL REGISTER on June 4, 1973 (38 FR 14717). Timely petitions to intervene were filed by the following:

Associated Gas Distributors
American Public Gas Association
Natural Gas Pipeline Company of America

A formal hearing has been requested, and we find a hearing is desirable to determine, on the record, whether the present and future public convenience and necessity will be served by certificating these sales, and whether the proposed rate is just and reasonable, taking into consideration all factors bearing on maintenance of an adequate and reliable supply of gas, delivered at the lowest reasonable cost.[4]

This hearing is not the proper forum for the relitigation of the propriety of the § 2.75 procedures; that matter is now before the Court of Appeals. See n. 3, supra. This hearing will be addressed solely to the issues of public convenience and necessity, and the justness and reasonableness, of the particular sales and rates herein proposed.

Those parties and intervenors desiring to submit cost and non-cost data should structure their evidence to reflect the tests under § 2.75 for determining the justness and reasonableness of the rate sought.

No intervenor has questioned Natural's need for the additional natural gas supplies that will be available to it as a result of these purchases. However, we are unable to determine the extent of Natural's need for new supplies since it has failed to submit the certification required by § 2.75h (18 CFR 2.75h). Accordingly, we shall require Natural to present evidence as to its need for additional supplies of natural gas and whether or not a comparable supply of natural gas is available to McCulloch at any rate lower than the rates proposed in these applications.

The Commission finds

(1) It is necessary and in the public interest that the above-docketed proceeding be set for a formal hearing.

(2) It is desirable and in the public interest to allow the above-named petitioners to intervene in this proceeding.

The Commission orders

(A) Pursuant to the authority of the Natural Gas Act particularly sections 4,

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[1] Statements of Commissioners Brooke and Moody filed as part of the original document.

[1] 15 U.S.C. 717, *et seq.* (1970).

[2] 18 C.F.R. 2.75.

[3] Statement Of Policy Relating To Optional Procedure For Certificating New Producer Sales of Natural Gas, Docket No. R-411, —— F.P.C. —— (issued August 3, 1972, appeal pending sub nom. John E. Moss, et al. v. F.P.C. No. 72-1837 (D.C. Cir.)

[4] Opinion and Order Issuing Certificate of Public Convenience and Necessity And Determining Just And Reasonable Rates, Opinion No. 659, Belco Petroleum Corporation, Agent, et al., Docket Nos. CI73-293, et al., —— F.P.C. ——, —— (issued May 30, 1973, slip op. at para. 21, p. 5).

5, 7, 14, 15 and 16 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR, Chapter I) a public hearing on the issues presented by the applications herein shall be held commencing January 8, 1974, at 10 a.m. (e.s.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(C) Applicant and all intervenors supporting the applications shall file their direct testimony and evidence on or before November 28, 1973. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all parties to these proceedings.

(D) The Commission Staff and all intervenors opposing the applications shall file their direct testimony and evidence on or before December 12, 1973. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, and all other parties to these proceedings.

(E) All rebuttal testimony and evidence shall be served on or before January 2, 1974. All parties submitting rebuttal testimony and evidence shall serve such testimony and evidence upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties to these proceedings.

(F) The above-named petitioners are permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *provided, further,* That the admission of such interests shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in these proceedings.

(G) The Administrative Law Judge's decision shall be rendered on or before February 18, 1974. All briefs on exceptions shall be due on or before February 28, 1974, and replies thereto shall be due on or before March 9, 1974.

By the Commission.

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

[FR Doc.73-20112 Filed 9-20-73;8:45 am]

[Docket No. E-8395]

MAINE YANKEE ATOMIC POWER CO.

Order Initiating Investigation and Hearing

SEPTEMBER 13, 1973.

Pursuant to the rate schedule filing requirements of the Federal Power Act, section 205, 16 U.S.C. 824d, Maine Yankee Atomic Power Company (Maine Yankee) filed on October 10, 1972, its wholesale for resale rate schedule for electric service to be rendered to that Company's 11 sponsor companies.[1]

This initial rate schedule filing was conditionally accepted by an order issued in Docket No. E-7787 on November 6, 1972, and made effective by another order in that docket issued December 13, 1972.

In order that we may determine the justness and reasonableness of Maine Yankee's Rate Schedule FPC No. 1 we will initiate an investigation and hearing under section 206 of the Federal Power Act.

Any person desiring to participate in the proceeding ordered herein should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the requirements of §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 1, 1973. Protests will be considered by the Commission in determining whether appropriate action has been taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

The Commission finds

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon an investigation to determine if the rates and charges contained in Maine Yankee's Rate Schedule FPC No. 1 are unjust, unreasonable, unduly discriminatory or preferential.

(2) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

The Commission orders

(A) Pursuant to the authority of the Federal Power Act, particularly section 206 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held commencing with a prehearing conference on January 11, 1974, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, to determine if the rates, charges, classifications and services contained in Maine Yankee's Rate Schedule FPC No. 1 are unjust, unreasonable, unduly discriminatory or preferential.

(B) At the prehearing conference on January 11, 1974, prepared testimony and exhibits of all parties shall be admitted to the record as the respective complete cases-in-chief subject to appropriate motions, if any, by parties to the proceeding. All parties will be expected to come to this conference prepared to effectuate the provisions of § 1.18 of the Commission's rules of practice.

(C) On or before December 6, 1973, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of all intervenors shall be served on or before December 20, 1973. Any evidence by Maine Yankee shall be served on or before January 7, 1973. The public hearing herein ordered shall convene on January 18, 1974, at 10 a.m., E.S.T.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control the proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure.

(E) The Secretary of the Commission shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

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

[FR Doc.73-20102 Filed 9-20-73;8:45 am]

[Docket No. CP73-293]

MICHIGAN WISCONSIN PIPE LINE CO.

Certificate of Public Convenience and Necessity

SEPTEMBER 13, 1973.

Take notice that Michigan Wisconsin Pipe Line Company (Michigan-Wisconsin) on August 23, 1973, tendered for filing Origin Sheets Nos. 344 through 354 designated as Rate Schedule X-37 to Michigan Wisconsin's Gas Tariff, First Revised Volume No. 2. The Company states that the sheets are to be effective September 25, 1973.

According to Michigan Wisconsin, this filing is made to reflect authorization for the exchange of natural gas with Southern Natural Gas Company (Southern Natural), pursuant to Commission order issued July 11, 1973, in Docket No. CP73-293.

Any person desiring to be heard or to protest should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washintgon, D.C. 20426 in accordance with Commission's rules of practice and procedure. All such petitions or protests should be filed on or before September 28, 1973. Protests will be considered by the Commission in determining the appropriate action, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with

[1] Bangor Hydro-Electric Company, Cambridge Electric Light Company, Central Maine Power Company, Central Vermont Public Service Corporation, Connecticut Light and Power Company, Hartford Electric Light Company, Maine Public Service Company, Montaup Electric Company, New England Power Company, Public Service Company of New Hampshire and Western Massachusetts Electric Company.

the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20123 Filed 9-20-73;8:45 am]

[Docket No. CI74-156 etc.]

NATIONAL EXPLORATION CO.

Notice of Applications

SEPTEMBER 14, 1973.

Take notice that on August 22, 1973, National Exploration Company (Applicant), One Elzabethtown Plaza, Elizabeth, New Jersey 07207, filed in Docket Nos. CI74-156, CI74-157, CI74-158, and CI74-159 applications pursuant to section 7(c) of the Natural Gas Act for certificates of public convenience and necessity authorizing sales and deliveries of natural gas in interstate commerce to Valley Gas Transmission, Inc., for resale to Iroquois Gas Corporation, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Applicant states that it commenced the sales of natural gas on August 1, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sales for one year from the end of the sixty-day emergency periods within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant requests authorization for the following sales at rates subject to upward and downward Btu adjustment:

Docket No.	Location	Estimated monthly sales volume (Mcf)	Pressure base	Estimated initial upward Btu adjustment (cents)
CI74-156	McCaskill Field, Karnes County, Tex.	775,000	50.0 cents at 14.65 psia	6.4
CI74-157	Hayes Field, Calcasieu Parish, La.	45,000	50.0 cents at 15.025 psia	6.85
CI74-158	Glasscock Field, Colorado County, Tex.	9,000	50.0 cents at 14.65 psia	1.5
CI74-159	Village Mills Field, Hardin County, Tex.	21,000	50.0 cents at 14.65 psia	1.8

Applicant, as small producer certificate holder in Docket No. CS71-484, states that it is filing the subject certificate applications solely to secure abandonment authorizations. Section 157.40(c) of the regulations under the Natural Gas Act (18 CFR 157.40(c)) provides that small producers are authorized to make small producer sales nationwide at the prices specified in their contracts with the gas purchasers but that they are not relieved from compliance with section 7(b) of the Natural Gas Act with respect to any small producer sale.

In its application in Docket No. CI74-156 Applicant states that the proposed sale will not impair Applicant's ability to sell gas from the McCaskill Field to Elizabethtown Gas Company for transportation by Transcontinental Gas Pipe Line Corporation as proposed in Docket No. CP74-3.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said applications should on or before September 28, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, hearings will be held without further notice before the Commission on these applications if no petitions to intervene are filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificates is required by the public convenience and necessity. If petitions for leave to intervene are timely filed, or if the Commission on its own motion believes that formal hearings are required, further notice of such hearings will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearings.

KENNETH F. PLUMB,
Secretary.

[F.R. Doc.73-20139 Filed 9-20-73;8:45 am]

[Docket No. CP74-63]

NORTHERN NATURAL GAS CO.

Notice of Application

SEPTEMBER 12, 1973.

Take notice that on September 4, 1973, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska, filed in Docket No. CP74-63 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of natural gas pursuant to a new Agricultural Crop Drying Rate Schedule, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to make available on a best efforts basis volumes of gas for the drying of seed, grain and other agricultural crops pursuant to advance operating arrangements made on a daily basis. Northern anticipates that limited volumes would be available due to the fact that its utility customers normally operate within a margin of safety of their firm entitlement. Additional volumes may also be available as a result of certain exchange agreements it has entered into with other pipeline companies. Northern estimates it will have available approximately 750,000 Mcf during the months of September, October and November. For volumes authorized for delivery under this rate schedule the utility will pay a 20¢ per Mcf nomination charge plus the approximate commodity charge up to the total of the utility's firm entitlement. For volumes delivered above the utility's firm entitlement, the utility will pay a rate equivalent to the ERS-1 commodity rate.

Concurrently, with its certificate application, Northern submitted for filing, pursuant to section 4 of the Natural Gas Act, as part of its FPC Gas Tariff, Third Revised Volume No. 1, Original Sheet Nos. 42, 43 and 44; First Revised Sheet Nos. 4a and 27f, Second Revised Sheet Nos. 19, 27 and 59b, and Fifth Revised Sheet No. 1.

Original Sheet Nos. 42, 43 and 44 constitute a proposed initial rate schedule which Northern proposes to utilize to make additional volumes of gas available for Agricultural Crop Drying Service (ACDS-1). The other listed tariff sheets provide for changes in presently effective rate schedules to accommodate the proposed ACDS-1 schedule.

Northern requests waiver of the notice requirements of § 154.22 of the Commission's regulations to the extent required to permit the proposed tariff sheets to become effective concurrently with the issuance of a requested temporary certificate but not later than September 15, 1973.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before September 17, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to

the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20111 Filed 9-20-73;8:45 am]

[Project 137]

PACIFIC GAS AND ELECTRIC CO.

Application for New Major License for Constructed Project

SEPTEMBER 11, 1973.

Public notice is hereby given that application for new major license has been filed December 26, 1972, under the Federal Power Act (16 U.S.C. 791a–825r) by Pacific Gas and Electric Company (Correspondence to Mr. J. F. Roberts, Jr., Vice President—Rates and Valuation, Pacific Gas and Electric Company, 77 Beale Street, San Francisco, California 94106), for its constructed Mokelumne River Project No. 137, located in Alpine, Amador, and Calaveras Counties, California; near the Communities of West Point, Pine Grove, Mokelumne Hill, and Jackson, California on the Mokelumne River, North Fork Mokelumne River, and the Bear River. The project affects public lands and lands of the United States within the Eldorado, Stanislaus, and Toiyabe National Forests.

The Project has an installed capacity of 192,750 kw (255,000 hp). The project consists of:

(A) *Headwater Storage Dams and Reservoirs.* (1) Upper Blue Reservoir having a storage capacity of 7,300 acre-feet and a surface area of 343 acres at elevation 8,137.5 feet (all elevations are U.S.G.S. datum); (2) an earth-fill dam about 837 feet long and 31 feet high containing a 51 foot long spillway; (3) an outlet consisting of two 18-inch diameter steel pipes through the dam; (4) Lower Blue Lake Reservoir having a storage capacity of about 5,053.4 feet; (5) an earth-fill dam about 1,063 feet long and 40 feet high containing a 60 foot long spillway; (6) an outlet consisting of two 30-inch diameter steel pipes through the dam; (7) Twin Lake Reservoir having a storage capacity of 1,207 acre-feet and a surface area of 106 acres at elevation 8144.7 feet; (8) an earth-fill dam about 1520 feet long and 22 feet high; (9) an 18 foot long spillway located about 4,000 feet east of the dam; (10) an outlet consisting of two 12-inch diameter steel pipes through the dam; (11) Meadow Lake Reservoir having a storage capacity of about 5,656 acre-feet and a surface area of 140 acres at elevation 7,774.4 feet; (12) a rock-fill dam about 775 feet long and 77 feet high containing a 45 foot long spillway; (13) an outlet consisting of two 30-inch diameter steel pipes through the dam; (14) Upper Bear River Reservoir having a storage capacity of 6,959 acre-feet and a surface area of 169 acres at elevation 5,876.0 feet; (15) a rock-fill dam about 760 feet long and 77 feet high containing a 354 foot long spillway; (16) an outlet consisting of three 16-inch diameter steel pipes through the dam; (17) Lower Bear River Reservoir having a storage capacity of 49,079 acre feet and a surface area of 727 acres at elevation 5818.2 feet; (18) a main rock-fill dam about 979 feet long and 249 feet high; (19) an auxiliary rock-fill dam about 865 feet long and 145 feet high; (20) a 316 foot long spillway located between the main and auxiliary dams; (21) a concrete diversion dam about 91 feet long in Gold Creek; (22) a tunnel about 2½ miles long from the reservoir passing under Gold Creek and receiving water diverted from that stream; and (23) a steel penstock extending about 4,000 feet from the tunnel outlet to Salt Springs powerhouse.

(B) *Regulating and Diversion Dams and Reservoirs and Powerplants: Salt Springs Unit.*—(1) Salt Springs Reservoir having a storage capacity of 141,857 acre-feet and a surface area of 963 acres at elevation 3,959.2 feet; (2) a rock-fill dam about 1,257 feet long and 328 feet high within eleven 11' by 40' radial gates (one 11' by 32' radial gate and one 6' by 11' gate) located on a 480 foot long spillway; (3) a tunnel connected to a penstock 475 feet long diverting water from the reservoir to the powerhouse; (4) a powerhouse containing a 29,700 kw generating unit and a 9,350 kw generating unit; (5) an outdoor transformer and switching station; (6) a 16.5 mile long single circuit 115 kv transmission line; and (7) appurtenant facilities.

Tiger Creek Unit.—(1) Tiger Creek Conduit extending about 17.80 miles along the North Fork Mokelumne River from Salt Springs powerhouse to Tiger Creek Regulator Dam and Reservoir, thence 2.52 miles to Tiger Creek Forebay Dam and Reservoir to a penstock 4,940 feet long into the Tiger Creek powerhouse; (2) various spillways appurtenant to Tiger Creek conduit; (3) Tiger Creek Afterbay Dam and Reservoir having about 2,607 acre-feet capacity; (4) Tiger Creek powerhouse containing two 25,500 kW generating units; (5) an outdoor transformer and switching station; (6) a 23.52 mile long double-circuit 230 kV transmission line; and (7) appurtenant facilities.

West Point Unit. (1) A water conduit, consisting of headworks, a tunnel about 14,000 feet long, a surge tank, and 650 feet of penstock, extending from Tiger Creek Afterbay dam to West Point powerhouse; (2) a powerhouse containing a 13,600 kw generating unit; (3) an outdoor transforming station at the powerhouse; (4) a 23.5 mile long single-circuit 60 kv transmission line; and (5) appurtenant facilities.

Electra Unit. (1) A diversion dam and reservoir about 450 feet upstream from West Point powerhouse; (2) a tunnel leading from an intake at the diversion dam to the tailrace at the West Point Powerhouse; (3) a tunnel about 43,000 feet long leading from the tailrace to Tabeaud reservoir; (4) Tabeaud dam and reservoir of about 1,158 acre-feet capacity; (5) a pressure conduit from Tabeaud reservoir to Electra powerhouse, consisting of an outlet tunnel about 2,900 feet long and a penstock about 3,000 feet long; (6) Electra powerhouse containing three 29,700 kw generating units; (7) a low concrete afterbay dam below the powerhouse; (8) an outdoor transformer and switching station near the powerhouse; and (9) appurtenant facilities.

The project includes the following existing and proposed recreational facilities:

(1) the existing facilities at Upper and Lower Blue Lakes are composed of 63 camp units at four locations, proposed additional recreational facilities are the construction of two campgrounds, first phase of a group-camp, two picnic areas, a parking lot, and a visitor's station; (2) the existing facilities at Lower Bear River Reservoir are the Bear River Resort, two campgrounds, one picnic area, a summer home tract, a Boy Scout Camp, 97 campground units, and three unimproved boat launching sites, proposed is the construction of an 8-unit boat access campground, and (3) picnic areas exist at Tiger Creek-West Point, Electra-Lake Tabeaud, and Salt Springs, proposed are fishing areas and a nature trail at Lake Tabeaud.

According to the application: (1) the estimated net investment is $40,639,709.00 as of December 31, 1971, which is less than its estimate of fair value, (2) the annual taxes paid to State and local governments are reported to be $1,306,000.00.

Any person desiring to be heard or to make protest with reference to said application should on or before November 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20113 Filed 9-20-73;8:45 am]

[Docket No. RP73-111]

PACIFIC GAS TRANSMISSION CO.

Order Vacating Prior Letter Order, Initiating Investigation, and Establishing Hearing Procedures

SEPTEMBER 13, 1973.

On May 17, 1973, Pacific Gas Transmission Company (PGT) tendered for filing pursuant to § 153.8 of the regulations under the Natural Gas Act and the requirements of ordering paragraph (F) of Commission Order issued March 13, 1970 in Docket No. CP69-347, an amendment to its gas purchase contract with Alberta and Southern Gas Company, Ltd. (Alberta Gas), of Calgary, Alberta Province, Canada. The proposed amendment would increase the price PGT pays for gas at the Canadian border by one cent per Mcf to provide for an exploration and development (E&D) fund in Canada, with resultant new supplies to be committed to Alberta Gas. The increase in price would be collected by PGT pursuant to its cost of service tariff on file and approved by this Commission.

Notice of PGT's proposed amendment to its purchase gas contract was issued June 12, 1973, providing for protests and petitions to intervene to be filed on or before June 25, 1973. A petition to intervene was filed on June 25, 1973, by the People of California and the Public Utilities Commission of the State of California. Hearing was not requested.

A letter order issued by the Commission's Secretary on June 29, 1973, rejected the proposed contract amendment and stated that the filing by PGT constituted a material change to PGT's importation authority granted in Docket No. CP69-347 which did not cover such a revision as that proposed.

PGT filed a Petition for Reconsideration on July 30, 1973, arguing that the Commission erred in rejecting PGT's May 17, 1973, filing. One allegation of error set forth by PGT was the treating of the filing by the Commission as a rate filing under section 154 of the Regulations when it was meant to be an informational filing under § 153.8 in compliance with the Commission's order in Docket No. CP69-347 issued March 13, 1970, concerning subsequent amendments to its contracts under its import authorization. PGT states that its filing was "patently inadequate" under section 154, and if considered as such, should have been rejected as a rate filing, but not rejected on the substantive merits without reasonable notice and a hearing as required by § 154.38.

PGT further states that the Commission's initial order authorizing gas importation by PGT, issued April 5, 1960, in Docket No. G-17351, reversed the presiding examiner who had suggested that certain conditions be adopted to provide for the possibilities that rate of return would not be regulated by Canadian authorities so as to provide adequate protection to United States consumers and that Canadian producer prices might not be regulated at all. In that order, the Commission rejected the imposition of a fixed border price or fixed Canadian rates of return to be effective for the life of the project, but rather noted that any increases in Canadian prices would receive the closest scrutiny whenever applications for contemplated expansion of the project were filed with the Commission. Rather than imposing fixed price conditions, the Commission, in its April 5, 1960, order, authorized PGT to file a cost of service tariff which allowed it to adjust its rates automatically for changes in purchased gas costs.

PGT further asserts that the Commission's rejection of its filing upon grounds that the increased purchased gas costs constituted a "material change" in PGT's outstanding importation authority is in error and inconsistent with prior Commission actions involving similar PGT filings. The most recent amendment to PGT's import authorization was approved by Commission order issued March 13, 1970 in Docket No. CP69-347. Order Paragraph (C) contained the condition that "PGT shall not materially change or alter its import operations without first obtaining the permission and approval of the Commission".

PGT states that the Commission has not applied the phrase "materially change or alter its import operation" to price changes in PGT's contract with its supplier, Alberta Gas. In support of this argument PGT cites its contract amendment filed by letter dated July 12, 1971, providing for a price of gas sold to be the greater of the cost of service price or 28 cents per Mcf, and another amendment filed by letter dated September 26, 1972, which raised the specified price to 31 cents per Mcf. PGT states that the Commission received both of these changes, made in the same manner as the filing in the instant case, without comment, without treating them as rate filings, and subsequently recognized the first amendment in an order issued January 4, 1972, (Docket No. RP71-98) by quoting it as an accomplished fact.

Upon reconsideration of our June 29 letter order, we find that PGT's May 15, 1973, filing was improperly rejected and accordingly we shall vacate our prior order. We are, however, greatly concerned with allowing PGT to pass on to its consumers as purchased gas cost the exploration and development costs of Canadian producers, without proper guarantee that any resultant benefits would accrue directly to United States' customers. Accordingly, we shall institute a proceeding under section 5(a) of the Natural Gas Act to determine whether PGT's cost of service tariff should be modified to limit or redefine the costs which may be reflected as purchased gas costs in PGT's rates.

The Commission finds

(1) The letter order issued June 29, 1973, in this proceeding should be vacated.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon an investigation under section 5(a) to determine whether PGT's cost of service tariff should be modified to limit or redefine the costs which may be reflected as purchased gas costs in PGT's rates.

(3) Good cause exists to grant the subject petition to intervene.

The Commission orders

(A) Pursuant to the authority of the Natural Gas Act, an investigation is hereby instituted under section 5(a) thereof to determine whether PGT's cost of service tariff should be modified to limit or redefine the costs which may be reflected as purchased gas costs in PGT's rates.

(B) Staff and other parties shall file testimony and exhibits on or before October 19, 1973. PGT shall file rebuttal testimony and exhibits on or before November 9, 1973. A public hearing shall be held, commencing with a prehearing conference on November 20, 1973, before a Presiding Administrative Law Judge (see Delegation of Authority, 18 CFR 3.5 (d)), beginning at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

(C) The above-named petitioner is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenor shall be limited to matters affecting rights and interests specifically set forth in the respective petitions to intervene, and *Provided further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they, or any of them, might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(D) The Secretary of the Commission shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

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

[FR Doc.73-20135 Filed 9-20-73;8:45 am]

[Docket No. RP71-119]

PANHANDLE EASTERN PIPE LINE CO.

Motion of Michigan Seamless Tube Co. for Extraordinary Relief and Hearing

SEPTEMBER 12, 1973.

On August 24, 1973, Michigan Seamless Tube Company (Movant) filed a petition for extraordinary relief and an opportunity to be heard pursuant to § 1.7 (b) of the Commission rules of practice and procedure in connection with deliveries of natural gas supplies to it by its supplier Panhandle Eastern Pipe Line Company (Panhandle).

In its petition Movant alleges that it is a corporation engaged in the manufacture and sale of cold drawn seamless steel tubing and that approximately twelve percent of its production is used by the energy industry. Its principal

place of business is in the community of South Lyon, Michigan, where it employs approximately 560 persons.

On or about June 1, 1970, Movant entered into a 3-year contract with Panhandle for the direct purchase of natural gas from that pipeline on an interruptible basis. Movant uses this natural gas in virtually all of its operations, including in its manufacturing process, plant protection and to meet its heat requirements. Movant has historically required 2600 Mcf of natural gas per day to meet all of these needs.

Movant indicates that while it has limited alternate fuel capability for some operations, which it intends to substantially increase over the course of the next year, that the complete interruption of natural gas for any appreciable period during the 1973 through 1974 heating season will necessitate a drastic curtailment of plant operations with consequent loss of employment and other irreparable damages.

It alleges that any drastic curtailment would require it to shut down its entire South Lyon's operation. The Movant further contends that the extensive program it has undertaken aimed at maximizing its alternate fuel capability in view of the current shortage of natural gas will enable it to convert approximately 50 percent of its facilities to fuel oil by October 1, 1973. Movant estimates that by August 1, 1974, approximately 84 percent of its facilities will have been converted to fuel oil. However, it strongly contends that 16 percent of its facilities must continue to utilize natural gas, because of the nature of certain of its operations.

Hence, Movant alleges that it will require a minimum of 1,355 Mcf per day for its operations from October 1, 1973, to August 1, 1974, and that, thereafter, it will require only 425 Mcf of gas per day, because of its current program aimed at providing its facility at South Lyon with alternate fuel capability.

The Movant argues that the Commission's Policy Statement issued on January 8, 1973, as amended on March 2, 1973, in Order No. 467–B, Docket No. R–469 have grave potential implications as far as it is concerned, and that under the recommended curtailment priorities set forth in that order, it will be subject to 100 percent natural gas curtailment on or about October 31, 1973. It contends that such a curtailment will result in irreparable damage to both it and its employees. Movant urges that the priority guidelines set forth in Order No. 467–B, though they may establish basic policy, may not be totally inflexible. It, therefore, requests that it be granted a hearing on this matter by the Commission pursuant to § 1.7(b) of its Rules of Practice and Procedure in order to purchase a minimum volume of 1,355 Mcf of natural gas per day from Panhandle fo.· the period from October 1, 1973, to August 1, 1974, and 425 Mcf per day, thereafter.

Any person desiring to be heard or to make any protest with reference to said petition for extraordinary relief should on or before September 21, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 5, 15, and 16 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the request is required by the public convenience and necessity. If a petition for leave to intervene is timely filed or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–20110 Filed 9–20–73;8:45 am]

[Docket No. CI72–552]

PHILLIPS PETROLEUM CO.

Petition To Amend

SEPTEMBER 12, 1973.

Take notice that on September 4, 1973, Phillips Petroleum Company (Petitioner), Bartlesville, Oklahoma 74004, filed in Docket No. CI72–552 a petition to amend the order issuing a certificate of public convenience and necessity in said docket pursuant to section 7(c) of the Natural Gas Act by authorizing Petitioner to exchange natural gas with Natural Gas Pipeline Company of America (Natural) at an additional point, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner is authorized in the subject docket to exchange up to 10,000,000 Mcf of natural gas per month with Natural at various specified points. Petitioner now requests authorization to exchange gas at an additional redelivery point from Natural to Petitioner at a mutually agreeable point on Natural's 24-inch Old Ocean Lateral in Brazoria County, Texas. The additional redelivery point is said to provide greater flexibility in the operation of Natural's system and to enable Petitioner to receive additional gas at its industrial complex located near said point.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 9, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–20116 Filed 9–20–73;8:45 am]

[Docket No. E–8372]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

Notice of Application

SEPTEMBER 13, 1973.

Take notice that on August 20, 1973, Public Service Company of New Hampshire (Applicant) tendered for filing, pursuant to Section 205 of the Federal Power Act and Part 35 of the Commission's regulations, a Transmission Contract dated May 31, 1973, with Vermont Electric Power Company (VELCO) providing for transmission through Applicant's 345 KV system of entitlements of power which Northeast Utilities will sell VELCO from July 1, 1973 to May 31, 1974. Segments of Applicant's 345 KV system to be used for the transmission run from the point of interconnection of Applicant's system to that of Northeast Utilities at the Massachusetts-New Hampshire state boundary to the point of interconnection with VELCO's system at the New Hampshire-Vermont state line. Monthly charges of $2,025/mo. over the 11-month term of the contract are identical to those charged for similar transmission service under Applicant's Rate Schedules FPC Nos. 52 and 54, and in Docket No. E–8210. The Agreement takes effect July 1, 1973.

Any person wishing to be heard or to make any protests with reference to such Application should, on or before September 28, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The Application

is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20126 Filed 9-20-73;8:45 am]

[Docket No. CI73-694]

RODMAN CORP.

Order Setting Date for Hearing and Granting Intervention

SEPTEMBER 12, 1973.

The above-named Applicant has filed applications pursuant to section 7(c) of the Natural Gas Act,[1] and pursuant to § 2.75[2] of the Commission's General Policy Statements, the Optional Procedure for Certificating New Producer Sales of Natural Gas set forth in Order No. 455,[3] (hereinafter § 2.75) for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce.

On April 16, 1973, The Rodman Corporation (Rodman) filed in Docket No. CI73-694 an application pursuant to § 2.75 of the Commission's rules of practice and procedure (18 C.F.R. § 2.75) for a certificate to sell natural gas from previously dedicated acreage in the Hugoton-Anadarko to Cities Service Gas Company (Cities Service). The sale contract, dated April 5, 1973, is an amendment to contracts dated August 4, 1967, September 19, 1969, and March 1, 1971, as supplemented, and filed with the Commission as Rodman FPC Gas Rate Schedule Numbers 1, 3, and 4 respectively. Sales under these rate schedules were authorized in Docket Nos. CI68-255, CI70-573, and CI71-784, respectively. Rodman seeks an initial price of 55 cents per Mcf with 1 cent per Mcf yearly escalation, and upward and downward Btu adjustment from 1000.

The April 5, 1973, amendment which gives rise to this application requires Rodman to drill or cause to be drilled one hundred new wells within five years of the effective date on a final appealable order of the Commission approving the proposed rates. Such wells are to be drilled to a depth sufficient to adequately test all functions within the prescribed acreage from which it can reasonably be expected that gas in commercial quantities can be produced.

Rodman states that deliveries from certain wells covered by the application have commenced and that deliveries from other wells will commence as such other wells are completed. Until the six month period runs, or until certification is obtained, whichever occurs first, the rates charged will be those applicable under the respective rate schedules.

Notice of Rodman's application was issued on May 10, 1973, and was published in the FEDERAL REGISTER on May 22, 1973 (38 FR 13502). A petition of intervene was filed by Cities Service Gas Company.

This hearing is not the proper forum for the relitigation of the propriety of the § 2.75 procedures; that matter is now before the Court of Appeals. See n. 3, *supra*. This hearing will be addressed solely to the issues of public convenience and necessity, and the justness and reasonableness, of the particular sales and rates herein proposed.

Those parties and intervenors desiring to submit cost and non-cost data should structure their evidence to reflect the tests under § 2.75 for determining the justness and reasonableness of the rate sought.

The Commission finds

(1) It is necessary and in the public interest that the above-docketed proceeding be set for a formal hearing.

(2) It is desirable and in the public interest to allow the above-named petitioners to intervene in this proceeding.

The Commission orders

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14, 15 and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Chapter I) a public hearing on the issues presented by the applications herein shall be held commencing October 18, 1973, at 10:00 a.m. (EDT) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(C) Applicant and all intervenors supporting the applications shall file their direct testimony and evidence on or before September 28, 1973. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all parties to these proceedings.

(D) The Commission Staff and all intervenors opposing the applications shall file their direct testimony and evidence on or before October 5, 1973. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, and all other parties to these proceedings.

(E) All rebuttal testimony and evidence shall be served on or before October 12, 1973. All parties submitting rebuttal testimony and evidence shall serve such testimony and evidence upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties to these proceedings.

(F) The above-named petitioners are permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *provided, further,* That the admission of such interests shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in these proceedings.

(G) The Administrative Law Judge's decision shall be rendered on or before November 16, 1973. All briefs on exceptions shall be due on or before November 27, 1973, and replies thereto shall be due on or before December 3, 1973.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20119 Filed 9-20-73;8:45 am]

[Docket No. CI73-922, etc.]

SHENANDOAH OIL CORP. ET AL.

Order Consolidating Proceedings, Granting Intervention, Setting Hearing Date and Prescribing Procedures

SEPTEMBER 13, 1973.

Shenandoah Oil Corporation (Shenandoah) in Docket No. CI73-922, Rains & Williamson Oil Co., Inc. (R&W) in Docket No. CI73-930 and W. S. Etchieson and J. B. Watkins (E&W) in Docket No. CI74-4 filed applications on June 25, June 28 and July 2, 1973, respectively, for limited term certificates of public convenience and necessity with pre-granted abandonment authority, pursuant to Order No. 431 and § 157.23 of the Commission's Regulations under the Natural Gas Act for the sale of gas to Panhandle Eastern Pipe Line Company (Panhandle) from the Hugoton Anadarko Area.

Specifically, all sellers propose to deliver gas to Panhandle at 50.0¢ per Mcf (14.65 psia) with a Btu adjustment from 1000 Btu/cf, although E&W would set 1200 Btu as the highest permissible Btu adjustment. The proposed sales are for a period of one year with the exception of R&W, which is to be for a period of two years. Projected monthly volumes are as follows: Shenandoah—15,000 Mcf; R&W—60,000 Mcf; and E&W—60,000 Mcf. Delivery will be made by all applicants to acceptable points on Panhandle's pipeline. Shenandoah's saleable gas is from its Kincannon No. 1 well in Cimarron County, Oklahoma. R&W's saleable gas is from its Sword No. 1 well in Meade County, Kansas, E&W's saleable gas is from its leases in the SW/4 of Section 86 and the E/2 of the SE/4 of Section 92, Block 5, I&GN Survey, Carson County, Texas. Shenandoah is making an emergency 60-day sale to Panhandle that began on July 17, 1973 and is to terminate on September 15, 1973. E&W is making a sale for 60-days from one of its leases for the same period as Shenandoah and made another from its other lease beginning on June 14, 1973 and terminating on August 13, 1973. There is no indication that R&W is making an emergency 60-day sale to Panhandle from the instant well. The proposed rates all exceed the applicable area

[1] 15 U.S.C. 717, et seq. (1970).

[2] 18 CFR 2.75.

[3] Statement Of Policy Relating To Optional Procedure For Certificating New Producer Sales of Natural Gas, Docket No. R-441, ____ F.P.C. ____ (issued August 3, 1972, appeal pending sub nom. John E. Moss, et al. v. F.P.C., No. 72-1837 (D.C. Cir.)

base rate of 21.315 cents established by the Commission's Opinion No. 586.

The applications in this proceeding represent a sizeable volume of gas potentially available to the interstate market. It is of critical importance that interstate pipelines procure emergency supplies of gas to avoid disruption of service to consumers; nevertheless, we must determine whether the rates to be paid serve the public convenience and necessity. It is therefore necessary that these applications be set for public hearing and expeditious determination. The hearing will be held to allow presentation, cross-examination, and rebuttal of evidence by any participant. This evidence should be directed to the issue of whether the present or future public convenience and necessity requires issuance of limited-term certificates on the terms proposed in the applications.

All the instant dockets contemplate limited term sales at the same price, from the same area, and to the same purchaser and thus contain common questions of law and fact. Accordingly, consolidating these dockets will aid in the expedition of the hearing process.

Petitions to intervene in each of the above applications were filed by Panhandle on July 12, 1973 in the case of CI73-922, on July 26, 1973 in the case of CI73-930, and on July 20, 1973 in the case of CI74-4.

The Commission finds

(1) Docket Nos. CI73 922, CI73 930 and CI74-4 should be consolidated for hearing and decision as they involve common questions of fact and law.

(2) The intervention of Panhandle in this proceeding may be in the public interest.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

The Commission orders

(A) The applications listed at the head of this order are hereby consolidated for hearing and decision.

(B) Panhandle is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however*, That the participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene; and *Provided, further*, That the admission of said intervener shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held on October 24, 1973, at 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capital Street, N.E., Washington, D.C. 20426, concerning the issue of whether certificates of public convenience and necessity should be granted as requested by applicants.

(D) On or before October 10, 1973, applicants and any supporting parties shall file with the Commission and serve upon all parties, including Commission Staff, their testimony and exhibits in support of their positions.

(E) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at, and control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

By the Commission.[1]

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

[FR Doc.73-20132 Filed 9-20-73;8:45 am]

[Docket No. CI74-20]

SKLAR & PHILLIPS OIL CO. ET AL.

Order Granting Intervention, Setting Hearing Date and Prescribing Procedures

SEPTEMBER 13, 1973.

Sklar & Phillips Oil Co. (Operator), et al., hereinafter referred to as S & P, filed an application in docket No. CI74-20 on July 12, 1973 for a limited-term certificate of public convenience and necessity with pre-granted abandonment authority, pursuant to Order No. 431 and § 157.23 of the Commission's regulations under the Natural Gas Act for the sale of gas to Arkansas Louisiana Gas Company (Arkla) from acreage in the Danville Field, Bienville Parish, North Louisiana.

Specifically, S & P proposes to deliver gas to Arkla at 58.3¢ per Mcf (15.025 psia) which includes a 3.3¢ per Mcf tax reimbursement (100%) and does not include any Btu adjustment. S & P's proposed sale is for a period of one year. Delivery is to be made at some central point in the lease. The projected delivery volume is 300,000 Mcf per month. Gas is to be sold from a lease in the Danville Field, Bienville Parish, North Louisiana. The proposed rate exceeds the applicable area base rate of 25.875 cents established by the Commission's Opinion No. 607-A.

The application in this proceeding represents a sizeable volume of gas potentially available to the interstate market. It is of critical importance that interstate pipelines procure emergency supplies of gas to avoid disruption of service to consumers; nevertheless, we must determine whether the rate to be paid serves the public convenience and necessity. It is therefore necessary that this application be set for public hearing and expeditious determination. The hearing will be held to allow presentation, cross-examination, and rebuttal of evidence by any participant. This evidence should be directed to the issue of whether the present or future public convenience and necessity requires issuance of limited-term certificates on the terms proposed in the application.

A timely petition to intervene in favor of the application was filed by Arkla on August 6, 1973.

The Commission finds

(1) The intervention of Arkla in this proceeding may be in the public interest.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

The Commission orders

(A) Arkla is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however*, That the participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene; and *Provided, further*, That the admission of said intervener shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held on October 19, 1973, at 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, concerning the issue of whether a certificate of public convenience and necessity should be granted as requested by S & P.

(C) On or before October 5, 1973, S & P and any supporting parties shall file with the Commission and serve upon all parties, including Commission Staff, their testimony and exhibits in support of their positions.

(D) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at, and control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

By the Commission.[1]

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

[FR Doc.73-20120 Filed 9-20-73;8:45 am]

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[1] Statements of Commissioners Brooke and Moody are filed as part of the original document.

[1] Statements of Commissioners Brooke and Moody filed as part of the original document.

[Docket No. CP73-27, etc.]

STINGRAY PIPELINE CO. ET AL.

Consolidating Proceedings; Granting Interventions and Conditional Intervention

SEPTEMBER 13, 1973.

Pursuant to an order issued July 13, 1973, the applications for certificates of public convenience and necessity filed by Stingray Pipeline Company (Stingray), Docket No. CP73-27, Sun Oil Company (Sun), Docket Nos. CI73-878, CI73-879, CI73-880, and Pennzoil Offshore Transmission Company (POTCO), Docket No. CP72-292, were consolidated. The hearing date for this proceeding has been set for September 4 and will be commenced with a prehearing conference. In addition, the interventions of various parties were granted in the consolidated proceeding.

Since the date of the above order, additional petitions to intervene and applications pertaining to the instant proceeding have been received by the Commission.

Four untimely petitions to intervene in the Stingray Pipeline Company, Docket No. CP73-27, were tendered by Iowa Electric Light and Power Company (Iowa), Mobil Oil Corporation (Mobil), Transcontinental Gas Pipeline Company (Transco) and Diamond Shamrock Corporation (Diamond). Despite the late filings of these interventions, the petitioners have shown sufficient interest in the proceedings in Docket No. CP73-27 to warrant intervention. Specifically, these interests include Mobil's ownership of interests in offshore oil and gas leases that are potentially productive of gas within the general supply area to be served by both the Stingray and POTCO applicants. Transco's interest in the consolidated Stingray proceeding arises from their acquisition of interests in, and rights to, purchase gas from certain leases in the offshore Cameron area of Louisiana and the adjacent High Island area offshore Texas in close proximity to the proposed facilities of both Stingray and POTCO. Finally, Iowa's interest emanates from the substantial contractual purchases they make from Natural Gas Pipeline Company of America, one of the Stingray partners. Diamond Shamrock's intervention is based on their proposed sales of gas to Trunkline Gas Company which will be transported through the Stingray system. The grant of intervention for the above petitioners will not delay the consolidated proceedings.

On July 31, 1973, Anadarko Production Company (Andarko), submitted applications which were filed under Docket Nos. CI74-68, CI74-69, and CI74-70. These applications were tendered for the purpose of obtaining a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act and § 2.75 of the Commission's general policy and interpretations (18 CFR 2.75). In these filings Anadarko proposes the sale and delivery for resale of natural gas in interstate commerce to Trunkline Gas Company (Trunkline), which is one of the participants in the Stingray project. The proposed sale covers gas to be extracted from certain Blocks in the West Cameron, Vermilion and East Cameron areas of offshore Louisiana. Since the gas which Anadarko wishes to sell represents a portion of Stingray's potential gas supply for transportation, we are of the view that Anadarko's applications herein should be consolidated with the proceedings in Docket No. CP73-27 et al.

In each of the Sun Oil Docket Nos. CI73-878, CI73-879, CI73-880, additional petitions to intervene have been submitted since the date of our July 13, 1973, order. These interventions were filed by the following parties:

Associated Gas Distributors
Central Illinois Light Company
Michigan Gas Utilities Company
American Public Gas Association
Trunkline Gas Company
Mobil Oil Corporation

Trunkline Gas Company demonstrates sufficient interest in the above dockets because it is the proposed purchaser of the gas to be sold pursuant to the contracts under scrutiny in those dockets. Central Illinois Light Company and Michigan Gas Utilities Company are both customers of Trunkline and will be affected by the Sun Oil Company sales to Trunkline. Mobil Oil Corporation illustrates sufficient interest by its aforementioned showing of ownership interests in offshore leases near those from which the gas which is the subject of the contracts in the Sun Oil dockets will be produced. Associated Gas Distributors and the American Public Gas Association both claim interest in the case by virtue of their capacity as representatives of various distributors who would be affected by any pricing precedent which may be established and by the effect a decision herein would have on the current gas supply situations. Since the above petitioners have demonstrated sufficient interest in the proceedings in Docket Nos. CI73-878, CI73-879, and CI73-880, their intervention is sufficiently warranted.

In our order of July 13, 1973, we indicated that POTCO's certificate application in Docket No. CP72-292 should be consolidated with the Stingray proceeding until such time as the question of comparative hearings with respect to the two applications is resolved. This finding and order was accompanied by a conditional intervention for the POTCO intervenors in the Stingray proceeding, conditioned upon an ultimate finding that a comparative hearing is necessary. Since our previous order, untimely petitions to intervene in Docket No. CP72-292 have been filed by Texas Eastern Transmission Company (Texas Eastern), Transcontinental Gas Pipeline Corporation and Mobil Oil Corporation. Although untimely, the petitioners have shown sufficient interest in the proceedings in Docket No. CP72-292 to warrant intervention subject to the condition set forth in our July 13, 1973, order. This interest is exemplified by the previously mentioned interest of Transco and Mobil in the Stingray Docket No. CP73-27 et al. and by the fact that Texas Eastern is a purchaser of gas from United Gas Pipe Line Company, who is to be the purchaser of the gas transported through the proposed POTCO facility.

On September 5, 1972, Shell Oil Company (Shell), filed in Docket Nos. CP73-160 and CI73-164 applicatons for certificates of public convenience and necessity covering proposed sales of natural gas from Shell to Natural Gas Pipeline Company of America (Natural). The subject of these sales is gas from the Vermilion and West Cameron Areas of offshore Louisiana. In the above applications, Shell states that Stingray will be the medium of transportation for some or all of the gas covered by the sale of Shell to Natural.

In view of the fact that Shell's applications bear such a close relationship to the Stingray proceeding, a relationship nearly identical to that between Stingray and the already consolidated Sun Oil dockets, Shell's motion to consolidate Docket Nos. CI73-160 and CI73-164 with CP73-27 et al. should be granted.

On April 5, 1973, Natural filed in Docket No. CP73-262 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities to increase the capacity of its Louisiana supply pipeline. Specifically, Natural proposes to construct and operate approximately 71.56 miles of 30-inch loop pipeline in Liberty and Jefferson Counties, Texas and Cameron Parish, Louisiana. Additionally, Natural proposes to add an extra 8,000 horsepower of compression at Compressor Station No. 343 in Liberty County, Texas and to modify certain existing compressor stations. The total estimated cost of the proposed facilities is $19,020,000.

It is readily apparent from the Natural application that the additional facilities they propose are to aid in the transportation of gas purchased by Natural and received through the Stingray pipeline system. Indeed, the additional supplies of gas from offshore sources for which Natural has contracted will be transported onshore by the Stingray line and Natural has indicated in its application that the onshore facilities they propose are sought specifically to provide the means and added capacity for the onshore transmission of gas made available from offshore Louisiana by previous transmission through the Stingray facility (Natural Application, page 3).

Therefore Natural's application in Docket No. CP73-262 should be consolidated with the proceedings in Docket No. CP73-27 et al.

On February 14, 1973, Natural tendered for filing in Docket No. CP73-219 an abbreviated application pursuant to section 7(c) of the Natural Gas Act for

a certificate of public convenience and necessity authorizing the transportation and delivery of up to 200,000 Mcf per day of natural gas for Trunkline and the construction and operation of certain facilities therefor. The proposed facilities will cost Natural $343,000. These facilities will enable Natural to redeliver quantities of gas to Trunkline which Trunkline will commit for transportation through the proposed Stingray facility. Also certain additions to Natural's Louisiana pipeline at its onshore connection with the Stingray line are proposed.

Because the transportation and delivery agreement involves gas which will be entirely transported through the Stingray facility and because the proposed facilities are intended to supplement Natural's ability to redeliver the Stingray gas, it is the opinion of the Commission that the relationship between the proposals in Docket No. CP73–219 and the Stingray project in Docket No. CP73–27 et al. compels the consolidation of the dockets.

Four petitions to intervene were timely filed in Docket No. CP73–219. The intervenors are:

Mississippi River Transmission Corporation
Michigan Gas Utilities Company
Central Illinois Light Company
Trunkline Gas Company

Trunkline Gas Company has a sufficient interest in the proceeding to warrant intervention by virtue of their status as party to the transportation and delivery agreement and as recipient of the additional quantities of gas which Natural will be able to deliver to Trunkline upon completion of the proposed facilities.

The remaining intervenors in this docket have demonstrated sufficient interest for intervention because each is a purchaser of gas from Trunkline and the quantities they thus receive may be affected by the subject matter of the docket.

The Commission finds

(1) It is necessary and appropriate that the proceedings in Docket Nos. CP73–27 et al., CI74–68, CI74–69, CI74–70, CI73–160, CI74–164, CP73–262, and CP73–219 be consolidated for hearing and decision.

(2) It is desirable and in the public interest to allow the aforementioned parties who have formally petitioned to intervene in Docket Nos. CI73–878, CI73–879, and CI73–880 to so intervene in order that they may establish the facts and the law from which the nature and validity of their alleged rights and interests may be determined.

(3) It is desirable and in the public interest to allow the aforementioned parties who have formally petitioned to intervene in Docket No. CP73–27 et al., to so intervene in order that they may establish the facts and the law from which the nature and validity of their alleged rights and interests may be determined.

(4) It is necessary and appropriate to grant the motion filed by Shell Oil Company to consolidated Docket Nos. CI73–160 and CI73–164 with CP73–27 et al.

(5) It is desirable and in the public interest to allow the aforementioned parties who have formally petitioned for intervention in Docket No. CP72–292 to so intervene in order that they may establish the facts and the law from which the nature and validity of their alleged rights and interests may be determined.

(6) It is desirable and in the public interest to allow the aforementioned parties who have formally petitioned for intervention in Docket No. CP73–219 to so intervene in order that they may establish the facts and the law from which the nature and validity of their alleged rights and interests may be determined.

(7) It is in the public interest to allow Texas Eastern Transmission Company, intervenor in Docket No. CP72–292, to intervene in the consolidated proceeding represented by Docket No. CP73–27 et al. subject to the conditions set forth in the body of this order.

The Commission orders

(A) Docket Nos. CP73–27, CI73–878, CI73–879, CI73–880, CI74–68, CI74–69, CI74–70, CI73–160, CI73–164, CP73–262, and CP73–219 are consolidated for purposes of hearing and disposition.

(B) The above-named petitioners, who have petitioned to intervene in the proceedings consolidated by ordering paragraph (A) herein, are permitted to intervene in such consolidated proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) The above-named petitioners, who have petitioned to intervene in the proceedings in Docket No. CP72–292, are permitted to intervene in such proceedings subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(D) Texas Eastern Transmission Company, a party to the proceeding in Docket No. CP72–292, is permitted to intervene in the procedings consolidated by ordering paragraph (A) herein subject to the rules and regulations of the Commission and subject to the provisions of intervention as set forth in ordering paragraph (B) herein: *Provided, however,* That the intervention of such parties shall be conditioned on the Commission's determination of the need for comparative hearings regarding the application herein and should the Commission determine that comparative hearings are not required such intervention shall be revoked.

(E) The direct case of Anadarko Production Company, Shell Oil Company, and Natural Gas Pipe Line Company of America in the proceedings consolidated by Ordering paragraph (A) herein and all intervenors in support thereof shall be filed and served on all parties of record including the Commission staff on or before September 21, 1973.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73–20122 Filed 9–20–73;8:45 am]

[Docket No. RP74–5]

TEXAS EASTERN TRANSMISSION CORP.

Order Accepting for Filing and Suspending Proposed Rates, Permitting Intervention and Establishing Hearing Procedures

SEPTEMBER 13, 1973.

Texas Eastern Transmission Corporation (Texas Eastern) tendered proposed changes in its FPC Gas Tariff, Third Revised Volume No. 1 and Original Volume No. 2 on July 31, 1973.[1] The proposed changes would increase revenues from jurisdictional sales by $97,100,000 based on the 12 month period ending March 31, 1973, as adjusted.

The principal reasons for the proposed increase, as enunciated by Texas Eastern, are increased cost of labor, supplies, and working capital; the need for an increased rate of return of 9.25 percent; the need for an overall depreciation rate of 5.5 percent; and increased taxes.

The application by Texas Eastern contains certain revisions to its Purchased Gas Adjustment Provision (PGA) which were incorporated in Exhibit E to the Revised Stipulation and Agreement of July 25, 1973, in Docket No. RP72–98. The company maintains that certain other sheets in this filing are being revised as set forth in Article VII of the July 25 agreement. In accordance with Commission Order No. 483, issued April 30, 1973, in Docket No. R–462, Texas Eastern includes in this filing new tariff sheets containing procedures to track research and development expenitures.

Notice of this application was issued on August 13, 1973, providing for all comments and petitions to intervene to be filed by September 1, 1973. Numerous petitions to intervene have been filed:[2] Additionally, Notice of Intervention has been filed by the Tennessee Public Service Commission and the Public Service Commission of the State of New York.

With regard to the proposed research

[1] See Appendix A.
[2] See Appendix B.

and development (R&D) tracking provision, our review indicates that it is consistent with the guidelines for such provisions contained in our Order No. 483, issued April 30, 1973, in Docket No. R–462. However, our acceptance of the provision shall be conditioned upon Texas Eastern's modification of it to reflect the amount which the actual balances in their Account 188 during the 12 month period ending 3 months prior to the effective date of R&D adjustment (reduced as provided in the R&D provision) exceed or are less than the amount allowed in Texas Eastern's last previous rate proceedings. These modifications are to be made before the end of the suspension period order herein.

Further review of the application indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. We will therefore suspend the proposed rates for the full statutory period and establish hearing procedures.

The Commission finds

(1) The proposed changes in Texas Eastern's FPC Gas Tariff should be accepted for filing as hereafter ordered.

(2) The proposed tariff sheets should be accepted for filing, suspended and the use thereof deferred until February 14, 1974.

(3) The proposed R&D tracking provisision should be accepted as conditioned above and suspended until February 14, 1974.

(4) It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of rates and charges contained in Texas Eastern's FPC Gas Tariff, as proposed to be amended to this docket.

(5) Good cause exists to permit the intervention of the above petitioners for intervention.

(6) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

The Commission orders

(A) The proposed tariff sheets filed by Texas Eastern on July 31, 1973, are accepted for filing and suspended as hereinafter ordered.

(B) Pending a hearing and a decision thereon, the accepted tariff sheets are suspended for the full statutory term and the use thereof deferred until February 14, 1973, or until such time as they are made effective in the manner provided in the Natural Gas Act.

(C) The proposed R&D tracking provision is accepted as modified above and the use thereof suspended until February 14, 1974.

(D) Pursuant to authority of the Natural Gas Act, particularly section 4 and 5 thereof, the Commission's rules and regulations (18 CFR Chapter I), a public hearing shall be held, commencing with a prehearing conference on January 9, 1974, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the lawfulness and reasonableness of the rates and charges in Texas Eastern's FPC Gas Tariff, as proposed to be amended herein.

(E) At a prehearing conference on January 9, 1974, Texas Eastern prepared testimony (Statement P) together with its entire rate filing shall be admitted to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceeding. All parties will be expected to come to the conference.

(F) On or before December 21, 1973, the Commission Staff shall serve its prepared testimony and exhibits. Any intervenor evidence will be filed on or before January 4, 1973. Any rebuttal evidence by Texas Eastern shall be served on or before January 25, 1974. The public hearing herein ordered shall convene on February 12, 1974, at 10 a.m., e.s.t.

(G) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 315(d)), shall preside at the hearing in this proceeding, shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(H) The above-named petitioners for intervention are permitted to intervene.

(I) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

THIRD REVISED VOLUME NO. 1

First Revised Sheet No. 1
Third Revised Sheet No. 13
Third Revised Sheet No. 13A
Third Revised Sheet No. 13B
Third Revised Sheet No. 13C
Third Revised Sheet No. 13D
First Revised Sheet No. 18
First Revised Sheet No. 25
First Revised Sheet No. 29
First Revised Sheet No. 30
First Revised Sheet No. 39
First Revised Sheet No. 43
First Revised Sheet No. 75
First Revised Sheet No. 98
First Revised Sheet No. 99
First Revised Sheet No. 100
First Revised Sheet No. 101
First Revised Sheet No. 102
First Revised Sheet No. 103
First Revised Sheet No. 104
Original Sheet No. 105
Original Sheet No. 106
Original Sheet No. 107

ORIGINAL VOLUME NO. 2

Ninth Revised Sheet No. 232
Ninth Revised Sheet No. 235
Fifth Revised Sheet No. 241
Tenth Revised Sheet No. 322

APPENDIX B

Philadelphia Gas Works
United Cities Gas Company
Central Illinois Public Service Company
Missouri Utilities Company
Arkansas-Missouri Power Company
Associated Natural Gas Company
Mississippi Valley Gas Company
Consolidated Edison Company of New York, Inc.
Public Service Electric and Gas Company
Orange and Rockland Utilities, Inc.
Elizabethtown Gas Company
Algonquin Gas Transmission Company
Long Island Lighting Company
United Natural Gas Company
Philadelphia Electric
New Jersey Natural Gas Company
Brooklyn Union Gas Company
Texas Gas Transmission Corporation
Columbia Gas Transmission Corporation
Equitable Gas Company
Central Hudson Gas and Electric Corporation
Memphis Light, Gas and Water Division, City of Memphis, Tennessee
Consolidated Gas Supply Corporation
Arthur F. Sampson, Administrator General Services Administration
Boston Gas Company
Bristol and Warren Gas Company
Brockton Taunton Gas Company
Cape Cod Gas Company
Commonwealth Gas Company
The Connecticut Gas Company
Connecticut Natural Gas Corporation
Fall River Gas Company
The Hartford Electric Light Company
Town of Middleborough, Municipal Gas and Electric Department
New Bedford Gas and Edison Light Company
The Newport Gas Light Company
North Attleboro Gas Company
City of Norwich, Department of Public Utilities
Pequot Gas Company
Providence Gas Company
South County Gas Company
The Southern Connecticut Gas Company
Tiverton Gas Company
Columbia Gas of Ohio

[FR Doc.73–20142 Filed 9–20–73;8:45 am]

[Dockets Nos. RP71–130, RP72–58]

TEXAS EASTERN TRANSMISSION CORP.

Postponement of Conference

SEPTEMBER 14, 1973.

On September 12, 1973, Texas Eastern Transmission Corporation filed a motion to postpone and reset the conference scheduled for September 18, 1973, by notice issued September 7, 1973, in the above-designated matter.

Upon consideration, notice is hereby given that the informal conference to be presided over by Staff Counsel is postponed to September 25, 1973, at 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission at 825 North Capitol Street N.E., Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–20141 Filed 9–20–73;8:45 am]

[Docket No. CP73–324]

TEXAS GAS TRANSMISSION CORP.

Amendment to Application

SEPTEMBER 12, 1973.

Take notice that on August 16, 1973, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica St., Owensboro, Kentucky 42301, filed in Docket

No. CP73-324 an amendment to its application in said docket pursuant to section 7(c) of the Natural Gas Act and § 157.7(g) of the regulations thereunder by requesting authorization for the construction and abandonment, during the twelve-month period commencing on the date of authorization, and operation of additional gas compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

In its original application in the subject docket, Texas Gas proposed to spend up to $1,000,000 for the proposed projects with no single project to exceed $250,000. Now, Texas Gas proposes to spend up to $3,000,000 for the proposed projects with no single project to exceed $500,000.

Any person desiring to be heard or to make any protest with reference to said amendment to application should on or before October 9, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20115 Filed 9-20-73;8:45 am]

[Docket No. E-6684]

VIRGINIA ELECTRIC AND POWER CO. AND DAN RIVER, INC.

Proposed Determination of Headwater Benefits Payments

SEPTEMBER 13, 1973.

Public notice is hereby given that the Commission Staff proposes a determination pursuant to the provisions of section 10(f) of the Federal Power Act (16 U.S.C. 803), of certain payments for benefits provided by the Federal Philpott and John H. Kerr headwater improvements in the Roanoke River basin to downstream hydroelectric plants owned by the Virginia Electric and Power Company (VEPCO) and Dan River Inc. (Dan River) during the period January 1, 1963, through December 31, 1968. The proposed payments, based on a report by the Commission's Bureau of Power, dated December 1972, amount to: $846,667 for benefits plus $83,975 for a share of the costs of the investigations, assigned to VEPCO; and $6,403 for benefits plus $635 for a share of the costs of the investigations assigned to Dan River.

Copies of the December 1972 Bureau of Power report were sent to all parties to the investigation on January 17, 1973, with requests for comments or suggestions. The Commission Staff reviewed the comments received and, by letter of July 24, 1973, advised the parties that it did not propose to change its proposed determination. In that letter, the Staff also offered each party the opportunity to comment further on the report or to request a conference among the parties, requesting that any responses be made by August 15, 1973. No responses to that letter have been received.

Any person desiring to be heard or to make protest with reference to the proposed headwater benefits payments to be made by VEPCO and Dan River, should on or before October 15, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Persons wishing to become parties to the proceeding or to participate as a party therein must file a petition to intervene in accordance with the Commission's rules of practice and procedure.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20129 Filed 9-20-73;8:45 am]

FEDERAL RESERVE SYSTEM

CHEMICAL NEW YORK CORP.

Acquisition of Bank

Chemical New York Corporation, New York, New York, 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 per cent of the voting shares of First National Bank of Greenwich, Greenwich, New York. 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)).

Chemical New York Corporation is also engaged in the following nonbank activities: short term land development and mortgage construction loans, equipment leasing outside the United States and equipment leasing within the United States. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

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 October 9, 1973.

Board of Governors of the Federal Reserve System, September 14, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-20076 Filed 9-20-73;8:45 am]

FIRST NATIONAL CITY CORP.

Proposed Acquisition of Capital Financial Services, Inc. No. 21

First National City Corporation, New York, New York (through its wholly owned indirect subsidiary, Nationwide Financial Corporation of Oregon), has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire certain of the assets of Capital Financial Services, Inc. No. 21, Portland, Oregon. Notice of the application was published on May 11, 1973 in The Oregonian, a newspaper circulated in Portland, Oregon.

Applicant states that its indirect subsidiary would thereby engage in the activities of making consumer installment personal loans, purchasing consumer installment sales finance contracts, and acting as broker for the sale of consumer related life, accident and health insurance and consumer credit related property and casualty insurance; it would offer to sell such insurance as follows: a) Group credit life-accident and health insurance to cover the outstanding balances of loans to borrowers in the event of their death or, to make the contractual monthly payments on loans in the event of borrower's disability. b) Individual casualty insurance on property; generally automobiles and household goods, subject to Security Agreements. Further, Applicant states that in regard to the sale of credit related insurance, no offer will be made of insurance counseling.

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 New York.

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 October 9, 1973.

Board of Governors of the Federal Reserve System, September 14, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-20079 Filed 9-20-73;8:45 am]

FIRST NATIONAL CITY CORP.

Order Approving Acquisition of Gateway Life Insurance Co.

First National City Corporation, New York, New York, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y to acquire all of the voting shares of Gateway Life Insurance Company, Phoenix, Arizona ("Gateway"), a company that would engage in the activity of underwriting, as reinsurer, credit life and credit accident and health insurance sold by Applicant's consumer finance subsidiary, Nationwide Financial Services Corporation ("Nationwide").[1] Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(10)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (37 FR 25966). The time for filing comments and views has expired, and none has been timely received.

Applicant, the largest banking organization and bank holding company in New York, controls seven banks with aggregate domestic deposits of $15.5 billion, representing 14.3 per cent of total deposits in commercial banks in the State.[2] Applicant also controls nonbanking subsidiaries engaged principally in mortgage banking, leasing, conditional sales financing, and consumer financing.

Gateway, with total assets of $1.25 million, would underwrite, as reinsurer, credit life and credit accident and health insurance made available by an unrelated direct underwriter in connection with extensions of consumer credit by Nationwide. Nationwide operates 85 small loan offices in 14 States throughout the South, the Mid-West, and the Far West. Gateway would reinsure credit life and credit accident and health insurance written in connection with Nationwide's loans in all of the States in which Nationwide conducts business, with the exception of Florida.

Applicant is not engaged in reinsurance of credit life and health and accident policies sold in connection with consumer credit. Applicant is engaged, indirectly through Lakeland Assurance Company, Phoenix, Arizona, in reinsuring mortgage life and accident and health insurance sold in connection with mortgages serviced by Applicant's mortgage banking subsidiary.[3] However, Lakeland does not engage in nor have experience in underwriting credit life and accident and health reinsurance. Accordingly, it does not appear that Applicant's acquisition of Gateway would result in any significant adverse effects on existing or potential competition.

As in past cases where credit life and credit accident and health insurance underwriting activities were acquired, the Board must be satisfied that the public interest is met. Applicant has committed that within 90 days from approval of the proposal, Gateway and its direct underwriter will reduce the rates charged on credit life insurance policies by amounts varying from 3 to 15 percent in the various States in which Nationwide operates. Further, Applicant states that within 90 days from approval of the proposal, Gateway will reduce the rates charged on credit accident and health insurance policies by 5 percent or increase policy benefits by at least 5 percent. It is the Board's judgment that these benefits to the public are consistent with approval of the application.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under Section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be consummated not 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 New York.

By order of the Board of Governors,[4] effective September 11, 1973.

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

[FR Doc.73-20082 Filed 9-20-73;8:45 am]

ILLINOIS NEIGHBORHOOD DEVELOPMENT CORP.

Formation of Bank Holding Company

Illinois Neighborhood Development Corporation, Chicago, Illinois, 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 80 percent or more of the voting shares of The South Shore National Bank of Chicago, Chicago, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 9, 1973.

Board of Governors of the Federal Reserve System, September 14, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-20077 Filed 9-20-73;8:45 am]

MERCANTILE BANCORPORATION

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 per cent or more of the voting shares of Lewis & Clark State Bank of St. Louis County, St. Louis, 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 Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 9, 1973.

Board of Governors of the Federal Reserve System, September 14, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-20081 Filed 9-20-73;8:45 am]

[1] The application relates to a matter on which the Board reserved decision in its Order of December 14, 1972, approving Applicant's acquisition of Nationwide. (See Federal Reserve Bulletin, January 1973, p. 27, especially footnote 1.)

[2] Banking data are as of June 30, 1972, adjusted to reflect holding company formations and acquisitions approved through July 31, 1973.

[3] Lakeland Assurance Company was indirectly acquired by Applicant prior to December 31, 1970, and has 10-year grandfather privileges under section 4(a)(2) of the Act. The Board has not yet determined whether reinsuring mortgage redemption and accident and health insurance related thereto is an activity closely related to banking.

[4] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns and Governors Daane and Brimmer.

MERCANTILE BANCORPORATION INC.

Order Approving Acquisition of Bank

Mercantile Bancorporation Inc., St. Louis, Missouri, ("Applicant") 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 at least 90 per cent of the voting shares, plus directors' qualifying shares, of Cape State Bank and Trust Company, Cape Girardeau, Missouri ("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 have been received.

Applicant, the largest banking organization in Missouri, controls eight banks [1] with aggregate deposits of $1,290 million [2] representing approximately 9.2 per cent of total commercial bank deposits in the State. The acquisition of Bank, with deposits of $15.0 million, would increase Applicant's percentage share of deposits in the State by only one-tenth of a percentage point and would not result in any significant increase in the concentration of banking resources in Missouri.

Bank, located in Cape Girardeau, Missouri, is the third largest of eight banks in its market area (approximated by Cape Girardeau County and the northern portion of Scott County). Bank holds 12.0 per cent of total market deposits, whereas the two largest banks control approximately 32 and 26 per cent, respectively. Applicant's nearest subsidiary bank is located in St. Louis, approximately 130 road miles from Bank and outside Bank's market area. Because of the distances separating Applicant's subsidiary banks from Bank and because of the restrictive Missouri branching laws, it is unlikely that competition would develop between Bank and any of Applicant's subsidiaries. Consummation of the proposal would not eliminate existing or potential competition, nor would it have significant adverse effects on any competing bank.

The financial and managerial resources and prospects of Applicant, its present subsidiaries, and Bank are all regarded as satisfactory and lend weight toward approval of the application. It appears that the major banking needs of Bank's service area are presently being met by the existing banking institutions; however, Applicant proposes to expand Bank's services, including its corporate and personal trust, real estate and investment management operations, in order to make Bank more responsive to the needs of the community. It is felt that expansion of these services would be beneficial to the area to be served and these benefits outweigh any possible adverse effects. It is the Reserve Bank's judgment that the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record as summarized above, the Federal Reserve Bank of St. Louis approves the application, provided that the transaction shall not be consummataed (a) before the thirtieth calendar day following the date of this Order or (b) later than three months after the date of this Order, unless such period is extended for good cause by the Board or by this Federal Reserve Bank pursuant to delegated authority.

By order of the Federal Reserve Bank of St. Louis, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective September 10, 1973.

[SEAL] HAROLD E. UTHOFF,
Vice President.

[FR Doc.73-20083 Filed 9-20-73;8:45 am]

[1] Applicant received Board approval to acquire Mercantile National Bank of St. Louis County, St. Louis County, Missouri, a de novo bank, on July 12, 1973.

[2] Banking data are as of December 31, 1972, adjusted to reflect holding company formations and acquisitions approved by the Board through June 21, 1973.

MERCANTILE BANCORPORATION INC.

Order Approving Acquisition of Bank

Mercantile Bancorporation Inc., St. Louis, Missouri ("Applicant"), 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 at least 90 percent of the voting shares, plus directors' qualifying shares, of United Bank of Farmington, Farmington, Missouri ("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 of filing comments and views has expired, and the application and comments received have been considered in light of factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the largest banking organization in Missouri, controls eight subsidiary banks [1] with aggregate deposits of $1.29 billion, representing 9.2 percent of total commercial bank deposits in the State.[2] Acquisition of Bank, with $17.4 million in deposits, would increase Applicant's share of commercial bank deposits in the State by only one-tenth of a percentage point and would not result in any significant increase in the concentration of banking resources in Missouri.

Bank is the larger of two banks in Farmington and the largest of seven banks in its banking market (which includes areas and towns near Farmington) and controls 23.3 per cent of market area deposits. Although Bank is the largest in the area, the second and third largest banks in the market hold, respectively, 22.5 and 15.3 per cent of deposits and all of the area banks appear to be viable competitors. Applicant's closest subsidiary to Bank is located 70 miles north of Bank, and none of Applicant's subsidiaries competes with Bank to any significant extent. Furthermore, because of the distances separating Applicant's subsidiary banks from Bank and Missouri branching restrictions, it is unlikely that competition would develop between Bank and any of Applicant's present or proposed subsidiaries. The prospect of Applicant entering Bank's market de novo is unlikely in view of the relatively low population density and below average growth rate in Bank's market area.

The financial and managerial resources and prospects of Applicant, its present subsidiaries, and Bank are all regarded as satisfactory and consistent with approval of the application. There is no evidence to suggest that the major banking needs of Bank's service area are not presently being met by existing financial institutions; however, Applicant intends to make bond investment consultation and trust service available to Farmington residents drawing on the experience of its subsidiary banks. Applicant also sees the need for offering a more diversified deposit program. Thus, considerations relating to convenience and needs are consistent with approval of the application. It is the Reserve Bank's judgement that the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record as summarized above, the Federal Reserve Bank of St. Louis approves the application, provided that the transaction shall not be consummated (a) before the thirtieth calendar day following the date of this Order or (b) later than three months after the date of this Order, unless such period is extended for good cause by the Board or by this Reserve Bank pursuant to delegated authority.

By order of the Federal Reserve Bank of St. Louis, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective September 11, 1973.

[SEAL] HAROLD E. UTHOFF,
Vice President.

[FR Doc.73-20084 Filed 9-20-73;8:45 am]

[1] Applicant also received Board approval to acquire Mercantile National Bank of St. Louis County, St. Louis County, Missouri, a de novo bank, on July 12, 1973.

[2] Banking data are as of December 31, 1972, adjusted to reflect holding company formations and acquisitions approved by the Board through July 15, 1973.

UNITED MISSOURI BANCSHARES, INC.

Order Approving Acquisition of Bank

United Missouri Bancshares, Inc., Kansas City, Missouri, 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 80 percent or more (plus directors' qualifying shares) of the voting shares of Hickman Mills Bank & Trust Co., Kansas City, Missouri (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fifth largest bank holding company and the fifth largest banking organization in Missouri, controls twelve banks with aggregate deposits of $654.7 million representing approximately 5 percent of the total commercial bank deposits in the State. (Banking data are as of December 30, 1972, adjusted to reflect holding company formations and acquisitions approved by the Board through July 31, 1973.) Applicant's lead bank, United Missouri Bank of Kansas City, N.A. (United Missouri Bank) ($459.2 million in deposits), located in downtown Kansas City, is the second largest bank operating in the Kansas City market (approximated by the old Kansas City SMSA less the section of Cass County south of Harrisonville).[1] In addition to United Missouri Bank, applicant has two other subsidiaries in the Kansas City market;[2] aggregate deposits of the three subsidiaries ($500.9 million) represent 12.03 percent of the total deposits in the Kansas City market. Approval of the acquisition of Bank would increase Applicant's share only slightly to 12.08 percent of the total market deposits.

Bank ($20.4 million in deposits), located in the southern portion of Kansas City, approximately nineteen miles south of Applicant's lead bank, is one of the smaller banks operating in the Kansas City market with about .5 percent of total deposits in the market. There is some present competition between Bank and Applicant's subsidiaries since they are located in the same market. However, the amount of such competition would appear to be minimized due to the fact that Applicant and Bank are affiliated through common stock ownership, and Bank has enjoyed a close working relationship with Applicant and United Missouri Bank. On the basis of the facts of record, notably the existence of numerous banking alternatives available in the Kansas City market, Bank's small market share, the common ownership and relationship between Applicant's lead bank and Bank, and the fact that the close association would be likely to continue regardless of the Board's action on the present application, the Board concludes that consummation of the proposal would not eliminate any significant existing competition nor foreclose significant potential competition.

The financial and managerial resources and future prospects of Applicant, Applicant's present subsidiaries and Bank are satisfactory and consistent with approval of the application. Considerations relating to the convenience and needs of the communities to be served are regarded as consistent with approval. It is the Board's judgment that the transaction 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 Kansas City pursuant to delegated authority.

By order of the Board of Governors,[3] effective September 13, 1973.

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

[FR Doc.73-20080 Filed 9-20-73;8:45 am]

WEST FLORIDA BANK HOLDING CO., INC.

Acquisition of Bank

West Florida Bank Holding Co., Inc., Panama City, 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 100 percent of the voting shares (less directors' qualifying shares) of Panama City National Bank, Panama City, 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 September 28, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-20078 Filed 9-20-73;8:45 am]

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[1] The old Kansas City Standard Metropolitan Statistical Area includes Cass, Clay, Jackson and Platte Counties in Missouri, and Johnson and Wyandotte Counties in Kansas.

[2] In addition, Applicant has applied to the Comptroller of the Currency to organize a national bank in Blue Springs, Missouri (located nine miles east of downtown Kansas City). The Comptroller announced preliminary approval on June 14, 1973.

[3] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer, Sheehan and Holland. Absent and not voting: Governor Bucher.

SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5422, 34-10394]

LITIGATION AND ADMINISTRATIVE PROCEEDINGS AFFECTING PROFESSIONALS PRACTICING BEFORE THE COMMISSION

Extension of Comment Period

On July 25, 1973, the Commission announced an inquiry to obtain information and ascertain views of interested persons concerning the materiality of disclosure in filings with the Commission of civil and criminal litigation and of administrative disciplinary proceedings involving professionals such as accountants and attorneys who practice before the Commission. (Securities Act Release No. 5411, Securities Exchange Act Release No. 10296) (38 FR 22191). The time for submitting such comments expires September 15, 1973. However, the Commission has received requests for additional time within which to submit comments on these issues. Accordingly, the time for submitting such comments has been extended to October 30, 1973. Those submitting comments should consider and address themselves particularly to the factors set forth in the release announcing the Commission's inquiry. All communications will be placed in the public files of the Commission and should refer to File No. S7-488.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 18, 1973.

[FR Doc.73-20176 Filed 9-20-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 12, Revision 1, Amdt. 2]

ASSOCIATE ADMINISTRATOR FOR FINANCE AND INVESTMENT

Delegation of Authority

Delegation of Authority No. 12 (Revision 1) (38 FR 13063), as amended (38 FR 16001), is hereby further amended to effect the transfer of the authorities necessary for the 406 program from the Associate Administrator for Finance and Investment to the Associate Administrator for Procurement and Management Assistance.

Paragraph IC of Delegation of Authority No. 12 (Revision 1), as amended, is therefore deleted in its entirety.

Effective date.—August 20, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-20089 Filed 9-20-73;8:45 am]

[Delegation of Authority 13, Amdt. 1]

ASSOCIATE ADMINISTRATOR FOR PROCUREMENT AND MANAGEMENT ASSISTANCE

Delegation of Authority

Delegation of Authority No. 13 (37 FR 20752) is hereby amended to include authorities necessary for the 406 program. The functions of this program are transferred to the Associate Administrator for Procurement and Management Assistance from the Associate Administrator for Finance and Investment.

Paragraph IC is added to Delegation of Authority No. 13 and reads as follows:

* * * * *

C. *406 Program.* 1. To execute grants, agreements, and contracts providing financial assistance to public or private organizations to pay all or part of the costs of projects designed to provide technical and management assistance to individuals or enterprises eligible for assistance under section 402 of the Economic Opportunity Act of 1964, as amended, with special attention to small business concerns located in urban areas of high concentration of unemployed or low-income individuals or owned by low-income individuals. Such financial assistance may be provided for projects, including without limitation:

a. Planning and research, including feasibility studies and market research;

b. The identification and development of new business opportunities;

c. The furnishing of centralized services with regard to public services and government programs, including programs authorized under section 402 of the Economic Opportunity Act of 1964, as amended;

d. The establishment and strengthening of business service agencies, including trade associations and cooperatives;

e. The encouragement of the placement of subcontracts by major businesses with small business concerns located in urban areas of high concentration of employed or low-income individuals or owned by low-income individuals, including the provision of incentives and assistance to such major businesses so that they will aid in the training and upgrading of potential subcontractors or other small business concerns;

f. The furnishing of business counseling, management training, and legal and other related services, with special emphasis on the development of management training programs using the resources of the business community, including the development of management training opportunities in existing businesses, and with emphasis in all cases upon providing management training of sufficient scope and duration to develop entrepreneurial and managerial self-sufficiency on the part of the individuals served.

* * * * *

Effective Date.—August 20, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-20091 Filed 9-20-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 346]

ASSIGNMENT OF HEARINGS

SEPTEMBER 18, 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 September 21, 1973.

Correction:

MC 138479, C & C Cartage, Inc., now assigned October 9, 1973; MC 138548, Indianoaks Transportation Co., now assigned October 10, 1973; MC 127042 Sub 103, now assigned continued hearing October 11, 1973; MC-F-11662, Denver-Midwest Motor Freight, Inc., MC 127602 Sub 12, Denver-Midwest Motor Freight, Inc.—Purchase—Streator Transfer & Storage Co., now assigned October 15, 1973, will be held in Room 813, 610 S. Canal St., Chicago, Ill., instead of Room 1614 Court of Claims, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Chicago, Ill.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-20166 Filed 9-20-73;8:45 am]

[Notice 345]

ASSIGNMENT OF HEARINGS

SEPTEMBER 18, 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 September 21, 1973.

No. 35889, Illinois Central Gulf Railroad Company-Electric Commuter Train Fares, now assigned October 9, 1973, at Chicago, Illinois, is postponed to October 15, 1973, will be held in Room 1614, Court of Claims, Everett McKinley Dirksen Bldg., 219 South Dearborn Street, Chicago, Illinois.

MC-115331 Sub 342, Truck Transport, Inc., now assigned September 27, 1972, at St. Louis, Mo., is postponed indefinitely.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-20165 Filed 9-20-73;8:45 am]

[Notice 355]

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 October 15, 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-74555. By order entered September 14, 1973, the Motor Carrier Board approved the transfer to C & W Czyzewski Enterprise, Inc., doing business as R & M Messenger and Delivery Service, Irvington, N.J., of the operating rights set forth in Certificate No. MC-2644, issued by the Commission May 21, 1973, to Ranchero Leasing, Inc., doing business as Ranchero Transport and Leasing Co., Newark, N.J., authorizing the transportation of general commodities, with the usual exceptions, between New York, N.Y., on the one hand, and, on the other, 31 specified points in New Jersey—Robert B. Pepper, 168 Woodbridge Ave., Highland Park, N.J. 08904, practitioner for applicants.

No. MC-FC-74582. By order of September 17, 1973, the Motor Carrier Board approved the transfer to Joe N. Quince, doing business as Beloit Cartage, Beloit, Wis., of Certificate No. MC-24113 issued August 11, 1960, to Earl S. Babcock, doing busines as Beloit Cartage, Beloit, Wis., authorizing the transportation of: Foodstuffs, fresh fruits and vegetables, and groceries between Janesville, Wis., and Chicago, Ill.; and general commodities, with the usual exceptions, between Beloit, Wis., and South Beloit, Wis. Dual operations were approved—Mr. John L. Bruemmer, Attorney at Law, 121 West Doty Street, Madison, Wis. 53703.

No. MC-FC-74631. By order of September 17, 1973, the Motor Carrier Board approved the transfer to Benton's Hartford Express, Inc., Stafford Springs, Conn., of Certificate of Registration No. MC-57346 (Sub-No. 1) issued March 19, 1964, to Francis C. Layman, doing business as Benton's Hartford Express, Stafford Springs, Conn., evidencing a right to engage in transportation in interstate or foreign commerce corresponding in scope to the grant of authority in Motor Common Carrier Certificate C-1061

issued July 30, 1958, by the Connecticut Public Utilities Commission—Thomas W. Murrett, 342 North Main Street, West Hartford, Conn. 06117. Attorney for applicants.

No. MC–FC–74701. By order of September 17, 1973, the Motor Carrier Board approved the transfer to Annett Bus Service, Inc., Box 123, Harrington, Del., of Certificates Nos. MC–94132 and MC–94132 (Sub-No. 2) issued January 23, 1941, and October 15, 1970, respectively, to John H. Annett, Harrington, Del., authorizing the transportation of passengers and their baggage, in charter operations, from Milford, Del., to points in New Jersey, Maryland, Pennsylvania, Virginia, and the District of Columbia; and between points in Carolina County, Md., on the one hand, and on the other, Milford, Del.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–20167 Filed 9–20–73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 18, 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 Oct. 9, 1973.

FSA No. 42748—*Beet or Cane Sugar to Points in Iowa and Wisconsin.* Filed by Western Trunk Line Committee, Agent, (No. A–2689), for interested rail carriers. Rates on sugar, beet or cane, dry, in bulk, in carloads, as described in the application, from points in Montana, transcontinental and western trunk-line territories, to specified points in Iowa and Wisconsin.

Grounds for relief—Rate relationship, returned shipments.

Tariffs—Supplement 143 to Western Trunk Line Committee, Agent, tariff 159–0, I.C.C. No. A–4481, and 3 other schedules named in the application. Rates are published to become effective on October 15, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–20169 Filed 9–20–73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 18, 1973.

An application, as summarized below, has been filed reuqesting 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 October 9, 1973.

FSA No. 42735—Amended—Asphalt (Asphaltum), Pitch or Tar Between Points in Southern Territory also from Points in Southwestern Territory to Points in Southern Territory. Filed by Southwestern Freight Bureau, Agent, (No. B–430, as amended), for interested rail carriers. Rates on asphalt (asphaltum), pitch or tar, in carloads, as described in the application, between points in southern territory; also from points in Arkansas, Kansas, Louisiana, Missouri, Oklahoma and Texas, to points in southern territory.

Grounds for relief—Rate relationship and market competition.

Tariffs—Supplement 73 to Southwestern Freight Bureau, Agent, tariff 126–L, I.C.C. No. 4789, and supplement 8 to Southern Freight Association, Agent, tariff S–2011–N, I.C.C. No. S–1112. Rates are published to become effective on October 18, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–20168 Filed 9–20–73;8:45 am]

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