federal register

MONDAY, JUNE 18, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 116

Pages 15809–15921

PART I

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HIGHLIGHTS OF THIS ISSUE

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

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

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federal register

Area Code 202 Phone 962–9626

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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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 4222

Honor America, 1973

By the President of the United States of America

A Proclamation

This year, for the first time in a dozen years, America will be at peace on Independence Day.

For the first time in a generation, none of our young men will be drafted into the armed services.

Clearly there is much for which we should be thankful. Equally so, we have much upon which to reflect: not only the challenges that still lie ahead but also the qualities of mind and soul that have brought us through the trials of the past and have kept us a great people.

National holidays have traditionally provided us with opportunities for such reflection and celebration. Flag Day, celebrated June 14th, is one such day; Independence Day is another.

Between the two is a 21-day interval. This year—a year when all of us pray that we may be entering a new era of peace and goodwill among men—it seems particularly fitting that we mark this 21-day period in a very special way.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the period beginning June 14, 1973 and extending through July 4, 1973 as a 21-day salute to our country. "HONOR AMERICA" shall be the theme for this salute. I call on all Americans to join during this period in appropriate public observances and personal activities which will express their love for this country, their respect for its past and their dedication to its future.

This should not be a time in which we ignore our country's problems. But it should be a time in which we gain renewed appreciation for those physical and spiritual resources which can enable us to meet those problems—and to make our great Nation greater still.

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

[FR Doc.73-12186 Filed 6-14-73;4:56 pm]

PROCLAMATION 4223

Commemorating the Opening of the Upper Mississippi River

By the President of the United States of America

A Proclamation

Three hundred years ago two French explorers led a small band of men in search of a river the Indians called the Mississippi. It was their hope that the river would lead to the Pacific Ocean and give access to the riches of the Orient.

Father Jacques Marquette and Louis Jolliet never reached the Pacific, but their mission was an immense success, for the river they found has brought America wealth beyond measure.

The waters of the Mississippi are the most wide-ranging navigation system in the land; they provide recreational opportunities for millions of Americans; they have been the source of all history and culture that enriches the lives of us all; they nurture our farms and our cities; and they bind our people and the shores of our land from sea to sea.

To commemorate the opening of the upper Mississippi River by Marquette and Jolliet, the Congress, by House Joint Resolution 533, has asked that June 17, 1973 be designated as a day of commemoration of this event.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate June 17, 1973, as a day of commemoration of the opening of the upper Mississippi River by Jacques Marquette and Louis Jolliet in 1673, and I call upon the people of the United States to join together in acknowledging and appreciating one of our Nation's greatest natural resources and one of the most significant wellsprings of our cultural heritage.

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

[FR Doc.73-12217 Filed 6-15-73;10:48 am]

PROCLAMATION 4224

Father's Day, 1973

By the President of the United States of America

A Proclamation

Each year, the third Sunday in June is set aside to honor the American father. In a complex and sometimes coldly impersonal age, Father's Day brings us back to basics.

A basic unit of our society is the family which a father helps to form and hold together. A basic force in our economic life is the work a father does to provide for his wife and children. One of the strongest leadership influences forming the character of our young people is the example a father sets for his sons and daughters. The very identity through which we know ourselves is rooted in surnames proudly inherited from our fathers and their fathers before them.

All of these things are part of what fatherhood means, yet the whole is also more than the sum of its parts. At its heart is the timeless impulse, commonplace yet wonderfully noble, that moves man to partnership with woman and both to the raising of children, children for whom they strive to build a home and a world a little better than what they themselves have known before.

It is the American father's glory that he works to make each day of the year his family's; it is our proper tribute to him, that we should join to make this one day his.

On this Father's Day we again have the opportunity to pay a justly deserved tribute to the counselors, providers, arbiters, and leaders who are our fathers.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, in accordance with a joint resolution of the Congress approved April 24, 1972, do hereby request that June 17, 1973, be observed as Father's Day.

I invite the governments of the States and communities to observe Father's Day with appropriate ceremonies, and I urge all our people to offer public and private expressions on that day of the abiding love and gratitude which they bear for the fathers of America.

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

[FR Doc.73-12218 Filed 6-15-73;10:49 am]

Rules and Regulations

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 130—COST OF LIVING COUNCIL PHASE 3 REGULATIONS

Miscellaneous Amendments Relating to the Construction Industry

The purpose of the amendments set forth below is to revise the Special Rules Applicable to the Construction Industry in subpart H of part 130. These revisions prescribe mandatory price rules for construction, renegotiation procedures for contract prices where wages are reduced, include changes in the pay rules, and incorporate in the Council's regulations the substance of the regulations of the Pay Board in effect on January 10, 1973, with respect to nonunion construction. The pay rules for nonunion construction apply prospectively and supersede subpart G of part 201 (37 FR 24988; Nov. 23, 1972).

Price Rule Changes

Section 130.11 is amended to make clear that prices in the construction industry are subject to the mandatory controls of subpart H of part 130 and are no longer subject to the general price standard of phase 3 contained in § 130.13.

Section 130.70 is amended to prescribe mandatory price rules for construction and to establish a de minimis rule for coverage under the mandatory rules governing prices in the construction industry. This de minimis rule parallels that established for the food industry so that a firm which both derives less than 20 percent and less than $50 million of its annual sales or revenues from construction operations will not be subject to the mandatory price rules in subpart H.

Section 130.71 is amended to add a new definition section, providing definitions for annual sales and revenues, base period, construction operations, and construction industry. The new definition of annual sales and revenues requires inclusion of a firm's pro rata share of any joint venture of which it is a part. It is the Council's intention that firms will compute their profit margin from construction operations so that the firm's net operating income will reflect the pro rata share of the net operating income of joint ventures of which they are a part.

A new definition of base period is added for use in measuring the profit margin of firms subject to subpart H. A firm may select any one of the 3 fiscal years ending prior to August 15, 1971, or any fiscal year completed after that date, except the year for which compliance is being measured, as its base period. This special definition of base period is necessary because of the high risks involved in fixed-price contracts under which a major portion of construction work is done, and the widespread fluctuations in profits and losses as a result of these contracts.

Section 130.72 is amended to provide the procedure to be used in the redetermination of fixed price construction contracts that exceed $500,000, where the wages and salaries of construction workers performing work under such contracts have been reduced as a result of CISC or CLC action. Federal Government contracts will be governed by Federal Procurement Regulations and applicable Armed Service Procurement Regulations. In the private sector, the prime contractor will redetermine the contract price with his subcontractors and then indicate his willingness to redetermine the contract price with the owner or user.

Section 130.73 is added to establish rules for reporting of sales, costs, and profits by a firm in the construction industry. Firms deriving $50 million or more of their annual sales or revenues from construction operations will be required to report on forms issued by the Council. The Council has determined that this level is necessary to maintain an adequate program of control and surveillance.

Section 130.74 is added to establish the standard for pricing of construction operations and to regulate the passthrough of allowable costs. This provision replaces the former phase 2 price standard. Under § 130.74, a firm may pass through the full amount of any increase in wages or salaries contained in a collective-bargaining agreement entered into after November 8, 1971, to the extent such increases are approved by the Construction Industry Stabilization Committee. Recognition of prior CISC approvals is necessary because of the unique employment characteristics of the construction industry where, unlike industry in general, employees are represented along craft lines rather than industrialwide or plantwide units as is typical in manufacturing or other industries. In addition, the mix of crafts employed varies from job to job so that a contractor's price increases attributable to wage increases might vary above and below 5.5 percent from project to project. Therefore, the limitation on wage cost passthrough applied by the Price Commission is inappropriate for the construction industry. Section 130.74 permits passthrough of these allowable costs to the extent that this passthrough does not result in an increase in the firm's profit margin.

Section 130.75 sets forth the rule for measuring the profit margin of a firm's construction operations. The section parallels the rule applicable to the food industry and requires separation of the annual sales or revenues derived from construction and nonconstruction operations to the extent possible, consistent with generally accepted accounting principles. To the extent annual sales or revenues from nonconstruction operations are not separable from annual sales or revenues from nonconstruction operations, those nonconstruction sales or revenues are subject to the mandatory controls of subpart H; however, the base period will be that provided in subpart L, not subpart H. Where annual sales or revenues derived from construction operations are separated from annual sales or revenues derived from nonconstruction operations, the price adjustments and profit margin from nonconstruction operations should be computed in accordance with the general price standard in § 130.13. Section 130.75 also established criteria for allowable profit margin excesses and the manner of reporting such excesses.

Pay Rule Changes

During phase 2 the Council's regulations at §§ 101.51(a)(2)(iii) and 101.51(b)(2)(iii) provided that the small business exemption did not apply to any firm engaged in construction within the meaning of section 11 of Executive Order 11588, 36 FR 6339 (1971). With the onset of phase 3, mandatory controls were retained with respect to all "pay adjustments affecting employees in the construction industry," including those referred to in former § 130.72(b). The small business exemption, however, remained applicable to these employees because they were not specificaly covered by §§ 130.40(a)(2)(iii) and 130.40(b)(2)(iii). Accordingly, new §§ 130.40(a)(2)(viii) and 130.40(b)(2)(ix) in the amendments set forth below are added to make clear that the small business exemption does not apply to any "pay adjustments affecting employees in the construction industry."

Prior to the amendments set forth below, § 130.72 covered pay adjustments affecting employees in construction. New § 130.76 incorporates the prior rules and conforms them to the prenotification and reporting requirements in the succeeding section. In addition, a new § 130.76

(b)(3) makes clear that all nonunion employees of a firm which derives more than 20 percent of its annual sales or revenues from construction operations are subject to mandatory controls in subpart H, even though certain employees of the firm are not engaged in construction operations. Paragraph (c) of § 130.76 provides an exclusion from the coverage of § 130.76(b)(3) if wages and salaries of employees who work in a nonconstruction division or affiliate of a firm have historically been separated in preparing the firm's financial statements from wages and salaries of employees who work in a construction division or affiliate of the same firm. For example, pay adjustments made to nonunion employees of a land development firm which subcontracts all on-site construction operations to an unrelated firm, thereby deriving no revenue from construction operations, would not be subject to mandatory controls. However, if the construction operations were not subcontracted to an unrelated firm, and the annual sales or revenues from such operations constituted 20 percent or more of the annual sales or revenues of the land development firm, then pay adjustments for all nonunion employees of the land development firm would be subject to mandatory controls, unless the special exclusionary rule in paragraph (c) of § 130.76 applies. That rule would also be applied so that pay adjustments made to a vice president in charge of the manufacturing subsidiary or division of a firm would be subject to mandatory controls if his wages and salaries have not historically been considered separately from the wages and salaries of a vice president in charge of a construction subsidiary or division of the firm.

Section 130.77 is added to provide new rules for prenotification and reporting of pay adjustments affecting employees in the construction industry. In the case of increases scheduled pursuant to a collective-bargaining agreement, paragraph (a) of § 130.77 provides that all such increases must be prenotified to the Construction Industry Stabilization Committee (CISC) and may not be put into effect until approved by the CISC.

Under phase 2 rules, offsite and other nonunion construction employees were subject to the same general controls as employees in all other industries, including classification into unit categories. Onsite nonunion employees were required to be classified into the basic crafts related to the job, and unit categories were not relevant to the controls imposed on these crafts.

New paragraph (b)(1)(i) of § 130.77 provides that a report will generally continue to be required for offsite and other employees only when the appropriate employee unit contains 1,000 or more employees. The effect of this amendment is that prenotification will not be required in the case of units containing 5,000 or more employees. However, special reporting requirements are newly applicable under § 130.77(b)(1)(iv) to firms with annual sales or revenues of $50 million or more derived from construction operations, regardless of the number of employees in the appropriate employee unit and regardless of the amount or percentage of pay adjustment put into effect.

New paragraph (b)(1)(ii) of § 130.77 provides the general reporting requirement for onsite nonunion construction employees. This is the same requirement previously set forth in § 201.88(a) except that reports will now be required within 10 days rather than 14 days after a pay adjustment is put into effect. New paragraph (b)(1)(iii) carries forward the reporting requirement (now 10 days) for nonunion contractors first entering a local labor market area. As in the case of offsite and other employees, the special reporting requirements under § 130.77(b)(1)(iv) apply to onsite nonunion construction employees of firms with $50 million or more of annual sales or revenues derived from construction operations regardless of the number of employees and regardless of whether increases are within the general wage and salary standard.

New paragraph (b)(2) of § 130.77 provides rules relating to the manner of reporting pay adjustments affecting employees in the construction industry. These rules to the extent appropriate are substantially the same as those in § 202.20 of Pay Board regulations in effect on January 10, 1973 (37 FR 24993; Nov. 23, 1972). The Pay Board's phase 2 form PB–3 should continue to be used until replacement forms are issued, except that form PB–4 should continue to be used with respect to nonunion construction employees.

Clarifying changes have been made to distinguish between nonunion construction employees and all other employees of a firm engaged in construction operations. New § 130.78 specifically includes within the definition of such other employees supervisors, foremen, superintendents, field engineers, and any other employees of a similar class (not covered by a collective-bargaining agreement) whose duties include on-site management of construction operations. The cross-references in that section to subparts A through F of part 201 are intended to make clear that the standard, exceptions, retroactivity provisions, sanctions, computation rules, and executive compensation provisions of that part remain applicable to all off-site employees.

New § 130.79 supersedes the comparable provisions of subpart G of part 201, effective June 13, 1973. (See §§ 201.84, 201.85, 201.86, and 201.87 of the regulations.) Generally, the same rules apply, except for the special reporting requirements applicable prospectively for all employees of firms in the construction industry where the annual sales or revenues equal or exceed $50 million (§ 130.77(b)(1)(iv)).

Effective date.—The amendments set forth below shall be effective on and after June 13, 1973.

Because the purpose of these amendments is to provide immediate guidance for compliance with the economic stabilization program during phase 3, I find that publication in accordance with normal rulemaking procedures is impracticable and that good cause exists for making these amendments effective in less than 30 days. Interested persons may submit comments regarding these amendments. Communications should be addressed to the Office of General Counsel, Cost of Living Council, Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended, Public Law 92–210, 85 Stat. 743; Public Law 93–28, 87 Stat. 27; Executive Order 11695, 38 FR 1473; Cost of Living Council Order No. 14, 38 FR 1489.)

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

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

PARAGRAPH 1. Section 130.11 is amended to read as follows:

§ 130.11 Standards.

This subpart establishes standards for private behavior which are intended to be applied voluntarily and on a self-administered basis and which are consistent with achieving the national goals of the economic stabilization program. The standards do not apply to price adjustments in the food industry, the health services industry, or the construction industry, to rate adjustments by public utilities, or to pay adjustments affecting employees in the food industry, the health services industry, or the construction industry.

PAR. 2. Section 130.40 is amended by adding new paragraphs (a)(2)(viii) and (b)(2)(ix) to read as follows:

§ 130.40 Exemption of firms with 60 or fewer employees.

(a) * * *

(2) *Exemption not applicable.* * * *

(viii) Pay adjustments affecting employees in the construction industry subject to the provisions of subpart H of this part.

* * * * *

(b) * * *

(2) *Exemption not applicable.* * * *

(ix) Pay adjustments affecting employees in the construction industry subject to the provisions of subpart H of this part.

* * * * *

PAR. 3. Subpart H of part 130 is amended to read as follows:

Subpart H—Special Rules Applicable to the Construction Industry

Sec.

AUTHORITY.—Economic Stabilization Act of 1970, as amended, Public Law 92–210, 85 Stat. 743; Public Law 93–28, 87 Stat. 27; Executive Order 11695, 38 FR 1473; Cost of Living Council Order No. 14, 38 FR 1489.

Subpart H—Special Rules Applicable to the Construction Industry

§ 130.70 Scope.

This subpart establishes special rules applicable to prices charged for construction operations and pay adjustments affecting employees in the construction industry. This subpart does not apply to the prices charged by any firm in the construction industry which derives both less than 20 percent of its annual sales or revenues from construction operations and less than $50 million of annual sales or revenues from construction operations.

§ 130.71 Definitions.

For purposes of this subpart, the term—

(a) "Annual sales or revenues" means the total gross receipts of a firm in the construction industry during its most recent fiscal year, except that it does not include gross receipts of or from a foreign branch or division of such a firm, or the gross receipts of or from a wholly or partially owned foreign entity such as a corporation, partnership, joint venture, association, trust, or subsidiary, if the gross receipts of such foreign entity, branch, or division are derived primarily from transactions with other foreign firms. A foreign entity, branch, or division is one located outside the several States and the District of Columbia. However, gross receipts of domestic entities from U.S. export sales and from sales to firms in the Commonwealth of Puerto Rico are included in the determination of annual sales or revenues. For purposes of this subpart annual sales or revenues shall also include the firm's pro rata share of annual sales and revenues derived from the construction operations of any joint venture of which it is a part.

(b) "Appropriate employee unit" means the same as under § 130.110, except that such unit shall be restricted in the case of nonunion construction employees to those employees who work at a job site or job sites in a particular craft or similar classification.

(c) "Base date" means, with respect to an appropriate employee unit, the day prior to the first day of a control year.

(d) "Base period" means any one, at the option of the firm concerned, of the following fiscal years: That firm's last 3 fiscal years ending before August 15, 1971, and any fiscal year, other than the fiscal year for which compliance is being measured, completed on or after that date.

(e) "Basic wage rate" means the highest straight-time hourly rate approved by the Construction Industry Stabilization Committee for payment to union construction employees in a local labor market area. Such rate shall be expressed in dollars and cents.

(f) "Construction industry" means every firm engaged in or undertaking any construction operations, and every employee employed by such firm.

(g) "Construction operations" means all work relating to the erecting, construction, altering, remodeling, painting, or decorating of installations such as buildings, bridges, highways, and the like when performed on a contract basis, but shall not include maintenance work performed by workers employed on a permanent basis in a particular plant or facility for the purpose of keeping such plant or facility in efficient operating condition. The term also means the transporting of materials and supplies to or from a particular building or project by the workers of the contractor or subcontractor performing the construction or the manufacturing of materials, supplies, or equipment on the site of a project by such workers. In addition, the term means all other work classified as construction in 29 CFR 5.2(g).

(h) "Control year" means, with respect to an appropriate employee unit, the period of time determined pursuant to § 201.52 of this title.

(i) "Craft" means a classification of mechanic or laborer engaged in construction operations at a job site.

(j) "Local labor market area" means the geographical area in the United States within which labor is normally recruited for work at a construction job site.

(k) "Nonunion contractor" means an employer of nonunion construction employees.

(l) "Nonunion construction employees" means members of a particular craft or similar classification who are not covered by a collective-bargaining agreement and are engaged in construction operations at a job site.

(m) "Union construction employees" means members of a particular craft who are covered by the terms of a collective-bargaining agreement and are engaged in construction operations at a job site.

(n) "Union contractor" means an employer of union construction employees.

§ 130.72 Prices: Redetermination of contracts in excess of $500,000.

(a) The contract price for each construction contract in excess of $500,000, all or part of which is performed by construction workers whose wages and salaries are subject to review by the Construction Industry Stabilization Committee (CISC) or the Cost of Living Council (CLC), shall be redetermined prior to final payment if the wage and salary level of those construction workers is reduced as a result of CISC or CLC action. The amount by which the contract price is reduced as a result of the redetermination must fairly reflect the results of the CISC or CLC action, including any cost increases directly resulting from the CISC or CLC action.

(b) Redetermination of any Federal Government fixed-price prime construction contract in excess of $500,000 affected by CISC or CLC action shall be conducted in the manner provided in the Federal Procurement Regulations and applicable regulations of the Department of Defense.

(c) Redetermination of fixed-price prime construction contracts in excess of $500,00 other than those referred to in paragraph (b) of this section shall be conducted in the following manner:

(1) Upon notification of a reduction in the wages and salaries of construction workers subject to CISC or CLC review each subcontractor performing work under the prime contract, whose construction workers have had a reduction of wages and salaries as a result of CISC or CLC action, shall promptly notify the prime contractor of any such reduction, notwithstanding the dollar value of the subcontract.

(2) In the absence of a contract clause relating to redetermination of the contract price, and after notification by his subcontractors of a reduction in the wages and salaries of construction workers as a result of CISC or CLC action, the prime contractor shall offer in writing to redetermine the contract price with the owner or user prior to final payment, and furnish the owner or user with a statement of the estimated number of employees affected by the CISC or CLC action.

(3) The owner or user shall notify the contractor of his intention to jointly redetermine the contract price within 90 days after receipt of the offer referred to in paragraph (c)(2) of this section.

(d) (1) In complying with this section, the prime contractor may require each subcontractor, regardless of tier, to submit to him a statement of the estimated number of employees affected by the results of the CISC or CLC action. The final payment due the subcontractor engaged to perform the subcontracted work shall be jointly redetermined to reflect fairly the results of the CISC or CLC action, including any cost increases directly resulting from such action.

(2) Pending notification by the owner or user of his intent to redetermine the contract price, the prime contractor may place in escrow an amount which fairly reflects the CISC or CLC action. The prime contractor shall refund to the subcontractor the amount placed in escrow if the owner or user does not indicate to the prime contractor his intention to jointly redetermine the contract price within the 90-day period specified, or if the owner or user does notify the prime contractor during that time period that he will not redetermine the contract price.

§ 130.73 Reporting of sales, costs, and profits.

A firm in the construction industry with annual sales or revenues of $50 million or more from construction operations shall report annually information as to sales, costs, and profits in accordance with forms and instructions issued by the Council. A firm required to report quarterly under § 130.21 shall not include within the quarterly report sales, costs, and profits information relating to construction operations if the firm is required to report such information annually under the provisions of this section.

§ 130.74 Prices: Passthrough of allowable costs.

A firm in the construction industry may charge prices for construction operations to reflect any allowable costs which it has incurred and continues to incur to the extent that such prices do not result in an increase in its profit margin over that which prevailed during the base period. For purposes of this section, the term "allowable costs" includes the full amount of any pay adjustment contained in a collective-bargaining agreement entered into after November 8, 1971, to the extent such pay adjustment has been approved by CISC or CLC. The full amount of any pay adjustment contained in a collective-bargaining agreement entered into after November 8, 1971, which was approved by the CISC or CLC and passed through prior to June 13, 1973, shall also be considered to be an allowable cost as of the date such pay adjustment was passed through.

§ 130.75 Profit margin measurement.

(a) For purposes of § 130.74, to the extent possible and consistent with the accounting principles customarily used in preparation of the contractor's financial statements, profit margin on construction operations shall be separately determined from profit margin on nonconstruction operations. To the extent that the annual sales or revenues from nonconstruction operations cannot be separated from the annual sales or revenues from construction operations for purposes of profit margin determination, those annual sales or revenues from nonconstruction operations are subject to the mandatory profit margin rule of this subpart.

(b) Where annual sales or revenues from nonconstruction operations cannot be separated from the annual sales or revenues from constuction operations, the base period to be used in calculating the profit margin shall be the base period defined in § 130.110 and not the base period defined in § 130.71.

(c) No firm in the consruction industry may exceed its base period profit margin unless the excess results from factors such as variation in the profit margin caused by the accounting method used on multiyear projects, the manner of accruing losses on multiyear projects, or other factors which are unique to the construction industry and which would distort the comparison of a firm's current profit margin with that which prevailed in its base period.

(d) Any justification for a profit margin exceeding the base period profit margin by a firm subject to § 130.73 which is based on paragraph (c) of this section, shall be reported and be subject to review by the Council.

§ 130.76 Pay adjustments.

(a) Pay adjustments prior to June 13, 1973, affecting employees in construction remain subject to the classification, prenotification, and reporting requirements of the Council and the rules and regulations of the Pay Board and the Construction Industry Stabilization Committee in effect prior to such date. The prenotification and reporting requirements set forth in § 130.77 shall apply to pay adjustments put into effect on or after June 13, 1973. The Cost of Living Council shall succeed to and assume all applicable rights, duties, and obligations of the Pay Board contained in chapter II of this title.

(b) In addition to those pay adjustments determined to be pay adjustments affecting employees in the construction industry under the rules and regulations of the Construction Industry Stabilization Committee in effect on January 10, 1973, and except as provided in paragraph (c) of this section, the term "pay adjustments affecting employees in the construction industry," within the meaning of paragraph (a) of this section, means—

(1) Pay adjustments under the terms of a construction industry collective-bargaining agreement which covers both construction and nonconstruction operations;

(2) Pay adjustments under the terms of any collective-bargaining agreement which (i) continues a close historical relationship established with respect to a construction industry collective-bargaining agreement or sequence of agreements, or provides substantially the same levels of compensation as provided in a construction industry collective-bargaining agreement, and (ii) covers delivery of materials to a construction site under circumstances in which a dispute involving such agreement would cause on-site operations to be more than marginally interrupted; and

(3) Pay adjustments under any pay practice which covers employees of a firm which derives 20 percent or more of its annual sales or revenues from construction operations.

(c) If a firm referred to in paragraph (b)(3) of this section is separated functionally into divisions, affiliates, or other clearly recognizable business entities, and if the wages and salaries referred to in such subparagraph with respect to employees of the entity engaged in construction operations and the wages and salaries with respect to employees of other entities of the same firm not engaged in construction operations have been historically separated in preparing the firm's financial statements, the wages and salaries with respect to employees of an entity not engaged in construction operations shall be excluded from the definition of "pay adjustments affecting employees in construction."

§ 130.77 Pay prenotification and reporting requirements after June 12, 1973.

(a) *Pay adjustments subject to jurisdiction of the Construction Industry Stabilization Committee.*—(1) Any pay adjustment which is referred to in paragraph (b) (1) or (2) of § 130.76, or which applies to or affects any number of employees engaged in construction operations and is made pursuant to a collective-bargaining agreement, shall not be put into effect unless prenotification of such proposed pay adjustment has been submitted to the Construction Industry Stabilization Committee and the Committee has approved such proposed pay adjustment, or such proposed pay adjustment has been permitted to be put into effect pursuant to regulations issued by the Committee.

(2) Prenotification of any pay adjustment referred to in paragraph (a)(1) of this paragraph shall be made on forms and in the manner prescribed by the Construction Industry Stabilization Committee.

(b) *Pay adjustments subject to jurisdiction of the Cost of Living Council.*—(1) *Reports required.*—A pay adjustment referred to in § 130.76(b)(3), put into effect on or after June 13, 1973, shall be reported to the Council in the following manner:

(i) *Off-site and other employees.*—If the pay adjustment is made with respect to off-site and other employees (within the meaning of § 130.78) of a union or nonunion contractor, and applies to or affects an appropriate employee unit containing 1,000 or more off-site and other employees, a report shall be submitted not later than 10 days after such pay adjustment is put into effect.

(ii) *Nonunion construction employees.*—If the pay adjustment is made under the provisions of § 130.79(d)(1) with respect to nonunion construction employees and such adjustment is in excess of the standard a report shall be submitted to the Council by the employer on forms prescribed by the Council not later than 10 days after such increases have been put into effect.

(iii) *New labor market area.*—A nonunion contractor that first enters a local labor market area and pays its employees a rate pursuant to § 130.79(f) shall submit a report to the Council on forms prescribed by the Council not later than 10 days after such payment.

(iv) *Special reporting requirements.*—In addition to the general reporting requirements set forth in subdivisions (i), (ii), and (iii) of this subparagraph, any pay adjustment referred to in this subparagraph shall be reported to the Council not later than 10 days after being put into effect by a firm, if the total annual sales or revenues of the firm derived from construction operations equals or exceeds $50 million. Special reports required pursuant to this subdivision shall be submitted irrespective of whether the wage and salary increases in a control year are within the general wage and salary standard and irrespective of the number of employees in the appropriate employee unit affected by the increases.

(2) *Procedure for reporting.*—Any report required to be filed pursuant to this subparagraph shall be made in the following manner:

(i) *Content.*—Reports shall be submitted on forms prescribed by and pursuant to instructions issued by the Council. Any such report shall contain a written summary of such pay adjustments. All forms should be sent to the Construction Division, Office of Wage Stabilization,

Cost of Living Council, Washington, D.C. 20508.

(ii) *Computation rules.*—For purposes of this subparagraph, the computation rules in subpart E of part 201 of this title shall apply. For example, wage or salary increases attributable to promotions or to certain longevity, automatic in-grade progression, apprenticeship, and probationary programs are not considered pay adjustments required to be reported.

(iii) *Individual increases.*—Report required with respect to pay adjustments affecting employees in the construction industry shall be submitted to the Council in the manner set forth in this subdivision if such pay adjustments apply to individual employees within an appropriate employee unit during a control year, e.g., through operation of a merit plan which provides individual increases on a random or variable timing basis:

(*a*) *Budgeted pay adjustments.*—(*1*) *Initial report.*—If the pay adjustments for a control year are budgeted in advance of a control year, a report of all such pay adjustments shall be submitted to the Council not later than 10 days after the start of such control year.

(2) *Further report.*—If the total of pay adjustments actually put into effect during the control year does not exceed the total of budgeted pay adjustments reported under the provisions of paragraph (b)(2)(iii)(*a*)(*1*) of this section, no further report is required with respect to such control year. However, if the total of pay adjustments actually put into effect during the control year exceeds the total of budgeted pay adjustments reported under the provisions of such subdivision, a further report of all pay adjustments actually put into effect during the control year shall be submitted to the Council as soon as practicable after the amount and timing of such pay adjustments are known, but in no case later than 10 days after the close of the control year: *Provided, however,* That the total of pay adjustments in the unit for the control year shall not exceed the general wage and salary standard of 5.5 percent or any applicable self-executing exception thereto without prior approval of the Council.

(*b*) *Nonbudgeted pay adjustments.*—(*1*) *Initial report.*—If the pay adjustments for a control year are not budgeted in advance of such control year, a report of all pay adjustments anticipated or planned for during such control year shall be submitted to the Council not later than 10 days after the first pay adjustment is put into effect during such control year. Such report shall include reasonable and supportable estimates as to the amount and timing of pay adjustments.

(2) *Second report.*—If an initial report of nonbudgeted pay adjustments has been submitted under the provisions of paragraph (b)(2)(iii)(*b*)(*1*) of this section, a second report shall be submitted to the Council not later than 10 days after the midpoint of the control year. Such second report shall include information as to all pay adjustments previously put into effect during the control year and all pay adjustments anticipated or planned for during the remainder of such control year. Such report shall include reasonable and supportable estimates as to the amount and timing of all pay adjustments not previously put into effect.

(3) *Further report.*—If the total of pay adjustments actually put into effect during the control year does not exceed the total of pay adjustments reported in the second report submitted under the provisions of (2) of this subdivision, no further report is required with respect to such control year. However, if the total of pay adjustments actually put into effect during the control year exceeds the total of pay adjustments reported in such second report, a further report of such pay adjustments actually put into effect shall be submitted to the Council as soon as practicable after the amount and timing of such pay adjustments are known, but in no case later than 10 days after the close of the control year: *Provided, however,* That the total of pay adjustments in the unit for the control year shall not exceed the general wage and salary standard of 5.5 percent or any applicable self-executing exception thereto without prior approval of the Council.

§ 130.78 Off-site and other employees.

Off-site employees of a union contractor or a nonunion contractor (e.g., office personnel, officers of the corporation, etc.) or on-site employees not actually engaged in construction operations and not covered by a collective bargaining agreement (e.g., supervisors, superintendents, foremen, field engineers, etc.) are subject to the provisions of subparts A, B, C, D, E, and F of part 201 of this title and are subject to the reporting requirements set forth in § 130.77(b).

§ 130.79 Nonunion construction employees.

(a) *Coverage.*—This section provides rules for the treatment of wage and salary increases paid to nonunion construction employees in a particular craft or similar classification working at job sites in a local labor market area.

(b) *General rule.*—The general wage and salary standard (hereinafter referred to as the "standard") for an appropriate employee unit of nonunion construction employees is established at 5.5 percent. The standard shall apply to any wage and salary increase payable with respect to an appropriate employee unit of nonunion construction employees pursuant to a pay practice established, modified or administered with discretion after November 13, 1971. Except as otherwise provided in this section, the standard shall be the maximum permissible annual aggregate wage and salary increase for an appropriate employee unit of nonunion construction employees.

(c) *Limitation.*—Notwithstanding the provisions of paragraph (b) of this section, an increase in wages and salaries for an appropriate employee unit of nonunion construction employees may be otherwise limited during a control year to an amount less than the standard if such action is determined by the Cost of Living Council or its delegate to be necessary to preserve historical wage and salary relationships, to foster orderly economic growth or to prevent gross inequities, hardships, serious market disruptions, or localized shortages of labor.

(d) *Exceptions.*—(1) *Increase in union construction employees basic wage rate.*—Nonunion construction employees in a particular craft (or similar classification) working in a local labor market area may be paid a wage and salary increase (expressed in dollars and cents) that exceeds the standard, if union construction employees perform the same or substantially similar work at job sites in the same local labor market area: *Provided, however,* That, except as provided in paragraph (d)(2) of this section, no wage and salary increase for the control year may be paid to such nonunion construction employees under this paragraph in excess of the increase (expressed in dollars and cents) in the basic wage rate put into effect during such control year for union construction employees performing the same or substantialy similar work at job sites in the same local labor market area.

(2) *Essential employees.*—An exception may be granted to a nonunion contractor that is unable to recruit or retain employees of a particular craft essential to the efficient operation of such contractor's business. Thus, nonunion construction employees otherwise subject to the provisions of this subpart may be paid a wage and salary increase in excess of the general wage and salary standard or the exception provided in subparagraph (1) of this paragraph, or, if appropriate, may be paid at a rate in excess of the basic wage rate for the local labor market area, if the payment of such excess has received prior approval of the Council. A request for such exception shall be submitted on forms prescribed by the Council and shall provide, in sufficient detail, evidence to support the grant of such exception.

(3) *Percentage relationship to standard.*—For purposes of subparagraph (1) of this paragraph, a percentage shall be determined by dividing the annual aggregate wage and salary increase with respect to the appropriate employee unit of nonunion construction employees for the control year, by the base compensation rate in effect for such unit on the base date. Any request for an exception pursuant to paragraph (d)(2) of this section shall also include the computation prescribed in the preceding sentence.

(e) *Fringe benefits.*—(1) *Included benefits.*—A wage and salary increase paid pursuant to this section, shall include increases or amounts, as appropriate, attributable to the secondary effect of increases in the straight-time hourly rate as part of such wage and salary increase. Increases in the total cost of included benefits, other than secondary

effect increases described in the preceding sentence, shall be treated in the same manner as in § 201.58 of this title.

(2) *Qualified benefits.*—Any increase in an employer's total cost of qualified benefits (as defined in § 201.59(b) of this title), which is paid to nonunion construction employees subject to the provisions of this section, shall be subject to the qualified benefits standard and other appropriate rules in the same manner as in § 201.59 of this title.

(f) *New labor market area.*—If a nonunion contractor enters a local labor market area for the first time, and union construction employees in the same craft or similar classification as the contractor's nonunion construction employees are subject to a basic wage rate for such area, the nonunion contractor may pay such employees a rate which is not in excess of the basic wage rate approved for the union construction employees.

[FR Doc.73-12093 Filed 6-13-73;4 pm]

Title 7—Agriculture

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

[Amendment No. 44]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

WHEAT—ARIZONA AND CALIFORNIA

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above identified regulations are amended effective beginning with the 1974 crop year in the following respects:

1. The portion of the table relating to "(Closing Dates)" following paragraph (a) of § 401.103 of this chapter under the heading "Wheat" is amended effective beginning with the 1974 crop year by deleting the portion pertaining to California and the line reading "Oregon and Washington—Oct. 31" and by inserting the following immediately following the heading "Wheat" and above the portion of the table pertaining to Colorado, Kansas, New Mexico, Oklahoma, Texas, and Wyoming:

Arizona, California, Oregon, and Washington—Oct. 31

2. In section 7 of the wheat endorsement shown in § 401.126 of this chapter, the table at the end thereof is amended effective beginning with the 1974 crop year by deleting the portion pertaining to California and the line reading "Oregon and Washington—June 30—Oct. 31" and by inserting the following immediately above the portion of the table pertaining to Colorado, Kansas, New Mexico, Oklahoma, Texas, and Wyoming:

State and county	Cancellation date	Termination date for indebtedness
Arizona, California, Oregon, and Washington.	June 30	Oct. 31

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516.)

The foregoing amendment establishes closing dates for filing applications, termination dates for indebtedness, and cancellation dates for irrigated wheat in Maricopa, Pinal, and Yuma Counties, Ariz., and Imperial County, Calif., which are different than the dates which would be applicable under the current contract. Insurance on irrigated wheat will be offered for the first time in these counties in 1974.

The closing and termination dates provided in the current regulations of August 31 for Imperial County, Calif., and September 30 for the three Arizona counties are unnecessarily early, as planting generally does not commence until the latter part of November. Likewise the March 15 cancellation date which would apply in Imperial County, Calif., under the current contract is unduly early for irrigated wheat.

In order to provide sufficient time to conduct a successful sales campaign, it is imperative that the regulations be amended to establish more realistic contractual dates. Since applications for the 1974 crop year will be taken in the near future, the Board of Directors found that it would be impracticable and contrary to the public interest to follow the procedure for notice and public participation prescribed by 5 U.S.C. 553(b) and (c), as directed by the Secretary of Agriculture in a statement of policy, executed July 20, 1971 (36 FR 13804), prior to its adoption. Accordingly, said amendment was adopted by the Board of Directors on June 5, 1973.

[SEAL] LLOYD E. JONES,
Secretary, Federal Crop Insurance Corporation.

Approved on June 12, 1973.

EARL L. BUTZ,
Secretary.

[FR Doc.73-12034 Filed 6-15-73;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regulations, 1973 Crop Soybean Supp.]

PART 1421—GRAIN AND SIMILARLY HANDLED COMMODITIES

Subpart—1973 Crop Soybean Loan and Purchase Program

On October 6, 1972, notice of proposed rulemaking regarding loan and purchase rates for 1973 crop soybeans and detailed operating provisions to carry out the 1973 crop soybean loan and purchase program was published in the FEDERAL REGISTER (37 FR 21174). No data, views, or recommendations were filed by interested persons.

The general regulations governing price support for the 1970 and subsequent crops published at 35 FR 7363 and 7781 and any amendments thereto are further supplemented for the 1973 crop of soybeans. The material previously appearing in these §§ 1421.390 through 1421.393 shall remain in full force and effect as to the crops to which it is applicable.

Sec.
1421.390 Availability.
1421.391 Warehouse charges.
1421.392 Maturity of loans.
1421.393 Loan and purchase rates, premiums, and discounts.

(Secs. 4 and 5, 62 Stat. 1070, as amended, secs. 301, 303, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1447, 1449, 1421.)

§ 1421.390 Availability.

A producer desiring to participate in the program through loans must request a loan on his 1973 crop of eligible soybeans on or before May 31, 1974. To sell eligible soybeans to CCC a producer must execute and deliver to the appropriate county ASCS office, on or before June 30, 1974, a purchase agreement (form CCC-614) indicating the approximate quantity of 1973 crop soybeans he may sell to CCC.

§ 1421.391 Warehouse charges.

Subject to the provisions of § 1421.372, the schedules of deductions set forth in this section shall apply to soybeans stored in an approved warehouse operating under the Uniform Grain Storage Agreement.

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES FOR MATURITY DATE OF JUNE 30, 1974

Storage start date: [1]	*Deduction (cents per bushel)*
Prior to Aug. 22, 1973	13
Aug. 22–Sept. 15	12
Sept. 16–Oct. 10	11
Oct. 11–Nov. 4	10
Nov. 5–Nov. 29	9
Nov. 30–Dec. 24	8
Dec. 25, 1973–Jan. 18, 1974	7
Jan. 19–Feb. 12	6
Feb. 13–Mar. 9	5
Mar. 10–Apr. 3	4
Apr. 4–Apr. 28	3
Apr. 29–May 23	2
May 24–June 30	1

[1] All dates inclusive.

§ 1421.392 Maturity of loans.

Loans mature on demand but not later than June 30, 1974.

§ 1421.393 Loan and purchase rates, premiums, and discounts.

County rates for soybeans and the schedule of premiums and discounts are contained in this section. Farm stored loans will be made at the basic rate for the county where the soybeans are stored, adjusted only for the weed control discount where applicable. The rate for warehouse stored soybean loans shall be the basic rate for the county where the soybeans are stored, adjusted by the premiums and discounts prescribed in paragraphs (b) and (c) of this section. Notwithstanding § 1421.23(c), settlement for soybeans delivered from other than approved warehouse storage shall be based: (1) On the basic rate for the county in which the producer's customary delivery point is located, and (2)

on the quality and quantity of the soybeans delivered as shown on the warehouse receipts and accompanying documents issued by an approved warehouse to which delivery is made, or if applicable, the quality and quantity delivered as shown on a form prescribed by CCC for this purpose.

(a) *Basic county loan and purchase rates.*—Basic county rates for the classes Green Soybeans and Yellow Soybeans containing 12.8- to 13.0-percent moisture and grading not lower than U.S. No. 2 on the factors of test weight, splits, and heat damage and U.S. No. 1 on all other factors are as follows:

ALABAMA

County	Rate per bushel	County	Rate per bushel
Baldwin	$2.28	Monroe	$2.26
Clarke	2.26	Washington	2.26
Escambia	2.27	All other counties	2.25
Mobile	2.28		

ARIZONA

All counties	$2.11

ARKANSAS

Arkansas	$2.28	Lawrence	$2.28
Ashley	2.28	Lee	2.28
Baxter	2.24	Lincoln	2.28
Benton	2.18	Little River	2.21
Boone	2.21	Logan	2.21
Bradley	2.27	Lonoke	2.27
Calhoun	2.25	Madison	2.20
Carroll	2.20	Marion	2.23
Chicot	2.28	Miller	2.21
Clark	2.23	Mississippi	2.28
Clay	2.28	Monroe	2.28
Cleburne	2.25	Montgomery	2.21
Cleveland	2.27	Nevada	2.22
Columbia	2.23	Newton	2.21
Conway	2.24	Ouachita	2.24
Craighead	2.28	Perry	2.24
Crawford	2.20	Phillips	2.28
Crittenden	2.28	Pike	2.21
Cross	2.28	Poinsett	2.28
Dallas	2.25	Polk	2.20
Desha	2.28	Pope	2.23
Drew	2.28	Prairie	2.28
Faulkner	2.25	Pulaski	2.25
Franklin	2.21	Randolph	2.27
Fulton	2.25	St. Francis	2.28
Garland	2.23	Saline	2.24
Grant	2.25	Scott	2.20
Greene	2.28	Searcy	2.23
Hempstead	2.21	Sebastian	2.20
Hot Spring	2.24	Sevier	2.20
Howard	2.20	Sharp	2.27
Independence	2.27	Stone	2.25
Izard	2.25	Union	2.25
Jackson	2.28	Van Buren	2.24
Jefferson	2.27	Washington	2.19
Johnson	2.22	White	2.27
Lafayette	2.21	Woodruff	2.28
		Yell	2.22

CALIFORNIA

All Counties	$2.11

DELAWARE

All Counties	$2.26

FLORIDA

Baker	$2.25	Hamilton	$2.25
Bay	2.25	Holmes	2.25
Calhoun	2.25	Jackson	2.25
Columbia	2.25	Jefferson	2.25
Dixie	2.25	Lafayette	2.25
Duval	2.25	Leon	2.25
Escambia	2.27	Liberty	2.25
Franklin	2.25	Madison	2.25
Gadsden	2.25	Nassau	2.25
Gulf	2.25	Okaloosa	2.27
Santa Rosa	$2.27	Walton	$2.27
Suwannee	2.25	Washington	2.25
Taylor	2.25	All other counties	2.24
Wakulla	2.25		

GEORGIA

All Counties	$2.26

ILLINOIS

Adams	$2.27	Lee	$2.28
Alexander	2.28	Livingston	2.30
Bond	2.29	Logan	2.30
Boone	2.28	McDonough	2.28
Brown	2.28	McHenry	2.29
Bureau	2.28	McLean	2.30
Calhoun	2.27	Macon	2.30
Carroll	2.26	Macoupin	2.29
Cass	2.29	Madison	2.28
Champaign	2.30	Marion	2.29
Christian	2.30	Marshall	2.30
Clark	2.30	Mason	2.29
Clay	2.29	Massac	2.24
Clinton	2.28	Menard	2.29
Coles	2.30	Mercer	2.26
Cook	2.31	Monroe	2.28
Crawford	2.29	Montgomery	2.29
Cumberland	2.30	Morgan	2.29
De Kalb	2.30	Moultrie	2.30
De Witt	2.30	Ogle	2.28
Douglas	2.30	Peoria	2.29
Du Page	2.31	Perry	2.27
Edgar	2.30	Piatt	2.30
Edwards	2.26	Pike	2.27
Effingham	2.30	Pope	2.25
Fayette	2.30	Pulaski	2.26
Ford	2.30	Putnam	2.28
Franklin	2.26	Randolph	2.28
Fulton	2.28	Richland	2.28
Gallatin	2.25	Rock Island	2.26
Greene	2.28	St. Clair	2.28
Grundy	2.30	Saline	2.25
Hamilton	2.26	Sangamon	2.30
Hancock	2.27	Schuyler	2.28
Hardin	2.25	Scott	2.29
Henderson	2.26	Shelby	2.30
Henry	2.28	Stark	2.29
Iroquois	2.30	Stephenson	2.26
Jackson	2.28	Tazewell	2.30
Jasper	2.30	Union	2.28
Jefferson	2.27	Vermilion	2.30
Jersey	2.27	Wabash	2.26
Jo Daviess	2.26	Warren	2.28
Johnson	2.26	Washington	2.28
Kane	2.30	Wayne	2.27
Kankakee	2.30	White	2.25
Kendall	2.30	Whiteside	2.26
Knox	2.28	Will	2.31
Lake	2.30	Williamson	2.26
La Salle	2.30	Winnebago	2.27
Lawrence	2.27	Woodford	2.30

IOWA

Adair	$2.20	Crawford	$2.20
Adams	2.20	Dallas	2.21
Allamakee	2.22	Davis	2.23
Appanoose	2.22	Decatur	2.21
Audubon	2.20	Delaware	2.23
Benton	2.24	Des Moines	2.26
Black Hawk	2.22	Dickinson	2.20
Boone	2.21	Dubuque	2.24
Bremer	2.21	Emmet	2.20
Buchanan	2.23	Fayette	2.22
Buena Vista	2.20	Floyd	2.20
Butler	2.21	Franklin	2.22
Calhoun	2.20	Fremont	2.19
Carroll	2.20	Greene	2.20
Cass	2.20	Grundy	2.22
Cedar	2.25	Guthrie	2.20
Cerro Gordo	2.21	Hamilton	2.21
Cherokee	2.20	Hancock	2.21
Chickasaw	2.21	Hardin	2.22
Clarke	2.21	Harrison	2.19
Clay	2.20	Henry	2.25
Clayton	2.23	Howard	2.21
Clinton	2.26	Humboldt	2.21
Ida	$2.20	Palo Alto	$2.20
Iowa	2.24	Plymouth	2.19
Jackson	2.26	Pocahontas	2.20
Jasper	2.23	Polk	2.22
Jefferson	2.24	Pottawattamie	2.19
Johnson	2.24	Poweshiek	2.24
Jones	2.25	Ringgold	2.20
Keokuk	2.24	Sac	2.20
Kossuth	2.21	Scott	2.26
Lee	2.26	Shelby	2.20
Linn	2.24	Sioux	2.19
Louisa	2.26	Story	2.22
Lucas	2.22	Tama	2.24
Lyon	2.19	Taylor	2.20
Madison	2.20	Union	2.20
Mahaska	2.23	Van Buren	2.25
Marion	2.22	Wapello	2.23
Marshall	2.23	Warren	2.21
Mills	2.19	Washington	2.25
Mitchell	2.20	Wayne	2.22
Monona	2.19	Webster	2.21
Monroe	2.22	Winnebago	2.21
Montgomery	2.19	Winneshiek	2.22
Muscatine	2.26	Woodbury	2.19
O'Brien	2.20	Worth	2.21
Osceola	2.20	Wright	2.21
Page	2.19		

INDIANA

Adams	$2.26	Lawrence	$2.24
Allen	2.27	Madison	2.25
Bartholomew	2.24	Marion	2.26
Benton	2.30	Marshall	2.26
Blackford	2.25	Martin	2.24
Boone	2.26	Miami	2.25
Brown	2.24	Monroe	2.25
Carroll	2.26	Montgomery	2.27
Cass	2.26	Morgan	2.26
Clark	2.22	Newton	2.30
Clay	2.27	Noble	2.27
Clinton	2.26	Ohio	2.22
Crawford	2.22	Orange	2.22
Daviess	2.24	Owen	2.26
Dearborn	2.22	Parke	2.28
Decatur	2.23	Perry	2.22
De Kalb	2.27	Pike	2.23
Delaware	2.25	Porter	2.30
Dubois	2.22	Posey	2.24
Elkhart	2.26	Pulaski	2.28
Fayette	2.24	Putnam	2.27
Floyd	2.23	Randolph	2.25
Fountain	2.30	Ripley	2.22
Franklin	2.23	Rush	2.24
Fulton	2.26	St. Joseph	2.27
Gibson	2.25	Scott	2.22
Grant	2.25	Shelby	2.25
Greene	2.26	Spencer	2.23
Hamilton	2.26	Starke	2.28
Hancock	2.25	Steuben	2.27
Harrison	2.22	Sullivan	2.27
Hendricks	2.26	Switzerland	2.22
Henry	2.25	Tippecanoe	2.28
Howard	2.25	Tipton	2.26
Huntington	2.26	Union	2.24
Jackson	2.23	Vanderburgh	2.24
Jasper	2.29	Vermillion	2.30
Jay	2.25	Vigo	2.29
Jefferson	2.22	Wabash	2.25
Jennings	2.22	Warren	2.30
Johnson	2.25	Warrick	2.24
Knox	2.25	Washington	2.22
Kosciusko	2.26	Wayne	2.25
Lagrange	2.27	Wells	2.26
Lake	2.31	White	2.28
La Porte	2.28	Whitley	2.27

KANSAS

Allen	$2.17	Chase	$2.15
Anderson	2.17	Chautauqua	2.16
Atchison	2.19	Cherokee	2.18
Bourbon	2.18	Clay	2.15
Brown	2.18	Cloud	2.14
Butler	2.15		

KANSAS—Continued

County	Rate per bushel	County	Rate per bushel
Coffey	$2.16	Miami	$2.18
Cowley	2.15	Mitchell	2.13
Crawford	2.18	Montgomery	2.16
Dickinson	2.15	Morris	2.15
Doniphan	2.19	Nemaha	2.17
Douglas	2.17	Neosho	2.17
Elk	2.16	Osage	2.16
Ellsworth	2.13	Ottawa	2.14
Franklin	2.17	Pottawatomie	2.17
Geary	2.15	Reno	2.13
Greenwood	2.16	Republic	2.14
Harper	2.13	Rice	2.13
Harvey	2.14	Riley	2.17
Jackson	2.18	Russell	2.13
Jefferson	2.18	Saline	2.14
Jewell	2.13	Sedgwick	2.14
Johnson	2.18	Shawnee	2.17
Kingman	2.13	Sumner	2.14
Labette	2.17	Wabaunsee	2.16
Leavenworth	2.19	Washington	2.15
Lincoln	2.14	Wilson	2.16
Linn	2.18	Woodson	2.16
Lyon	2.16	Wyandotte	2.19
Marion	2.15	All other counties	2.12
Marshall	2.16		
McPherson	2.14		

KENTUCKY

Ballard	$2.28	Hickman	$2.28
Calloway	2.24	Livingston	2.24
Carlisle	2.28	McCracken	2.26
Crittenden	2.24	McLean	2.23
Daviess	2.24	Marshall	2.24
Fulton	2.28	Union	2.24
Graves	2.26	Webster	2.23
Hancock	2.23	All other counties	2.22
Henderson	2.24		

LOUISIANA

Parish		Parish	
Acadia	$2.24	Natchitoches	$2.23
Allen	2.23	Orleans	2.28
Ascension	2.28	Ouachita	2.25
Assumption	2.25	Plaquemines	2.28
Avoyelles	2.27	Pointe Coupee	2.28
Beauregard	2.22	Rapides	2.24
Bienville	2.23	Red River	2.23
Bossier	2.22	Richland	2.26
Caddo	2.22	Sabine	2.22
Calcasieu	2.22	St. Bernard	2.28
Caldwell	2.25	St. Charles	2.28
Cameron	2.22	St. Helena	2.25
Catahoula	2.26	St. James	2.27
Claiborne	2.23	St. John the Baptist	2.28
Concordia	2.28	St. Landry	2.26
De Soto	2.22	St. Martin	2.26
East Baton Rouge	2.28	St. Mary	2.25
East Carroll	2.28	St. Tammany	2.25
East Feliciana	2.25	Tangipahoa	2.25
Evangeline	2.24	Tensas	2.28
Franklin	2.26	Terrebonne	2.25
Grant	2.24	Union	2.25
Iberia	2.25	Vermillion	2.24
Iberville	2.27	Vernon	2.22
Jackson	2.24	Washington	2.25
Jefferson	2.28	Webster	2.23
Jefferson Davis	2.23	West Baton Rouge	2.28
Lafayette	2.25	West Carroll	2.27
Lafourche	2.25	West Feliciana	2.28
La Salle	2.25	Winn	2.24
Lincoln	2.24		
Livingston	2.28		
Madison	2.28		
Morehouse	2.26		

MARYLAND

Anne Arundel	$2.26	Cecil	$2.26
Baltimore	2.26	Charles	2.25
Calvert	2.26	Dorchester	2.26
Caroline	2.26	Harford	2.26
		Howard	2.26

MARYLAND—Continued

County	Rate per bushel	County	Rate per bushel
Kent	$2.26	Somerset	$2.26
Prince Georges	2.26	Talbot	2.26
Queen Annes	2.26	Wicomico	2.26
St. Marys	2.25	Worcester	2.26
		All other counties	2.23

MICHIGAN

Allegan	$2.20	Lapeer	$2.21
Arenac	2.19	Lenawee	2.27
Barry	2.20	Livingston	2.22
Bay	2.19	Macomb	2.22
Berrien	2.25	Macosta	2.18
Branch	2.24	Midland	2.18
Calhoun	2.22	Monroe	2.28
Cass	2.25	Montcalm	2.19
Clare	2.18	Muskegon	2.18
Clinton	2.20	Newaygo	2.18
Eaton	2.21	Oakland	2.22
Genesee	2.21	Oceana	2.18
Gladwin	2.18	Ottawa	2.19
Gratiot	2.19	Saginaw	2.19
Hillsdale	2.25	St. Clair	2.21
Huron	2.19	St. Joseph	2.24
Ingham	2.22	Sanilac	2.20
Ionia	2.20	Siawassee	2.20
Iosco	2.18	Tuscola	2.20
Isabella	2.18	Van Buren	2.22
Jackson	2.23	Washtenaw	2.24
Kalamazoo	2.21	Wayne	2.25
Kent	2.19		

MINNESOTA

Aitkin	$2.15	Meeker	$2.20
Anoka	2.22	Mille Lacs	2.18
Becker	2.14	Morrison	2.16
Beltrami	2.12	Mower	2.22
Benton	2.18	Murray	2.19
Big Stone	2.17	Nicollet	2.23
Blue Earth	2.23	Nobles	2.20
Brown	2.22	Norman	2.13
Carlton	2.17	Olmsted	2.22
Carver	2.24	Otter Tail	2.14
Cass	2.15	Pennington	2.12
Chippewa	2.19	Pine	2.18
Chisago	2.20	Pipestone	2.18
Clay	2.14	Polk	2.12
Clearwater	2.13	Pope	2.17
Cottonwood	2.20	Ramsey	2.24
Crow Wing	2.15	Red Lake	2.12
Dakota	2.24	Redwood	2.20
Dodge	2.22	Renville	2.20
Douglas	2.16	Rice	2.22
Fairbault	2.22	Rock	2.19
Fillmore	2.22	Roseau	2.11
Freeborn	2.22	Scott	2.24
Goodhue	2.22	Sherburne	2.21
Grant	2.16	Sibley	2.23
Hennepin	2.24	Stearns	2.18
Houston	2.22	Steele	2.22
Hubbard	2.13	Stevens	2.17
Isanti	2.20	Swift	2.17
Jackson	2.20	Todd	2.16
Kanabec	2.18	Traverse	2.16
Kandiyohi	2.19	Wabasha	2.22
Kittson	2.11	Wadena	2.14
Lac Qui Parle	2.19	Waseca	2.22
Le Sueur	2.23	Washington	2.23
Lincoln	2.18	Watonwan	2.22
Lyon	2.19	Wilkin	2.14
McLeod	2.22	Winona	2.22
Mahnomen	2.13	Wright	2.21
Marshall	2.11	Yellow Medicine	2.20
Martin	2.21		

MISSISSIPPI

Adams	$2.28	Claiborne	$2.28
Alcorn	2.26	Coahoma	2.28
Amite	2.28	Copiah	2.28
Benton	2.27	De Soto	2.28
Bolivar	2.28	Franklin	2.28
Calhoun	2.28	Grenada	2.28
Carroll	2.28	Hancock	2.28

MISSISSIPPI—Continued

County	Rate per bushel	County	Rate per bushel
Harrison	$2.28	Prentiss	$2.26
Holmes	2.28	Quitman	2.28
Hinds	2.28	Sharkey	2.28
Humphreys	2.28	Sunflower	2.28
Issaquena	2.28	Tallahatchie	2.28
Itawamba	2.26	Tate	2.28
Jackson	2.28	Tishomingo	2.26
Jefferson	2.28	Tunica	2.28
Lafayette	2.28	Warren	2.28
Lee	2.26	Washington	2.28
Leflore	2.28	Wilkinson	2.28
Lincoln	2.28	Yalobusha	2.28
Madison	2.28	Yazoo	2.28
Marshall	2.28	All other counties	2.27
Montgomery	2.28		
Panola	2.28		

MISSOURI

Adair	$2.23	Linn	$2.22
Andrew	2.20	Livingston	2.21
Atchison	2.20	McDonald	2.18
Audrain	2.25	Macon	2.23
Barry	2.18	Madison	2.25
Barton	2.18	Maries	2.21
Bates	2.19	Marion	2.27
Benton	2.20	Mercer	2.21
Bollinger	2.26	Miller	2.21
Boone	2.23	Mississippi	2.28
Buchanan	2.20	Moniteau	2.22
Butler	2.27	Monroe	2.25
Caldwell	2.20	Montgomery	2.24
Callaway	2.23	Morgan	2.21
Camden	2.21	New Madrid	2.28
Cape Girardeau	2.28	Newton	2.18
Carroll	2.21	Nodaway	2.20
Carter	2.24	Oregon	2.24
Cass	2.19	Osage	2.22
Cedar	2.18	Ozark	2.22
Chariton	2.22	Pemiscot	2.28
Christian	2.19	Perry	2.28
Clark	2.27	Pettis	2.21
Clay	2.20	Phelps	2.21
Clinton	2.20	Pike	2.27
Cole	2.22	Platte	2.20
Cooper	2.22	Polk	2.20
Crawford	2.23	Pulaski	2.21
Dade	2.18	Putnam	2.22
Dallas	2.20	Ralls	2.27
Daviess	2.20	Randolph	2.23
De Kalb	2.20	Ray	2.20
Dent	2.22	Reynolds	2.24
Douglas	2.20	Ripley	2.26
Dunklin	2.28	St. Charles	2.27
Franklin	2.25	St. Clair	2.18
Gasconade	2.23	St. Francois	2.25
Gentry	2.20	St. Louis	2.28
Greene	2.19	Ste. Genevieve	2.28
Grundy	2.21	Saline	2.21
Harrison	2.20	Schuyler	2.23
Henry	2.19	Scotland	2.25
Hickory	2.20	Scott	2.28
Holt	2.20	Shannon	2.22
Howard	2.22	Shelby	2.25
Howell	2.23	Stoddard	2.28
Iron	2.25	Stone	2.19
Jackson	2.19	Sullivan	2.22
Jasper	2.18	Taney	2.20
Jefferson	2.28	Texas	2.21
Johnson	2.19	Vernon	2.18
Knox	2.25	Warren	2.25
Laclede	2.20	Washington	2.25
Lafayette	2.19	Wayne	2.25
Lawrence	2.18	Webster	2.20
Lewis	2.27	Worth	2.20
Lincoln	2.27	Wright	2.20

NEBRASKA

Adams	$2.12	Cass	$2.18
Antelope	2.14	Cedar	2.15
Boone	2.13	Clay	2.13
Boyd	2.12	Colfax	2.16
Burt	2.18	Cuming	2.17
Butler	2.16	Dakota	2.18

NEBRASKA—Continued

County	Rate per bushel	County	Rate per bushel
Dixon	$2.17	Pawnee	$2.17
Dodge	2.17	Pierce	2.15
Douglas	2.18	Platte	2.15
Fillmore	2.14	Polk	2.15
Gage	2.16	Richardson	2.18
Greeley	2.12	Saline	2.15
Hall	2.12	Sarpy	2.18
Hamilton	2.13	Saunders	2.17
Holt	2.12	Seward	2.15
Howard	2.12	Stanton	2.16
Jefferson	2.15	Thayer	2.14
Johnson	2.17	Thurston	2.18
Knox	2.15	Washington	2.18
Lancaster	2.17	Wayne	2.16
Madison	2.15	Webster	2.12
Merrick	2.13	Wheeler	2.12
Nance	2.13	York	2.14
Nemaha	2.18	All other counties	2.11
Nuckolls	2.13		
Otoe	2.18		

NEW JERSEY

Atlantic	$2.23	Mercer	$2.23
Burlington	2.24	Middlesex	2.23
Camden	2.25	Monmouth	2.23
Cape May	2.23	Ocean	2.23
Cumberland	2.25	Salem	2.26
Gloucester	2.26	Somerset	2.22
Hunterdon	2.22	Warren	2.22

NEW MEXICO

All Counties	$2.11

NEW YORK

All Counties	$2.12

NORTH CAROLINA

Beaufort	$2.28	Lee	$2.25
Bertie	2.28	Lenoir	2.26
Bladen	2.24	Martin	2.28
Brunswick	2.24	Moore	2.24
Camden	2.28	Nash	2.27
Carteret	2.27	New Hanover	2.24
Chatham	2.25	Northampton	2.27
Chowan	2.28	Onslow	2.25
Columbus	2.24	Orange	2.24
Crayen	2.27	Pamlico	2.27
Cumberland	2.24	Pasquotank	2.28
Currituck	2.28	Pender	2.24
Dare	2.28	Perquimans	2.28
Duplin	2.25	Pitt	2.27
Durham	2.25	Randolph	2.24
Edgecombe	2.28	Robeson	2.24
Franklin	2.26	Sampson	2.25
Gates	2.28	Scotland	2.24
Granville	2.24	Tyrrell	2.28
Greene	2.27	Vance	2.25
Halifax	2.27	Wake	2.26
Harnett	2.25	Warren	2.26
Hertford	2.28	Washington	2.28
Hoke	2.24	Wayne	2.26
Hyde	2.28	Wilson	2.27
Johnston	2.26	All other counties	2.23
Jones	2.26		

NORTH DAKOTA

Barnes	$2.10	Pembina	$2.11
Cass	2.13	Sargent	2.11
Cavalier	2.09	Steele	2.10
Grand Forks	2.12	Towner	2.09
Griggs	2.09	Traill	2.12
Nelson	2.10	Walsh	2.11
Ramsey	2.09	All other counties	2.08
Ransom	2.11		
Richland	2.13		

OHIO

Adams	$2.22	Champaign	$2.27
Allen	2.29	Clark	2.25
Ashland	2.26	Clermont	2.22
Ashtabula	2.26	Clinton	2.22
Athens	2.22	Columbiana	2.22
Auglaize	2.28	Coshocton	2.23
Belmont	2.22	Crawford	2.28
Brown	2.22	Cuyahoga	2.26
Butler	2.22	Darke	2.26
Carroll	2.22		

OHIO—Continued

County	Rate per bushel	County	Rate per bushel
Defiance	$2.28	Monroe	$2.22
Delaware	2.26	Montgomery	2.24
Erie	2.29	Morgan	2.22
Fairfield	2.22	Morrow	2.27
Fayette	2.22	Muskingum	2.22
Franklin	2.24	Noble	2.22
Fulton	2.30	Ottawa	2.31
Gallia	2.22	Paulding	2.28
Geauga	2.26	Perry	2.22
Greene	2.24	Pickaway	2.22
Guernsey	2.22	Pike	2.22
Hamilton	2.22	Portage	2.25
Hancock	2.29	Preble	2.24
Hardin	2.29	Putnam	2.29
Harrison	2.22	Richland	2.27
Henry	2.30	Ross	2.22
Highland	2.22	Sandusky	2.30
Hocking	2.22	Scioto	2.22
Holmes	2.24	Seneca	2.29
Huron	2.29	Shelby	2.27
Jackson	2.22	Stark	2.24
Jefferson	2.22	Summit	2.25
Knox	2.25	Trumbull	2.25
Lake	2.26	Tuscarawas	2.22
Lawrence	2.22	Union	2.26
Licking	2.24	Van Wert	2.28
Logan	2.28	Vinton	2.22
Lorain	2.27	Warren	2.22
Lucas	2.31	Washington	2.22
Madison	2.24	Wayne	2.25
Mahoning	2.24	Williams	2.28
Marion	2.28	Wood	2.30
Medina	2.25	Wyandot	2.28
Meigs	2.22		
Mercer	2.27		
Miami	2.26		

OKLAHOMA

Adair	$2.18	Nowata	$2.15
Cherokee	2.17	Osage	2.13
Choctaw	2.16	Ottawa	2.18
Craig	2.17	Pittsburgh	2.14
Delaware	2.18	Pushmataha	2.16
Haskell	2.16	Rogers	2.15
Latimer	2.16	Sequoyah	2.18
Le Flore	2.18	Tulsa	2.14
McCurtain	2.18	Wagoner	2.15
McIntosh	2.14	Washington	2.14
Mayes	2.17	All other counties	2.12
Muskogee	2.15		

PENNSYLVANIA

All Counties	$2.18

SOUTH CAROLINA

Abbeville	$2.24	Greenwood	$2.25
Aiken	2.26	Hampton	2.28
Allendale	2.27	Horry	2.24
Anderson	2.24	Jasper	2.28
Bamberg	2.27	Kershaw	2.25
Barnwell	2.26	Lancaster	2.24
Beaufort	2.28	Laurens	2.25
Berkeley	2.28	Lee	2.25
Calhoun	2.27	Lexington	2.26
Charleston	2.28	Marion	2.24
Cherokee	2.24	Marlboro	2.24
Chester	2.25	McCormick	2.25
Chesterfield	2.24	Newberry	2.25
Clarendon	2.27	Oconee	2.24
Colleton	2.28	Orangeburg	2.27
Darlington	2.25	Pickens	2.24
Dillon	2.24	Richland	2.26
Dorchester	2.28	Saluda	2.25
Edgefield	2.25	Spartanburg	2.24
Fairfield	2.25	Sumter	2.26
Florence	2.25	Union	2.25
Georgetown	2.26	Williamsburg	2.26
Greenville	2.24	York	2.24

SOUTH DAKOTA

Bon Homme	$2.15	Codington	$2.15
Brookings	2.17	Davison	2.13
Charles Mix	2.13	Day	2.13
Clark	2.14	Deuel	2.17
Clay	2.17	Douglas	2.13

SOUTH DAKOTA—Continued

County	Rate per bushel	County	Rate per bushel
Grant	$2.17	Minnehaha	$2.18
Hamlin	2.15	Moody	2.17
Hanson	2.14	Roberts	2.15
Hutchinson	2.15	Sanborn	2.13
Kingsbury	2.14	Turner	2.16
Lake	2.15	Union	2.18
Lincoln	2.18	Yankton	2.15
Marshall	2.13	All other counties	2.12
McCook	2.15		
Miner	2.14		

TENNESSEE

Carroll	$2.23	Lake	$2.28
Chester	2.23	Lauderdale	2.28
Crockett	2.26	McNairy	2.23
Dyer	2.28	Madison	2.24
Fayette	2.26	Obion	2.26
Gibson	2.26	Shelby	2.28
Hardeman	2.24	Tipton	2.28
Haywood	2.26	Weakley	2.24
Henderson	2.23	All other counties	2.22
Henry	2.23		

TEXAS

Bowie	$2.19	Matagorda	$2.18
Brazoria	2.20	Montgomery	2.20
Calhoun	2.16	Newton	2.21
Cass	2.19	Orange	2.22
Chambers	2.22	Polk	2.19
Fort Bend	2.20	Red River	2.18
Galveston	2.22	San Jacinto	2.19
Hardin	2.21	Tyler	2.19
Harris	2.22	Waller	2.19
Jackson	2.16	Washington	2.17
Jasper	2.21	Wharton	2.18
Jefferson	2.22	All other counties	2.14
Lamar	2.17		
Liberty	2.22		

VERMONT

All Counties	$2.11

VIRGINIA

Accomac	$2.25	Mecklenburg	$2.21
Amelia	2.24	Middlesex	2.25
Brunswick	2.26	Nansemond	2.28
Caroline	2.25	New Kent	2.25
Charles City	2.25	Newport News City	2.25
Chesapeake City	2.28	Northhampton	2.25
Chesterfield	2.25	Northumberland	2.25
Dinwiddie	2.26	Nottoway	2.24
Essex	2.25	Powhatan	2.24
Gloucester	2.25	Prince George	2.26
Goochland	2.24	Richmond	2.25
Greensville	2.26	Southampton	2.27
Hampton City	2.25	Surrey	2.28
Henrico	2.25	Sussex	3.26
Isle of Wight	2.28	Virginia Beach	2.28
James City	2.25	Warwick	2.25
King and Queen	2.25	Westmoreland	2.25
King George	2.25	York	2.25
King William	2.25	All other counties	2.23
Lancaster	2.25		
Lunenburg	2.24		
Mathews	2.25		

WEST VIRGINIA

All Counties	$2.20

WISCONSIN

Adams	$2.19	Crawford	$2.21
Barron	2.17	Dane	2.23
Brown	2.18	Dodge	2.23
Buffalo	2.18	Door	2.17
Burnette	2.16	Douglas	2.16
Calumet	2.19	Dunn	2.18
Chippewa	2.17	Eau Claire	2.18
Clark	2.17	Fond du Lac	2.21
Columbia	2.22	Grant	2.22

WISCONSIN—Continued

County	Rate per bushel	County	Rate per bushel
Green	$2.24	Juneau	$2.19
Green Lake	2.20	Kenosha	2.26
Kewaunee	2.17	Sauk	2.21
La Crosse	2.19	Sawyer	2.16
Lafayette	2.23	Shawano	2.18
Langlade	2.17	Sheboygan	2.21
Lincoln	2.16	Taylor	2.16
Manitowoc	2.19	Trempealeau	2.18
Marathon	2.17	Vernon	2.20
Marinette	2.17	Walworth	2.25
Marquette	2.20	Price	2.16
Menomonie	2.18	Racine	2.25
Milwaukee	2.24	Richland	2.21
Monroe	2.19	Rock	2.25
Oconto	2.18	Rusk	2.16
Oneida	2.16	St. Croix	2.17
Outagamie	2.18	Washburn	2.16
Ozaukee	2.23	Washington	2.23
Pepin	2.18	Waukesha	2.24
Pierce	2.18	Waupaca	2.18
Polk	2.17	Waushara	2.19
Portage	2.18	Winneabago	2.19
Iowa	2.22	Wood	2.18
Jackson	2.19		
Jefferson	2.24		

(b) *Premium—Low Moisture.*[2]

Percent:	Cents per bushel
12.2 or less	+2
12.3 through 12.7	+1
12.3 through 13.0	0

[2] Not applicable to soybeans that grade "sample."

(c) *Discounts—(1) Class.*

Class:	Cents per bushel
Black	−25
Brown	−25
Mixed	−25

(2) *Moisture.*

Percent:	Cents per bushel
13.1 through 13.5	−1
13.6 through 14.0	−2

(3) *Test weight per bushel.*

Pounds:	Cents per bushel
53.0 through 53.9	−½
52.0 through 52.9	−1
51.0 through 51.9	−1½
50.0 through 50.9	−2
49.0 through 49.9	−2½

(4) *Splits.*

Percent:	Cents per bushel
20.1 through 25.0	− ¼
25.1 through 30.0	− ½
30.1 through 35.0	− ¾
35.1 through 40.0	−1

(5) *Damaged kernels.*[3]

Heat (percent):	Cents per bushel
0.6 through 1.0	−1
1.1 through 1.5	−2
1.6 through 2.0	−3
2.1 through 2.5	−4
2.6 through 3.0	−5
Total (percent):	
2.1 through 3.0	− ½
3.1 through 4.0	−1
4.1 through 5.0	−1½
5.1 through 6.0	−2
6.1 through 7.0	−2½
7.1 through 8.0	−3

[3] Use column which yields the higher applicable discount.

	Cents per bushel
(6) Materially weathered	−5
(7) Stained	−2
(8) Purple mottled	−2
(9) Weed control laws. (Where required by § 1421.25)	−10

Other factors.—Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of the soybeans, such as (but not limited to) moisture, musty, sour, and heating. Such discounts will be established not later than the time delivery of soybeans to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at county ASCS offices approximately 1 month prior to the loan maturity date.

Effective date.—June 18, 1973.

Signed at Washington, D.C., June 8, 1973.

GLENN A. WEIR,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.73-11985 Filed 6-15-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 12894; Amendment 39-1671]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley De Havilland Model DH-114 "Heron" Airplanes

There have been reports of Hawker Siddeley de Havilland Model DH-114 "Heron" airplanes on which the aileron trim and rudder trim move in planes and directions different from those of their associated controls. There have also been reports that the aileron trim jack on those airplanes may interfere with the aileron in its full down position. Movement of the aileron or rudder trim in an undesired direction, or lack of freedom of movement of the aileron could result in inability of the pilot to control the airplane in flight. The FAA has determined that the affected airplanes are those that incorporate Hawker Siddeley Modification No. 496.

Since this condition is likely to exist in other airplanes of the same type design an airworthiness directive (AD) is being issued to require interchange of the rudder and aileron trim controls to provide correct sensing between them and the related trim movements, and to require relocation of the aileron trim jack to prevent interference with aileron movement.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and contrary to the public interest and good cause exists for making this amendment effective in less than 30 days. The FAA is aware, however, that the necessary modification kits are not readily available from the manufacturer and that development of alternative means of compliance may involve some delay. Accordingly, compliance is required within 90 days of the effective date of the AD.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

HAWKER SIDDELEY.—Applies to Hawker Siddeley de Havilland Model DH-114 "Heron" airplanes, having modification No. 496 installed.

Compliance is required as indicated.

To prevent possible inadvertent actuation of aileron and rudder trim in a direction other than that desired and to prevent possible interference by the aileron trim jack with the aileron when in its full down position, accomplish the following:

Prior to September 21, 1973, unless already accomplished, incorporate Hawker Siddeley Modifications Nos. 1006 and 1053, or FAA-approved equivalents.

This amendment becomes effective June 23, 1973.

Issued in Washington, D.C., on June 7, 1973.

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

[FR Doc.73-12003 Filed 6-15-73;8:45 am]

[Docket No. 73-SO-36; Amendment 39-1665]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Model PA-34 Series Airplanes

There has been an incident of inflight vibration on a PA-34 airplane, created by excessive free play in the rudder trim tab. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection of the rudder trim tab system to insure that excessive trim tab free play does not exist.

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

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

PIPER.—Applies to all Piper Model PA-34-200 "Seneca" airplanes, S/Ns 34-E4, 34-7250001 and up. Compliance required as indicated.

(a) Within the next 10 hours time in service after the effective date of this AD, unless already accomplished, determine the rudder trim tab "free play" as follows:

(1) Adjust rudder trim tab to neutral position with rudder trim wheel.

(2) Index tab to rudder. Use straight edge at trailing edge, making marks on rudder and tab that coincide.

(3) Hold light finger pressure against rudder tab in one direction and measure distance between marks.

(4) Reverse direction of finger pressure on rudder tab and measure distance between marks.

(5) "Free play" of the rudder tab is the sum of the distances measured in (3) and (4) above and should not exceed 0.125 inch.

(b) If rudder tab "free play" exceeds 0.125 inch, check the travel control arm assembly, P/N 96220-00 (Reference fig. 60, PA-34 parts catalog), for wear at the center bolt and at the bolt attaching the rudder trim rod assembly to the control arm. Replace the arm assembly and associated hardware if there is any noticeable wear or elongation of the bolt holes.

(c) Also check for end play in the rudder trim barrel, P/N 96596-00 (Reference fig. 34, PA-34 parts catalog). If end play exists, shim between the forward barrel mount support assembly and barrel. Reduce end play to the minimum amount attainable without causing excessive system friction.

NOTE.—Shim (P/N 62833-18V) is a laminate made of 10 pieces of 0.002-inch brass shim stock, although it appears to be one solid piece. The proper thickness of shim material may be obtained by peeling off layers as required.

(d) Upon completion of any adjustments, recheck "free play" in accordance with the procedures of (a)(3), (a)(4), and (a)(5) to ascertain that travel is less than 0.125 inch.

(e) Repeat the above inspection every 100 hours time in service after the initial inspection.

Piper Service Bulletin No. 390A pertains to this same subject.

This amendment becomes effective June 18, 1973.

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

Issued in East Point, Ga., on June 6, 1973.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc. 73-12004 Filed 6-15-73;8:45 am]

[Docket No. 12895; Amendment 39-1672]

PART 39—AIRWORTHINESS DIRECTIVES

Slingsby Model Glasflugel T.59.D "Kestrel" Gliders

Pursuant to the authority delegated to me by the Administrator, an airworthiness directive (AD) was adopted on May 18, 1973, and made effective immediately upon receipt of the airmail letter AD as to all known U.S. operators of Slingsby Model Glasflugel T.59.D "Kestrel" gliders because of a determination by the FAA that the ailerons of those gliders could be unbalanced to such a degree that severe wing/aileron flutter could result which would create a hazard to safe operation. The AD requires a measurement of aileron mass balance hinge moments and the installation of balance weights, if necessary.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directve effective immediately as to all known U.S. operators of Slingsby Model Glasflugel T.59.D "Kestrel" gliders by airmail letters dated May 21, 1973. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of part 39 of the Federal Aviation Regulations to make it effective as to all persons.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

SLINGSBY.—Applies to Model Glasflugel T.59.D "Kestrel" gliders.

NOTE.—This AD does not apply to Glasflugel manufactured "Kestrel" model gliders.

To prevent possible wing flutter due to aileron unbalance, accomplish the following, unless already accomplished:

(a) Within the next 10 hours' time in service after the effective date of this AD, remove the ailerons from the glider and measure the aileron mass balance hinge moment in accordance with section 1 of Slingsby Sailplanes Technical Instructions No. 54, issue 2, dated February 1973, or an FAA-approved equivalent.

(b) If during the inspection required by paragraph (a), it is found that, either the average balance hinge moment of both ailerons exceeds 8.5 lb-in or the balance hinge moment of either aileron exceeds 9.5 lb-in, before further flight, install balance weight on the leading edge of both ailerons in accordance with section 2 of Slingsby Sailplane Technical Instructions No. 54, issue 2, dated February 1973, or an FAA-approved equivalent such that the balance hinge moment of each aileron does not exceed 8.0 lb-in.

This amendment is effective upon publication in the FEDERAL REGISTER as to all persons except those persons to whom it was made immediately effective upon receipt of the airmail letter dated May 21, 1973, which contained this amendment.

Issued in Washington, D.C., on June 7, 1973.

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

[FR Doc.73-12005 Filed 6-15-73;8:45 am]

[Docket No. 73-SO 35; Amendment 39-1651]

PART 39—AIRWORTHINESS DIRECTIVES

Teledyne Continental 0-470 Series Engines

Pursuant to the authority delegated to me by the Administrator, 37 FR 13697, an airworthiness directive was adopted on May 24, 1973, and made effective immediately as to all airplanes equipped with certain Teledyne Continental 0-470 engines. The directive requires inspection and a torque check of the carburetor drain plug.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of airplanes equipped with certain Teledyne Continental 0-470 engines by individual airmail letters dated May 25, 1973. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of part 39 of the Federal Aviation Regulations to make it effective as to all persons.

TELEDYNE CONTINENTAL MOTORS.—Applies to the following Teledyne Continental model engines.

0-470-J
Remanufactured: S/N's 46949 through 47000; 202001 through 202060.
0-470-K
Remanufactured: S/N's 49210 through 49302.
0-470-L
Remanufactured: S/N's 69352 through 69491.
0-470-R
New: S/N's 451001 through 451285.
Remanufactured: 98501 through 99000; and 212001 through 212289.

Compliance required as indicated within the next 5 hours' time in service after the effective date of this AD. Unless already accomplished inspect the carburetor bowl ¼-inch drainplug for security by applying 120 to 144 in-lb of torque. Caution should be exercised in order not to apply excessive torque. After proper torque has been applied, check for leakage or seepage. If seepage or leakage is present, remove drainplug and check for thread damage. Replace as necessary with airworthy parts. After accomplishment of the above, place an identifying yellow dot enamel or similar paint adjacent to the drainplug.

This amendmentt is effective June 20, 1973, and was effective upon receipt for all recipients of the airmail letter dated May 25, 1973, which contained this amendment.

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

Issued in East Point, Ga., on June 5, 1973.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.73-12006 Filed 6-15-73;8:45 am]

[Docket No. 12884; Amdt. No. 868]

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 rulemaking 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 SIAP's 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 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 97.21 is amended by originating, amending, or canceling the following L/MF SIAP's, effective July 12, 1973.

Kodiak, Alaska—Kodiak Airport, LFR runway 25, amendment 2.

2. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAP's, effective July 26, 1973.

Alexandria, La.—Esler Field, VOR runway 14, amendment 7.
Alexandria, La.—Esler Field, VOR runway 32, amendment 8.
Atlanta, Ga.—The William B. Hartsfield Atlanta International Airport, VOR runway 26, amendment 6.
Atlanta, Ga.—The William B. Hartsfield Atlanta International Airport, VOR runway 27R, amendment 6.
Ann Arbor, Mich.—Ann Arbor Municipal Airport, VOR/DME runway 6, amendment 1.
Ann Arbor, Mich.—Ann Arbor Municipal Airport, VOR runway 24, amendment 2.
Cedartown, Ga.—Cornelius-Moore Field, VOR-A, amendment 5.
Galveston, Tex.—Scholes Field, VOR runway 13 (TAC), amendment 10.
Georgetown, Tex.—Georgetown Municipal Airport, VORTAC runway 35, amendment 2.
Hilltop Lakes, Tex.—Hilltop Lakes Airport, VORTAC-A, amendment 1.
Lafayette, La.—Lafayette Regional Airport, VOR runway 1, amendment 10.
Lapeer, Mich.—Dupont-Lapeer Airport, VOR-A, amendment 4.
Robbinsville, N.J.—Trenton-Robbinsville Airport, VOR runway 28, amendment 5.

* * * effective July 19, 1973:

Billings, Mont.—Logan Field, VOR runway 9, amendment 13.
Billings, Mont.—Logan Field, VOR/DME runway 27, amendment 10.

* * * effective July 12, 1973:

Kodiak, Alaska—Kodiak Airport, VOR/DME runway 25, amendment 2.

* * * effective June 21, 1973:

Westfield, Mass.—Barnes Municipal Airport, VOR runway 20, amendment 14.

* * * effective June 1, 1973:

Hazlehurst, Ga.—Hazlehurst Airport, VOR/DME-A, amendment 4.
Kotzebue, Alaska—Ralph Wien Memorial Airport, VOR runway 8, amendment 5.
Kotzebue, Alaska—Ralph Wien Memorial Airport, VORTAC runway 8, amendment 1.

* * * effective May 31, 1973:

Oakland, Calif.—Metropolitan Oakland International Airport, VOR/DME runway 27L, amendment 7.

3. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAP's, effective July 26, 1973.

Alexandria, La.—Esler Field, LOC (BC) runway 8, amendment 2.
Atlanta, Ga.—The William B. Hartsfield Atlanta International Airport, LOC (BC) runway 27R, amendment 9.
Atlanta, Ga.—The William B. Hartsfield Atlanta International Airport, LOC runway 33, original.
Lafayette, La.—Lafayette Regional Airport, LOC (BC) runway 1, amendment 3.

* * * effective July 19, 1973:

Billings, Mont.—Logan Field, LOC (BC) runway 27, amendment 2.

* * * effective June 21, 1973:

Springfield, Vt.—Springfield State-Hartness Airport, LOC-A, original.

4. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective July 26, 1973.

Alexandria, La.—Esler Field, NDB runway 26, amendment 1.
Atlanta, Ga.—The William B. Hartsfield Atlanta International Airport, NDB runway 8, amendment 35.
Atlanta, Ga.—The William B. Hartsfield Atlanta International Airport, NDB runways 9L and 9R, amendment 1.
Atlanta, Ga.—The William B. Hartsfield Atlanta International Airport, NDB runway 26, amendment 8.
Atlanta, Ga.—The William B. Hartsfield Atlanta International Airport, NDB runway 27R, amendment 8.
Atlanta, Ga.—The William B. Hartsfield Atlanta International Airport, NDB runway 33, amendment 16.
Lafayette, La.—Lafayette Regional Airport, NDB runway 19, amendment 5.
Lafayette, La.—Lafayette Regional Airport, NDB runway 28, amendment 1.

* * * effective July 19, 1973:

Billings, Mont.—Logan Field, NDB runway 9, amendment 14.
Oxford, Conn.—Waterbury-Oxford Airport, NDB runway 18, amendment 1, canceled.
Oxford, Conn.—Waterbury-Oxford Airport, NDB runway 18, original.

* * * effective June 21, 1973:

Springfield, Vt.—Springfield State-Hartness Airport, NDB-A, original.
Springfield, Vt.—Springfield State-Hartness Airport, NDB (ADF), runway 5, canceled.
Westfield, Mass.—Barnes Municipal Airport, NDB runway 20, amendment 10.

* * * effective June 1, 1973:

Kotzebue, Alaska.—Ralph Wien Memorial Airport, NDB-A, amendment 10.

5. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAP's, effective July 26, 1973.

Alexandria, La.—Esler Field, ILS runway 26, amendment 4.
Atlanta, Ga.—The William B. Hartsfield Atlanta International Airport, ILS runway 8, amendment 42.
Atlanta, Ga.—The William B. Hartsfield Atlanta International Airport, ILS runway 9L, amendment 18.
Atlanta, Ga.—The William B. Hartsfield Atlanta International Airport, ILS runway 9R, amendment 1.
Atlanta, Ga.—The William B. Hartsfield Atlanta International Airport, ILS runway 26, amendment 4.
Atlanta, Ga.—The William B. Hartsfield Atlanta International Airport, ILS runway 33, amendment 20, canceled.
Lafayette, La.—Lafayette Regional Airport, ILS runway 19, amendment 6.
New York, N.Y.—John F. Kennedy International Airport, ILS runway 4L, amendment 1.

* * * effective July 19, 1973:

Billings, Mont.—Logan Field, ILS runway 9, amendment 17.
Oxford, Conn.—Waterbury-Oxford Airport, ILS runway 36, original.

* * * effective July 12, 1973:

Kodiak, Alaska—Kodiak Airport, ILS/DME runway 25, original.

* * * effective June 28, 1973:

Dallas-Fort Worth, Tex.—Dallas-Fort Worth Regional Airport, ILS runway 31R, original.
Jacksonville, Fla.—Jacksonville International Airport, ILS runway 13, original.

* * * effective June 21, 1973:

Westfield, Mass.—Barnes Municipal Airport, ILS runway 20, original.

* * * effective May 31, 1973:

Oakland, Calif.—Metropolitan Oakland International Airport, ILS runway 27R, amendment 26.

6. Section 97.31 is amended by originating, amending, or canceling the following Radar SIAP's, effective July 26, 1973.

Alexandria, La.—Esler Field, RADAR-A, amendment 1.
Atlanta, Ga.—The William B. Hartsfield Atlanta International Airport, RADAR-1, amendment 19.
Memphis, Tenn.—Memphis International Airport, RADAR-1, amendment 23.

* * * effective July 19, 1973:

Billings, Mont.—Logan Field, RADAR-1, original.

* * * effective July 12, 1973:

Kodiak, Alaska—Kodiak Airport, RADAR-1, amendment 1.

Correction

In Docket No. 12815, Amendment 865, to part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER dated May 24, 1973, on page 13636, under § 97.25, effective July 5, 1973, change effective date of Glen Falls, N.Y.—Warren County Airport, LOC runway 1, original, from 5 July 1973 to 28 June 1973.

(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 June 7, 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.73-12007 Filed 6-15-73;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Clarification of Term "Equity Security"; Correction

On April 27, 1973, in release No. 34-10129, which was published in the FEDERAL REGISTER for Tuesday, May 8, 1973, volume 38 at page 11449, the Securities and Exchange Commission announced adoption of an amendment to § 240.3a11-1 in Chapter II of Title 17 of the Code of Federal Regulations.

In the codification of the amended section as it appeared following the third paragraph of the release as published in the FEDERAL REGISTER, the section heading was erroneously identified as "Section 3a11-1". The correct heading designation should have been, and it is hereby amended to read:

§ 240.3a11-1 Definition of the term "equity security."

For the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

JUNE 11, 1973.

[FR Doc.73-12024 Filed 6-15-73;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. R-453 Order 462]

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Accounts, Records, Memorandum, and Annual Reports; Correction

JUNE 1, 1973.

The following corrections are made to FR Doc. 72-21047, issued December 1, 1972, and published at 37 FR 26005, on December 7, 1972:

In ordering paragraph B (p. 26006), amend § 141.1(d) by substituting the schedule title "Statement of Changes in Financial Position—Statement E," for "Source and Application of Funds for the Year—Statement E," and indicate as follows:

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

* * * * *

(d) This annual report contains the following schedules:

* * * * *

"Statement of Changes in Financial Position—Statement E."

* * * * *

In ordering paragraph D (p. 26006), amend § 260.1(c) by substituting the schedule title "Statement of Changes in Financial Position—Statement E," for "Source and Application of Funds for the Year—Statement E," and indicate as follows:

§ 260.1 Form No. 2, annual report for natural gas companies (class A and class B).

* * * * *

(c) This annual report contains the following schedules:

* * * * *

"Statement of Changes in Financial Position—Statement E."

* * * * *

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12047 Filed 6-15-73;8:45 am]

[Docket No. R-435 Order 468]

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Net Realizable Value of Hydrocarbon Reserves; Correction

JUNE 1, 1973.

The following corrections are made to FR Doc. 73-1234, issued January 15, 1973, and published at 38 FR 2171, on January 22, 1973:

In ordering paragraph C (p. 2173), the addition to § 260.1(c) of two new schedules entitled "Changes in Estimated Hydrocarbon Reserves and Costs, and Net Realizable Value," and "Explanation of Changes in Estimated Hydrocarbon Reserves and Costs, and Net Realizable Value," immediately following the schedule entitled "Changes in Estimated Natural Gas Reserves," should be indicated as follows:

§ 260.1 Form No. 2, annual report for natural gas companies (class A and class B).

* * * * *

(c) This annual report contains the following schedules:

* * * * *

"Changes in Estimated Hydrocarbon Reserves and Costs, and Net Realizable Value."

"Explanation of Changes in Estimated Hydrocarbon Reserves and Costs, and Net Realizable Value."

* * * * *

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12048 Filed 6-15-73;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER C—DRUGS

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Calcium Disodium Edetate Injection

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (10-540V) filed by Haver-Lockhart Laboratories, P.O. Box 676, Kansas City, Mo. 64141, proposing revised labeling for the safe and effective use of calcium disodium edetate injection for the treatment of horses. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), part 135b is amended by adding a new section as follows:

§ 135b.88 Calcium disodium edetate injection.

(a) *Specifications.*—Calcium disodium edetate injection contains 6.6-percent calcium disodium edetate in purified water.

(b) *Sponsor.*—See code No. 074 in § 135.501(c) of this chapter.

(c) *Conditions of use.*—(1) It is used as an aid in the treatment of acute lead poisoning in horses.

(2) It is administered by slow intravenous injection at the rate of 1 milliliter per 2 pounds of body weight daily. It is best administered in divided doses 2 to 3 times daily and continued for 3 to 5 days. If additional treatment is indicated, a 2-day rest period is recommended which may be followed by another 3- to 5-day period of therapy.

(3) Do not use in horses intended for food purposes.

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

Effective date.—This order shall be effective on June 18, 1973.

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

Dated June 11, 1973.

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

[FR Doc.73-12009 Filed 6-15-73;8:45 am]

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Ticarbodine

The Commissioner of Food and Drugs has evaluated a new animal drug application (47-092V) filed by Elanco Products Co., a division of Eli Lilly & Co., Indianapolis, Ind. 46206, proposing the safe and effective use of ticarbodine tablets as an anthelmintic for the treatment of dogs. The application is approved.

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

§ 135c.111 Ticarbodine tablets, veterinary.

(a) *Specifications.*—Ticarbodine tablets, veterinary contain 90, 225, or 900 milligrams of ticarbodine per tablet.

(b) *Sponsor.*—See Code No. 014 in § 135.501(c) of this chapter.

(c) *Conditions of use.*—(1) The drug is used in dogs for the removal of roundworms (*Toxocara canis*), hookworms (*Ancylostoma caninum* and *Uncinaria stenocephala*), and tapeworms (*Dipylidium caninum* and *Taenia pisiformis*).

(2) Dosage is administered at 45 milligrams of the drug per pound of body weight in a single dose. Dosage may be repeated in 21 days.

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

Effective date.—This order shall be effective on June 18, 1973.

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

Dated June 11, 1973.

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

[FR Doc.73-12008 Filed 6-15-73;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 73-123R]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Passaic River, New Jersey

This amendment adds regulations for the Route 280 (Stickel Bridge) across the Passaic River between Newark and Harrison, N.J., to permit the replacement of the concrete span. These regulations will begin on August 20, 1973, and will end on November 2, 1973.

This rule is issued without notice of proposed rulemaking. The Coast Guard has found that good cause exists for taking this action on the basis that it would be contrary to the public interest to delay this work.

Accordingly, part 117 of title 33 of the Code of Federal Regulations is amended by adding a new paragraph (j) to § 117.200 to read as follows:

§ 117.200 Newark Bay, Passaic and Hackensack Rivers, and their navigable tributaries; general regulations.

* * * * *

(j) *Route 280 (Stickel Bridge) Passaic River.*—From August 20, 1973, through November 1, 1973, at least 6 hours notice is required.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4).)

Effective date.—This revision shall be in effect from August 20, 1973, through November 1, 1973.

Dated June 8, 1973.

J. D. MCCANN,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.73-12054 Filed 6-15-73;8:45 am]

[CGD 73-122R]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Woodbury Creek, N.J.

This amendment revokes the regulations for the highway bridge across Woodbury Creek, N.J., because this bridge has been removed.

Accordingly, part 117 of title 33 of the Code of Federal Regulations is amended by revoking paragraph (f)(17) of § 117.225.

This revocation shall be effective June 18, 1973.

J. D. MCCANN,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.73-12055 Filed 6-15-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 51—PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

Maintenance of National Ambient Air Quality Standards

On August 14, 1971 (36 FR 15486), the Administrator of the Environmental Protection Agency promulgated as 42 CFR part 420 regulations for the preparation, adoption, and submittal of State implementation plans under section 110 of the Clean Air Act, as amended. These regulations were republished November 25, 1971 (36 FR 22369), as 40 CFR part 51.

On April 18, 1973 (38 FR 9599), the Administrator proposed amendments to those regulations designed primarily to expand the scope of review prior to construction or modification of buildings, facilities, and installations so as to require consideration of the air quality impact not only of pollutants emitted directly from stationary sources (consideration of which was already required by 40 CFR pt. 51) but also of pollution arising from mobile source activity associated with such buildings, facilities, and installations. The proposed amendments were, and still are, considered a necessary addition to the Federal-State system for implementing, and more particularly, for maintaining, the national ambient air quality standards.

In the preamble to the proposed amendments, the Administrator called attention to the importance of analyzing the general growth of population, industrial activity, and mobile sources in relation to regional air quality. The Administrator did not propose to require such analysis, but urged that States consider the use of such procedures. A number of comments were received urging that such analysis be required on the ground that preconstruction review of individual sources could not adequately deal with generalized growth and its impact on regional air quality. It is the Administrator's judgment that such procedures, in addition to review of new or modified sources, are necessary to insure maintenance of the national standards, particularly because source-by-source analysis is not an adequate means of evaluating, on a regional scale, the air quality impact of growth and development. Consequently, the regulation promulgated below includes the following additional requirements:

1. Within 9 months, States must identify those areas (counties, urbanized areas, standard metropolitan statistical areas, etc.) which, due to current air quality and/or projected growth rate, may have the potential for exceeding any national standard within the next 10-year period.

2. Based on this information submitted by States, the Administrator will publish a list of potential problem areas which will be analyzed in more detail by the States; interested persons will have an opportunity to comment on the published list.

3. Within 24 months of the date of promulgation of these regulations, States must submit an analysis of the impact on air quality of projected growth in each potential problem area designated by the Administrator. Where necessary, plans must also be submitted describing the measures that will be taken to insure maintenance of the national standards during the ensuing 10-year period.

The required analysis will have to deal with all the significant air quality implications of growth and development, including not only the increased air pollution arising directly from new commercial, industrial, and residential development but also that arising from increases in demand for electricity and heat, motor vehicle traffic, and production of solid waste.

4. The above considerations must be reanalyzed at 5-year intervals.

Individual source review generally is more practicable and meaningful with respect to the localized impact of a single source. Furthermore, for pollutants such as hydrocarbons and nitric oxide, which affect air quality through complex atmospheric reactions resulting in the formation of photochemical oxidants and nitrogen dioxide, analytical tools that can be used with confidence to predict the air quality impact of a single source are not now available.

As a result of the comments received, a number of additional changes have been made to the proposed amendments. The changes, described below, affect the implementation plan provisions which States will have to submit by August 15, 1973, in response to that portion of these regulations which prescribes new and modified source review procedures.

1. Where the State designates a governmental agency other than an air pollution control agency to carry out the new source review procedures, that agency is required to consult with the State air pollution control agency prior to rendering its decision. This requirement will assure proper coordination regarding air pollution matters and appropriate use of existing technical expertise.

2. State plans must describe the basis for determining which facilities will be subject to the new source review procedures.

3. State plans must describe the administrative procedures to be used in implementing the new source review requirements.

4. In States where the specified 30-day period for submittal of public comment conflicts with existing legal requirements for acting on requests for permission to construct or modify, the State may submit for approval a comment period which is consistent with the existing requirements.

5. The agency responsible for new source review must notify all State and local air pollution control agencies with jurisdiction within an air quality control region whenever it receives a request for permission to construct or modify a facility within the region. This requirement is intended to insure that such agencies have adequate opportunity to comment on a proposed source which is to be located in another jurisdiction but may affect air quality in their own jurisdiction.

6. The suggestions previously included in appendix 0 with respect to sizes of facilities to be covered by new source review procedures have been replaced by a description of a more objective technique which States can use in making this determination.

Several comments were received which questioned whether EPA has legal authority to promulgate requirements for review of the indirect impact of new or modified sources, i.e., the impact arising from associated mobile source activity. Essentially, the argument was made that EPA's authority in this regard is limited to requiring an assessment of the air quality impact of pollutants emitted directly from stationary sources. EPA believes that this argument is inconsistent with the provisions of section 110(a)(2)(B), which requires that implementation plans include "* * * such other measures as may be necessary to insure attainment and maintenance of such primary and secondary standard, including, but not limited to, land-use and transportation controls." In the Administrator's judgment, review of the indirect impact of new or modified sources is just as necessary to insure maintenance of the national standards as is review of the direct impact.

A number of comments were received suggesting that the Administrator specify or otherwise limit the responsibility for the new source review/approval procedure to certain types of governmental agencies (e.g., only the State or only an air pollution control agency). The changes discussed above are designed in part, to insure proper coordination of, and input from, all appropriate agencies. It is the Administrator's judgment that the requirement for consultation with cognizant air pollution control agencies is adequate to insure appropriate consideration of air quality in those cases where the State or local decisionmaking agency is not itself an air pollution control agency.

A number of air pollution control agencies suggested that the public comment requirements would impose an unnecessary burden, since it will involve the public in what they characterized as largely a technical judgment. Other groups requested that public participation be expanded to include opportunity for a public hearing, not just the opportunity to submit written comments. In the Administrator's judgment, the proposed requirement for public comment represented a reasonable balance between these conflicting positions and was consistent with the emphasis in the act on public participation in developing and carrying out the implementation plans. Accordingly, it is not being modified.

There were a number of suggestions as to the factors, other than the impact of mobile source activity, that should be examined during the new source review process, including:

1. The displaced stationary source emissions resulting from the operation of a new facility (e.g., the load a facility places on existing powerplants and incinerators).

2. The construction phase of a facility.

3. Whether the facility itself may, in effect, create a new receptor point where air quality standards must be attained and maintained (e.g., a building constructed over a freeway or in an area impacted by an existing stack plume).

4. Whether a facility should be allowed to use up the entire air resource in a given area.

The Administrator believes that it is neither necessary nor practicable to specify in detail the possible considerations which States must examine in reviewing new facilities. In general, States should consider air pollution aspects of a new facility which are not adequately covered by other provisions in the implementation plan. For example, existing nuisance and fugitive regulations may be adequate to deal with the construction phase of a facility. Displaced stationary source emissions are much more significant as a byproduct of general growth and development, and should be assessed in that context, rather than in relation to any individual source. Finally, it would seem prudent for a State to avoid a situation where a source would use up the entire air resource in an area; however, the Administrator cannot require that States allocate their air resources in any given manner.

One comment suggested that the Administrator require that States adopt procedures to implement the authority required under 40 CFR 51.11(a)(4) to prevent operation of a new or existing source which interferes with attainment or maintenance of a national standard. Under 40 CFR 51.11(a)(2), States already are required to have legal authority to enforce their implementation plans, including authority to seek injunctive relief. Furthermore, where an implementation plan is substantially inadequate to attain and maintain a national standard, it must be revised. Accordingly, it is EPA's position that it is not necessary to require States to adopt additional procedures for preventing the operation of sources.

It is emphasized that these regulations are not intended, and should not be construed, to mean that the only choices open to State and local agencies are to approve or disapprove construction or modification. Where a facility can be designed and/or located so as to be compatible with maintenance of national standards or provided with services, e.g., mass transit, that will make it compatible, States and local agencies, as well as facility owners and operators, should explore such possibilities.

EPA, through its regional offices, will provide assistance to the States in:

1. Determining types and sizes of sources which should be subject to the new source review procedures;

2. Developing the technical procedures to be used in analzying the air quality impact of individual sources;

3. Identifying areas which may exceed a national standard within the next 10 years; and

4. Analyzing the impact of general growth and development in such problem areas.

These amendments are being promulgated pursuant to an order of the U.S. Court of Appeals for the District of Columbia Circuit in the case of *Natural Resources Defense Council, Inc., et al.* v. *EPA*, case No. 72–1522, and seven related cases, which order was entered January 31, 1973, and modified February 12, 1973. States will be required to submit their plan revisions to comply with these new requirements involving new source review procedures no later than August 15, 1973. After such submission, the Environmental Protection Agency will have 2 months to review and approve or disapprove the revisions and an additional 2 months to propose and promulgate regulations to replace any disapproved State procedures. As discussed above, the identification of potential problem areas must be submitted within 9 months and detailed analysis and plan dealing with these problem areas are due within 24 months on the date of promulgation of these regulations.

These amendments to part 51 of chapter I, title 40, are effective June 18, 1973.

(Secs. 110 and 301(a) of the Clean Air Act, as amended 42 U.S.C. 1857c–5, 1857g(a).)

Dated June 11, 1973.

ROBERT W. FRI,
Administrator.

Part 51 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

1. In § 51.1, paragraphs (f) and (g) are revised to read as folows:

§ 51.1 Definitions.

* * * * *

(f) "Owner or operator" means any person who owns, leases, operates, controls, or supervises a facility, building,

structure, or installation which directly or indirectly results or may result in emissions of any air pollutant for which a national standard is in effect.

(g) "Local agency" means any local government agency, other than the State agency, which is charged with the responsibility for carrying out a portion of a plan.

* * * * *

2. In § 51.5 paragraph (a)(3) is added as follows:

§ 51.5 Submission of plans; preliminary review of plans.

(a) * * *

(3) For compliance with the requirements of §§ 51.11(a)(4) and 51.18, no later than August 15, 1973.

3. In § 51.11, paragraph (a)(4) is revised to read as follows:

§ 51.11 Legal authority.

(a) * * *

(4) Prevent construction, modification, or operation of a facility, building, structure, or installation, or combination thereof, which directly or indirectly results or may result in emissions of any air pollutant at any location which will prevent the attainment or maintenance of a national standard.

4. In § 51.12, paragraphs (e), (f), (g), and (h) are added as follows:

§ 51.12 Control strategy: General.

* * * * *

(e) The plan shall identify those areas (counties, urbanized areas, standard metropolitan statistical areas, et cetera) which, due to current air quality and/or projected growth rate, may have the potential for exceeding any national standard within the subsequent 10-year period.

(1) For each such area identified, the plan shall generally describe the intended method and timing for producing the analysis and plan required by paragraph (g) of this section.

(2) The area identification and description of method and timing required by this paragraph shall be submitted no later than 9 months following the effective date of this paragraph.

(3) At 5-year intervals, the area identification shall be reassessed to determine if additional areas should be subject to the requirements of paragraph (g) of this section.

(f) Based on the information submitted by the States pursuant to paragraph (e) of this section, the administrator will publish, within 12 months of the effective date of this paragraph, a list of the areas which shall be subject to the requirements of paragraph (g) of this section.

(g) For each area identified by the administrator pursuant to paragraph (f) of this section, the State shall submit, no later than 24 months following the effective date of this paragraph, the following:

(1) An analysis of the impact on air quality of projected growth and development over the 10-year period from the date of submittal.

(2) A plan to prevent any national standards from being exceeded over the 10-year period from the date of plan submittal. Such plan shall include, as necessary, control strategy revisions and/or other measures to insure that projected growth and development will be compatible with maintenance of the national standards throughout such 10-year period. Such plan shall be subject to the provisions of § 51.6 of this part.

(h) Plans submitted pursuant to paragraph (g) of this section shall be reanalyzed and revised where necessary at 5-year intervals.

5. Section 51.18 is revised to read as follows:

§ 51.18 Review of new sources and modifications.

(a) Each plan shall set forth legally enforceable procedures which shall be adequate to enable the State or a local agency to determine whether the construction or modification of a facility, building, structure, or installation, or combination thereof, will result in violations of applicable portions of the control strategy or will interfere with attainment or maintenance of a national standard either directly because of emissions from it, or indirectly, because of emissions resulting from mobile source activities associated with it.

(b) Such procedures shall include means by which the State or local agency responsible for final decisionmaking on an application for approval to construct or modify will prevent such construction or modification if it will result in a violation of applicable portions of the control strategy or will interfere with the attainment or maintenance of a national standard.

(c) Such procedures shall provide for the submission, by the owner or operator of the building, facility, structure, or installation to be constructed or modified, of such information on:

(1) The nature and amounts of emissions to be emitted by it or emitted by associated mobile sources;

(2) The location, design, construction, and operation of such facility, building, structure, or installation as may be necessary to permit the State or local agency to make the determination referred to in paragraph (a) of this section.

(d) Such procedures shall provide that approval of any construction or modification shall not affect the responsibility of the owner or operator to comply with applicable portions of the control strategy.

(e) Each plan shall identify the State or local agency which will be responsible for meeting the requirements of this section in each area of the State. Where such responsibility rests with an agency other than an air pollution control agency, such agency shall consult with the appropriate State or local air pollution control agency in carrying out the provisions of this section.

(f) Such procedures shall identify types and sizes of facilities, buildings, structures, or installations which will be subject to review pursuant to this section. The plan shall discuss the basis for determining which facilities shall be subject to review.

(g) The plan shall include the administrative procedures, which will be followed in making the determination specified in paragraph (a) of this section.

(h)(1) Such procedures shall provide that prior to approving or disapproving the construction or modification of a facility, building, structure, or installation pursuant to this section, the State or local agency will provide opportunity for public comment on the information submitted by the owner or operator and on the agency's analysis of the effect of such construction or modification on ambient air quality, including the agency's proposed approval or disapproval.

(2) For purposes of paragraph (h)(1) of this section, opportunity for public comment shall include, as a minimum:

(i) Availability for public inspection in at least one location in the region affected of the information submitted by the owner or operator and of the State or local agency's analysis of the effect on air quality.

(ii) A 30-day period for submittal of public comment, and

(iii) A notice by prominent advertisement in the region affected of the location of the source information and analysis specified in paragraph (h)(2)(i) of this section.

(3) Where the 30-day comment period required in paragraph (h) of this section would conflict with existing requirements for acting on requests for permission to construct or modify, the State may submit for approval a comment period which is consistent with such existing requirements.

(4) A copy of the notice required by paragraph (h)(2) of this section shall also be sent to the administrator through the appropriate regional office, and to all other State and local air pollution control agencies having jurisdiction in the region in which such new or modified installation will be located. The notice also shall be sent to any other agency in the region having responsibility for implementing the procedures required under this section.

(i) Suggestions for developing procedures to meet the requirements of this section are set forth in appendix 0.

In this part, appendix 0 is added as follows:

APPENDIX 0

The following guidelines are intended to assist in the development of regulations and procedures to comply with the requirements of § 51.18.

1. With respect to facilities which would significantly affect air quality because of emisisons arising from associated mobile source activity, review procedures should cover any facility which can reasonably be expected to cause or induce sufficient mobile source activity so that the resulting emissions might be expected to interfere with the attainment or maintenance of a national standard. The likelihood that there will be

such interference will vary with local conditions, such as current air quality, meteorology, topography, and growth rates. For this reason, it is not practicable to establish definitive nationally applicable criteria as to the types or sizes of such facilities which should be reviewed. There are, in however, certain types of facilities which generally should be considered for review. Experience and estimating techniques have indicated that the air quality impact of certain types and sizes of facilities is potentially significant regardless of their location. They include major highways and airports, large regional shopping centers, major municipal sports complexes or stadiums, major parking facilities, and large amusement and recreational facilities. The above examples are not meant to be exhaustive. Local conditions must be considered in determining which types of facilities will be subject to new source review.

New source review procedures must also consider the impact of a new or modified source in political jurisdictions other than the one in which it is located. Construction or modification of that source must be prevented if the impact in another political jurisdiction is great enough to interfere with attainment or maintenance of a national standard, whether or not there is significant impact in the political jurisdiction of the facility.

2. Frequently, a substantial amount of information will be needed to make the determinations required by § 51.18. In addition to general information on the nature, design, and size of a facility, data on its expected mode of operation also will be needed in order to estimate the types and amounts of air pollutant emissions likely to be associated with it. The operational data needed to make such estimates may include time periods of operation, antipicated numbers of employees and/or patrons, expected transportation routes, modes, and habits of employees and/or patrons, and so on.

Data on present air quality, topography, and meteorology and on emissions from other sources in the affected area may also be necessary.

In those cases where an environmental impact statement (EIS) has been or will be prepared under the National Environmental Policy Act or similar State or local laws, the EIS may well be an excellent source of information to aid in making the determinations required by § 51.18. Accordingly, agencies responsible for new source reviews are encouraged to make such use of EIS wherever possible in order to avoid needless duplication of information gathering and analysis.

3. Wherever possible, modeling techniques for approximating the effects of facilities with associated mobile source activity on air quality should be used. A simplified relationship between emission density (pollutant mass/time/area), size of an area (such as a parking lot) and maximum downwind concentration of carbon monoxide is given in figure 1. This relationship was derived using a technique similar to one used by Hanna.[1] The relationships depicted in figure 1 are based on assumptions of flat terrain, average atmospheric stability (class D) with a steady wind speed of 1 meter/second, constant wind direction, even distribution of emissions at ground level over the area, and insignificant edge effects. Various assumptions are needed to calculate precisely the emission density from a facility, including vehicle speeds within the area, the distribution of automobile ages (which will determine which vehicle emission factor to use), the average area occupied by a vehicle, the fraction of the total area which may be occupied by vehicles, and the maximum number of vehicles running simultaneously for 1-hour and 8-hour periods (to determine if either carbon monoxide ambient air quality standard will be exceeded).

Prior to employing the emission density-air quality relationship in figure 1, other factors may first have to be considered in determining whether ambient air quality standards will be exceeded. These factors include measured or estimated existing air quality, the impact of any point sources planned on or near the facility and the impact of any traffic routes on or near the facility passing within the close proximity of critical receptors. Also, consideration should be given to any factors which differ substantially from the assumptions made in the figure 1 relationship, such as topography, meteorology, aerodynamic effects, and spatial distribution of motor vehicles, height of emission, and any facility configuration which would constrain the dispersion of pollutants (such as a parking deck).

In addition to providing an estimate of the impact of individual area sources, relationships similar to those depicted in figure 1 can be of value in determining which types and sizes of facilities should be subject to review.

A technique incorporating the figure 1 relationship exists and will be available to the States and through the regional offices. Several additional techniques to evaluate the impact of indirect sources of carbon monoxide are currently under study and will be made available when developed.

The following publications are among those describing other available techniques for estimating air quality impact of direct and indirect sources of emissions:

(1) Turner, D. B.; Workbook of Atmospheric Dispersion Estimates, PHS No. 999–AP–26 (1969).

(2) US EPA; Compilation of Air Pollutant Emission Factors OAP No. AP–42 (Feb. 1972).

(3) Briggs, G. A.; Plume Rise; TID–25075 (1969), Clearinghouse for Federal Scientific and Technical Information, Springfield, Va. 22151.

(4) Mancuso, R. L., and Ludwig, F. L.; Users Manual for the APRAC–1A Urban Diffusion Model Computer Program, Stanford Research Institute Report prepared for EPA under contract. CPA 3–68 (1–69) (Sept. 1972). Available at Clearinghouse for Federal Scientific and Technical Information, Springfield, Va. 22151.

(5) Zimmerman, J. R., and Thompson, R. S.; User's Guide for HIWAY, paper under preparation, Met. Lab., EPA, RTP, N.C.

(6) USGRA: Proceedings of Symposium on Multi-Source Urban Diffusion Models, OAP Publication No. AP–86 (1970).

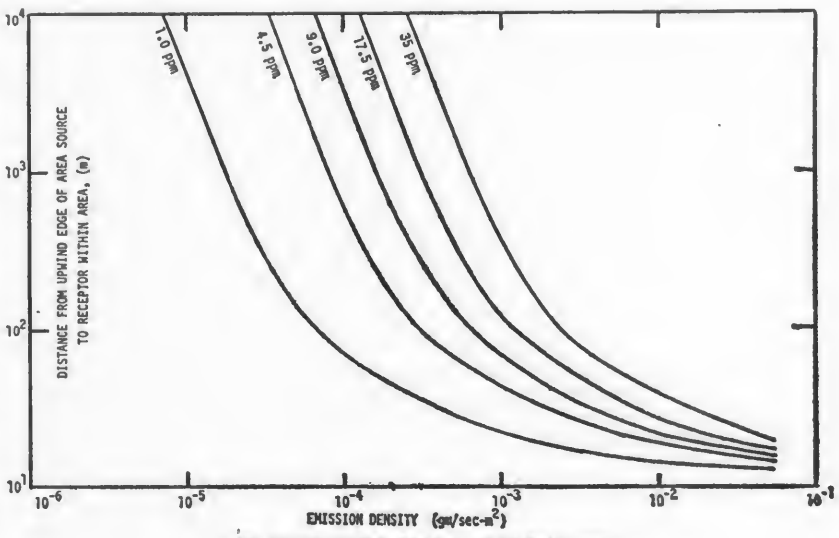
(7) Air Quality Implementation Planning Program, volume I, Operators Manual, PB 198–299 (1970). Clearinghouse for Federal Scientific and Technical Information, Springfield, Va. 22151.

(8) Hanna, S. R.; Simple Methods of Calculating Dispersion from Urban Area Sources, paper presented at Conference on Air Pollution Meteorology, Raleigh, N.C. (Apr. 1971). Available at Clearinghouse for Federal Scientific and Technical Information, Springfield, Va. 22151.

(9) ASME: Recommended Guide for the Prediction of Dispersion of Airborne Effluents, United Engineering Center, 345 East 47th Street, New York, N.Y. 10017 (1968).

(10) Slade, D. H. (editor): Meteorology and Atomic Energy 1968, USAEC (1968).

Figure 1. - Relationships of emission density, area source size, and carbon monoxide concentrations



[FR Doc.73-11937 Filed 6-15-73;8:45 am]

[1] Hanna, S. R., A Simple Method of Calculating Dispersion from Urban Area Sources, Journal of the Air Pollution Control Association, vol. 21, pp. 714–777 (1971).

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5346]

[Anchorage 8038]

ALASKA

Revocation of Public Land Order No. 778; Withdrawal of Lands for the Alaska Native Residents of Kenai

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordred as follows:

1. Public Land Order No. 778 of December 29, 1951, withdrawing the following described lands for use of the Department of the Army for military purposes, is revoked effective June 30, 1973:

WILDWOOD STATION

SEWARD MERIDIAN

T. 6 N., R. 11 W.,
Sec. 7, S½ (now part of surveyed tract A);
Sec. 8, SW¼ (now part of surveyed tract A);
Sec. 17, W½ (now part of surveyed tract A);
Secs. 18 and 19 (now part of surveyed tract A);
Sec. 20, W½ (now part of surveyed tract A);
Sec. 29, NW¼;
Sec. 30, N½ (now surveyed lots 1 and 2, E½NW¼, NE¼).
T. 6 N., R. 12 W.,
Sec. 13;
Sec. 24, N½, SE¼, N½SW¼, SE¼SW¼;
Sec. 25, NE¼.

The areas described aggregate approximately 4,280 acres.

2. By virtue of the authority vested in the Secretary of the Interior by section 22(h)(4) of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, 714 (hereinafter referred to as the Act), all lands described in paragraph 1 of this order, which are within 2 miles of the boundary of the incorporated limits of the city of Kenai, are determined not to be subject to selection by the village of Salamatof, or any other native village or regional corporation under any of the provisions of said Act because of their location within 2 miles of the boundary of the city limits of Kenai, as set forth in section 22(1) of the Act, and any withdrawals of the lands for such selection, are hereby terminated.

3. By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), all of the lands described in paragraph 1 of this order, which are within 2 miles of the boundary of the city of Kenai, are hereby withdrawn and reserved for administration by the Secretary of the Interior under the provisions of the Act, and the regulations thereunder, 43 CFR, subpart 2653.

4. All of the lands described in paragraph 1 of this order, which are located more than 2 miles from the boundary of the city of Kenai, are withdrawn for selection by the village of Salamatof, or the Cook Inlet region, pursuant to section 11(a)(1) of the Act.

5. All of the lands described in this order are withdrawn by Public Land Order No. 5187 of March 15, 1972, and reserved for study and review to determine the proper classification of the lands under section 17(d)(1) of the Act, so that the public interest will be protected, and will remain so withdrawn. This withdrawal does not preclude selection of the lands under section 12 or 14 of the Act.

6. Prior to any conveyance of the lands described in paragraph 1 of this order, the lands shall be subject to administration by the Secretary of the Interior under the applicable laws and regulations, and his authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by this order. Applications for leases under the Mineral Leasing Act, supra, will be rejected until this order is modified or the lands are appropriately classified to permit mineral leasing.

7. It is hereby determined that the promulgation of this public land order is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. section 4332(2)(C), is required.

JOHN C. WHITAKER,
Under Secretary of the Interior.

JUNE 8, 1973.

[FR Doc.73-12041 Filed 6-15-73;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 73-591; Doc. No. 19654]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments; FM Broadcast Stations, Jackson, Wyo.

In the matter of amendment of § 73.202(b), table of assignments, FM Broadcast Stations (Jackson, Wyo.), docket No. 19654, RM-1899.

1. The Commission has before it its notice of proposed rulemaking adopted November 29, 1972 (37 FR 26135), inviting comments on a proposal by KSGT, Inc., to assign channel 245 to Jackson, Wyo. Jackson, a community of 2,101 persons and seat of Teton County, has a class IV AM station (licensed to petitioner), but neither Jackson nor any other community in Teton County has an FM assignment. Channel 245 could be assigned to Jackson in conformance with the Commission's minimum mileage separation rule and without affecting other assignments in the FM table. Interested parties were invited to comment on the Commission's proposal on or before January 12, 1973, and could reply to such comments on or before January 22, 1973. Supporting comments were filed by petitioner and by Jackson Hole FM Joint Venture. There were no oppositions to the proposal.

2. In our notice we stated that, while a class A channel might well satisfy some of the apparent requirements for additional service in the area, it would not be able to reach many of the areas in need of service. For this reason we were persuaded to pursue the possibility of assigning a class C channel without at the same time proposing an alternative class A channel. We requested interested parties to submit in their comments information as to whether there is a reasonable basis to believe that a class C operation could be viable, and whether there is a preferable channel to assign rather than channel 245 (the latter stemming from the fact that other channels are available and there may be a possibility that another might be more suitable than channel 245).

3. In its supporting comments petitioner points out that it doubts whether an independent class C FM operation would be viable in the community of Jackson. It feels that only the economies inherent in a joint AM–FM operation make feasible FM operations in the community. It contends that an FM signal would provide coverage to residential areas which do not receive its AM signal and which thereby miss important national and local news and public affairs programs not otherwise available. Petitioner advises that more than 30 channels could be assigned to Jackson, but having considered all of them, none is superior to channel 245.

4. Jackson Hole FM Joint Venture (Jackson Hole), in supporting comments states that economic support for a class C FM operation is apparent from the unusual nature of the Jackson area, for although Jackson has a relatively small year-round permanent population, it has business activity perhaps greater than any other town of such size in the Nation because of its location at Grand Teton National Park. It states that the financial success of the existing AM station (KSGT) indicates that the Jackson area has ample advertising potential, for KSGT's August 1971 amended renewal application shows that in April 1971 the station revenue was $4,829 and in July 1971, $17,400. It notes further that, if July is typical of the 2 summer months, and April of the 10 remaining months, KSGT's annual revenue would be $83,090. It points out that, with the additional revenue which can be expected from the institution of a new FM service in Jackson, which will be able to offer advertisers much greater coverage than the present class IV AM facilities, especially at night, the total revenue of the two stations should be well above that figure. Jackson Hole notes that a study of available FM channels which could be assigned to Jackson in compliance with mileage separation requirements indicates that there is no class C channel available which would be more suitable than channel 245.

5. We have given careful consideration to the proposal and comments filed, and conclude that it would be in the public interest to assign channel 245 to Jackson, Wyo. The channel would provide for a first FM broadcast service to

Jackson and to Teton County. Since channel 245 would have the least preclusionary impact among the channels available for assignment to this area, it would thus be the most suitable channel assignment. As to the viability of a class C FM station, it appears that there is sufficient economic basis to support such an operation, independently or jointly with an AM station.

6. The authority for the action taken herein is contained in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended.

7. *Accordingly, It is ordered,* That effective July 16, 1973, the table of assignments (§ 73.202(b) of the rules) is amended with respect to the community listed below to read as follows:

City:	*Channel No.*
Jackson, Wyo	245

8. *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 May 31, 1973.

Released June 5, 1973.

FEDERAL COMMUNICATIONS COMMISSION.

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-12057 Filed 6-15-73;8:45 am]

Proposed Rules

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR, Part 1]

INCOME TAX

Allocation and Apportionment of Deductions

On August 2, 1966, notice of proposed rulemaking was published in the FEDERAL REGISTER regarding in part the regulations under section 861 of the Internal Revenue Code of 1954, relating to allocation and apportionment of deductions for computation of taxable income from sources within the United States and from other sources and activities (31 FR 10394, 10405). Notice is hereby given that paragraph 3 of such notice of proposed rulemaking is hereby withdrawn.

Further, notice is hereby given that in lieu of the proposed regulations which are so withdrawn, the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by August 17, 1973. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by August 17, 1973. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their request for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

This document contains proposed amendments to the Income Tax Regulations (26 CFR, pt. 1) under section 861(b) of the Internal Revenue Code of 1954 providing rules for allocation and apportionment of deductions to gross income to determine taxable income from sources within the United States. Under the proposed amendments these rules also apply for purposes of determining taxable income sources without the United States and taxable income from other sources and activities. In addition, certain supplementary technical amendments are proposed to the regulations under sections 863 and 905(b) of the code. Such allocation and apportionment of deductions may be necessary to determine taxable income from certain sources and activties for purposes of certain operative sections of the code, including section 904(a)(1) and (2) (per-country and overall limitations to the foreign tax credit), section 994 (DISC intercompany pricing rules), sections 871(b) and 882 (effectively connected taxable income), section 954(b)(5) (foreign base company income), and section 863(b) (income partly from within and partly from without the United States).

Under the proposed amendments, a deduction is considered definitely related and therefore allocable to gross income if it is incurred as a result of, or incident to, an activity or in connection with property which activity or property generates, has generated, or can reasonably be expected to generate gross income.

The rules emphasize the factual relationship of such expenditure to, or its identification with, gross income rather than solely looking to the purpose of the expenditure giving rise to the deduction. The deduction need not have been incurred for the purpose of, or been necessary for, the production of certain gross income to be definitely related to that gross income. The definite relationship sought is a factual connection or identity with gross income. Deductions which are not definitely related to some gross income are, with limited exceptions, considered as definitely related to all gross income.

After a deduction is found to be definitely related to some or all gross income, such deduction may then have to be apportioned to specific categories of gross income, depending on the operative section of the code under which taxable income is being determined. Deductions must be apportioned in a manner which reflects, to a reasonably close extent, the factual relationship of the deduction to gross income. Some of the relevant bases and factors which may be appropriate for apportionment are:

1. Comparison of units sold,

2. Comparison of amounts of gross sales or receipts,

3. Comparison of costs of goods sold,

4. Comparison of profit contribution or component contribution.

5. Comparison of expenses incurred, assets used, salaries paid, space utilized, and time spent which are attributable to the activities or properties giving rise or reasonably expected to give rise to the gross income, and

6. Comparison of amounts of gross income.

Deductions which are not allocated to specific gross income or all gross income as a class are ratably apportioned to all gross income on a gross income basis.

It is important that taxpayers properly allocate and apportion deductions to gross income under the various operative sections of the code. If a proper allocation and apportionment of deductions on the basis of factual relationships is not accomplished, taxable income attributable to various sources will not be properly reflected under the applicable operative sections of the code.

If a taxpayer uses a method of allocation and apportionment on a consistent basis, which method is in accordance with the principles of the regulation and, therefore, does not distort income, such method may not be disturbed.

Withdrawal of prior notice; proposed amendments to the regulations.—On August 2, 1966, notice of proposed rulemaking was published in the FEDERAL REGISTER (31 FR 10394, 10405) regarding in part the amendment of the Income Tax Regulations (26 CFR pt. 1) under section 861 of the Internal Revenue Code of 1954, relating to allocation and apportionment of deductions for computation of taxable income from sources within the United States and from other sources and activities. The rules contained in paragraph 3 of such notice of proposed rulemaking are hereby withdrawn. The following rules are hereby prescribed in lieu of the rules which are so withdrawn.

PARAGRAPH 1. Section 1.861–8 is amended to read as follows:

§ 1.861–8 Computation of taxable income from sources within the United States and from other sources and activities.

(a) *In general*—(1) *Scope.*—Sections 861(b) and 863(a) state in general terms how to determine taxable income of a taxpayer from sources within the United States after gross income from sources within the United States has been determined. Sections 862(b) and 863(a) state in general terms how to determine taxable income of a taxpayer from sources without the United States after gross income from sources without the United States has been determined. This

section provides specific guidance for applying these sections by prescribing rules for the allocation and apportionment of expenses, losses, and other deductions (referred to collectively in this section as "deductions") of the taxpayer. The rules contained in this section apply in determining taxable income of the taxpayer from specific sources and activities under other sections of the Code, referred to in this section as operative sections. The operative sections include sections 871(b) and 882 (taxable income of a foreign corporation or nonresident alien individual which is effectively connected with the conduct of a trade or business in the United States), section 904(a)(1) (taxable income from sources within specific foreign countries), section 904(a)(2) (taxable income from sources without the United States), section 954 (foreign base company income), and section 994 (combined taxable income of a DISC and its related supplier). See paragraph (f)(1) of this section for a more complete list and description of operative sections.

(2) *Allocation and apportionment of deductions in general.*—A taxpayer to which this section applies is required to allocate deductions to gross income and, then, if necessary to make the determination required by the operative section of the Code, to apportion deductions. Except for deductions, if any, which are not definitely related to gross income (see paragraph (c)(2) and (e)(9) of this section) and which, therefore, are ratably apportioned, all deductions of the taxpayer must be so allocated and apportioned. As further detailed below, allocations and apportionments are made on the basis of the factual relationship of deductions to gross income.

(3) *Statutory grouping of gross income and residual gross income.*—For purposes of this section, the term "statutory grouping of gross income" or "statutory grouping" means the gross income from a specific source or activity which must first be determined in order to arrive at taxable income from such specific source or activity under an operative section. Gross income from other sources or activities is referred to as the "residual gross income". For example, for purposes of determining taxable income from sources within specific foreign countries and possessions of the United States, in order to apply the per country limitation to the foreign tax credit, the statutory groupings are the separate gross incomes from sources within each country and possession. However, if the taxpayer has income subject to section 904(f), such income constitutes one or more separate statutory groupings. In the case of the per-country limitation, the residual gross income is the aggregate of gross income from sources within the United States. See example (1) of paragraph (g) of this section. In some instances, where the operative section so requires, the statutory grouping or the residual gross income may include, or consist entirely of, excluded income. See paragraph (d)(2) of this section with respect to the allocation and apportionment of deductions to excluded income.

(b) *Allocation*—(1) *In general.*—For purposes of this section, the gross income to which a specific deduction is definitely related is referred to as a "class of gross income" and may consist of one or more items of gross income. See paragraph (d)(1) of this section which provides that in a taxable year there may be no item of gross income in a class or less gross income than deductions allocated to the class and paragraph (d)(2) of this section which provides that a class of gross income may include excluded income. Allocation is accomplished by determining, with respect to each deduction, the class of gross income to which the deduction is definitely related and allocating the deduction to such class of gross income (without regard to the taxable year in which such gross income is received or accrued or is expected to be received or accrued). The classes of gross income are not predetermined but must be determined on the basis of the deductions to be allocated. Although most deductions will be definitely related to part of a taxpayer's total gross income, some deductions are treated as definitely related to all gross income. In addition, some deductions are treated as not definitely related to any gross income. In allocating deductions it is not necessary to differentiate between deductions related to one type of gross income and deductions related to another type of gross income where both types of gross income are exclusively within the same statutory grouping or exclusively within residual gross income.

(2) *Relationship to activity or property.*—A deduction shall be considered definitely related to a class of gross income and therefore allocable to such class if it is incurred as a result of, or incident to, an activity or in connection with property from which such class of gross income is derived. Where a deduction is incurred as a result of, or incident to, an activity or in connection with property, which activity or property generates, has generated, or could reasonably have been expected to generate gross income, such deduction shall be considered definitely related to such gross income as a class whether or not there is any item of gross income in such class which is received or accrued during the taxable year and whether or not the amount of deductions exceeds the amount of the gross income in such class. See paragraph (d)(1) of this section and examples (4) through (6) of paragraph (g) of this section with respect to cases in which there is an excess of deductions. In some cases, it will be found that this subparagraph can most readily be applied by determining, with respect to a deduction, the categories of gross income to which it is not related and concluding that it is definitely related to all other gross income.

(3) *Supportive functions.*—Deductions which are supportive in nature (such as overhead and general and administrative expenses) may be determined to relate to other deductions which can more readily be allocated to gross income. In such instance, such supportive deductions may be allocated and apportioned along with the deductions to which they relate. On the other hand, it would be equally acceptable to attribute supportive deduction on some reasonable basis directly to activities or property which generate, have generated, or could reasonably have been expected to generate gross income. This would ordinarily be accomplished by allocating the supportive expenses to all gross income as a class or to another broad class of gross income and apportioning the expenses in accordance with paragraph (c)(1) of this section. For this purpose, reasonable departmental overhead rates may be utilized. See paragraph (f)(6) of this section with respect to consistent use of methods of allocation and apportionment. For examples of the application of the principles of this subparagraph, see examples (8) and (9) of paragraph (g) of this section.

(4) *Deductions definitely related to all gross income.*—If a deduction does not bear a definite relationship to a class of gross income constituting less than all of gross income, it shall ordinarily be treated as definitely related and allocable to all of the taxpayer's gross income as a class. However, see paragraph (e)(9) of this section which lists various deductions which generally are not definitely related to gross income.

(5) *Specific rules of allocation.*—See paragraph (e) of this section for rules relating to the allocation of certain specific deductions.

(c) *Apportionment of deductions*—(1) *Deductions definitely related to gross income.*—If only a part of the class of gross income to which a deduction has been allocated in accordance with paragraph (b) of this section is included in the statutory grouping of gross income, the deduction must be apportioned between the statutory grouping and the residual gross income. Certain operative sections result in more than one statutory grouping, such as may occur under section 904(a)(1) which provides for the per-country limitation to the foreign tax credit. Where a deduction has been allocated to a class of gross income which class is included in more than one statutory grouping, such deduction must be apportioned among the statutory groupings and, where necessary, the residual gross income. If the class of gross income to which a deduction has been allocated is included in its entirety or not included at all in a statutory grouping, there is no need to apportion that deduction. If a deduction is not definitely related to any gross income, it must be apportioned ratably as provided in paragraph (c)(2) of this section. A deduction is apportioned by attributing the deduction to gross income (within the class to which the deduction has been allocated) which is in the statutory grouping or in each of the statutory groupings and to gross income (within the class) which

is residual gross income. Such attribution must be accomplished in a manner which reflects to a reasonably close extent the factual relationship between the deduction and the gross income. In apportioning deductions, it may be that for the taxable year there is no gross income in the statutory grouping or that deductions will exceed the amount of gross income in the statutory grouping. See paragraph (d)(1) of this section with respect to cases in which there is an excess of deductions. In determining the method of apportionment for a specific deduction, examples of bases and factors which should be considered include, but are not limited to—

(i) Comparison of units sold attributable to the statutory grouping with the units sold attributable to the residual gross income,

(ii) Comparison of the amount of gross sales or receipts,

(iii) Comparison of costs of goods sold,

(iv) Comparison of profit contribution,

(v) Comparison of expenses incurred, assets used, salaries paid, space utilized, and time spent which are attributable to the activities or properties giving rise to the class of gross income, and

(vi) Comparison of the amount of gross income in the statutory grouping to the amount of residual gross income.

The effects on tax liability of the apportionment of deductions and the burden of maintaining records not otherwise maintained and making computations not otherwise made shall be taken into consideration in determining whether a method of apportionment and its application are sufficiently precise. A method of apportionment described in this subparagraph may not be used when it does not reflect, to a reasonably close extent, the factual relationship between the deduction and the income. It is generally improper to apportion deductions by comparing amounts of gross income when such amounts of gross income include gross income of disparate types. For example, research and development deductions should not be apportioned between gross income from the sale of goods and gross income from royalties (gross income of disparate types) on the basis of relative amounts of gross income since the research activity will normally be the principal factor in the generation of the royalty income but will normally only be one contributing factor in the generation of the sales income. The principles set forth above are equally applicable in apportioning deductions definitely related to a class which constitutes less than all of the taxpayer's gross income and to deductions definitely related to all of the taxpayer's gross income. If a deduction is not definitely related to any class of gross income, it must be apportioned ratably as provided in paragraph (c)(2) of this section. See also paragraph (e)(2) and (3) of this section which provides specific rules for allocation and apportionment of deductions for interest and research and development expenses, respectively.

(2) *Deductions not definitely related to gross income.*—If a deduction is not definitely related to any gross income (see paragraph (e)(9) of this section), the deduction must be apportioned ratably between the statutory grouping (or among the statutory groupings) of gross income and residual gross income. Thus, the amount apportioned to each statutory grouping shall be equal to the same proportion of the deduction which the amount of gross income in the statutory grouping bears to the total amount of gross income. The amount apportioned to residual gross income shall be equal to the same proportion of the deduction which the amount of residual gross income bears to the total amount of gross income.

(d) *Excess of deductions and excluded and eliminated income*—(1) *Excess of deductions.*—Each deduction which bears a definite relationship to a class of gross income shall be allocated to that class in accordance with paragraph (b)(1) of this section even though, for the taxable year, no gross income in such class is received or accrued or the amount of the deduction exceeds the amount of such class of gross income. In apportioning deductions, it may be that, for the taxable year, there is no gross income in the statutory grouping (or residual gross income), or deductions exceed the amount of gross income in the statutory grouping (or residual gross income). If there is no gross income in a statutory grouping or the amount of deductions allocated and apportioned to a statutory grouping exceeds the amount of gross income in the statutory grouping, the effects are determined under the operative section. If the taxpayer is a member of a group filing a consolidated return, such excess of deductions is taken into account in determining the consolidated taxable income from sources within the specific foreign country or possession of the United States. See § 1.1502–4(d)(1) and the last sentence of § 1.1502–12. For illustrations of the principles of this subparagraph, see examples (4) through (7) of paragraph (g) of this section.

(2) *Allocation and apportionment to excluded or eliminated income.*—In allocating or apportioning deductions to classes or statutory groupings of gross income, other than apportionment pursuant to paragraph (c)(2) of this section (deductions not definitely related to any class of gross income), gross income shall for this purpose include amounts which are otherwise excluded (such as the income of a nonresident alien individual or foreign corporation which is not effectively connected income) or which are otherwise eliminated in the computation of consolidated taxable income reported for the taxable year on a consolidated return. Hence, a deduction may be allocated and apportioned to the excluded income. See examples (3) and (7) of paragraph (g) of this section.

(e) *Allocation and apportionment of certain deductions*—(1) *In general.*—Subparagraphs (2) and (3) of this paragraph contain rules with respect to the allocation and apportionment of interest expense and research and development expenditures, respectively. Subparagraphs (4) through (8) of this paragraph contain rules with respect to the allocation of certain other deductions. Subparagraph (9) of this paragraph lists those deductions which are ordinarily considered as not being definitely related to any class of gross income.

(2) *Interest*—(i) *In general.*—The method of allocation and apportionment for interest set forth in this subparagraph is based on the approach that money is fungible and that interest expense is attributable to all activities and property regardless of any specific purposes for incurring an obligation on which interest is paid. This approach recognizes that all activities and property require funds and that management has a great deal of flexibility as to the source and use of funds. Generally, creditors of a business enterprise subject the money advanced to the enterprise to the risk of the entire enterprise. When money is borrowed for a specific purpose, such borrowing will generally free other funds for other purposes and it is reasonable to attribute part of the cost of borrowing to such other purposes. Accordingly, except as provided in subdivisions (ii) through (iv) of this subparagraph, the aggregate of deductions for interest shall be considered definitely related to all income producing activities and properties of the taxpayer (and thus, allocable to all the gross income, as a class, which the income producing activities and properties of the taxpayer generate, have generated, or could reasonably have been excepted to generate).

(ii) *Section 163 interest.*—Interest expense which is not allowable as a deduction under section 162 or 212 (and, therefore, is allowable solely by reason of section 163) shall be considered a deduction which is not definitely related to any class of gross income. For example, interest paid or incurred by an individual on a mortgage which constitutes part or all of the purchase price of his personal residence shall normally be considered a deduction which is not definitely related to any class of gross income.

(iii) *Allocation of interest to specific property.*—(*A*) If the existence of all of the facts and circumstances described below is established, the deduction for interest shall be considered definitely related solely to the gross income which the specific property generates, has generated, or could reasonably have been expected to generate. Such facts and circumstances are as follows.

(*1*) The indebtedness on which the interest was paid was specifically incurred for the purpose of purchasing, maintaining, or improving the specific property;

(*2*) The proceeds of the borrowing were actually applied to the specified purpose;

(*3*) The creditor can look only to the specific property (or any lease or other interest therein) as security for the loan;

(*4*) It may be reasonably assumed that the return on or from the property will be sufficient to fulfill the terms and conditions of the loan agreement with respect

to the amount and timing of payment of principal and interest; and

(5) There are restrictions in the loan agreement on the disposal or use of the property consistent with the assumptions described in (3) and (4) above.

A deduction for interest may not be considered definitely related solely to specific property, even though the above facts and circumstances are present in form, if any of such facts and circumstances are not present in substance. Even though the above facts and circumstances are present in substance, a deduction for interest will not be considered definitely related to specific property where the motive for structuring the transaction in the manner described above was without any economic significance and was solely to obtain the benefits of this subdivision.

(B) Where an interest deduction is definitely related solely to specific property under (A) of this subdivision, such interest deduction and such property, or the portion thereof, to which such interest deduction relates shall not be included in the allocation described in subdivision (i) of this subparagraph. Thus, if an apportionment under subdivision (i) of this subparagraph is made in part on the basis of the book value of the properties of the taxpayer and it is determined that the deduction for certain interest is definitely related to $800,000 of book value of certain property which has a total book value of $1 million, only the $200,000 balance will be included for purposes of allocating and apportioning the remaining portion of the interest deduction which is definitely related to all other activities and properties.

(iv) *Rules for financial institutions.*—[Reserved.]

(v) *Apportionment of interest.*—Generally, the deduction for interest expense relates more closely to the amount of capital utilized or invested in an activity or property than to the gross income or gross receipts generated therefrom. Thus, apportionment of an interest deduction on such basis as gross income or gross receipts may not be reasonable. For example, if a corporation derives gross income from the sale of goods purchased by it and, also, from the sale of goods manufactured by it, and if the former activity requires significantly less capital than the latter activity, then significantly less of the deduction for interest expense would be apportionable to gross income from the purchase and resale activity than to gross income from the manufacture and sale activity. If, however, the differences in the ratio of capital utilized or invested in various income-producing activities to the gross income from such activities are not significant, the interest deduction may be apportioned ratably between the statutory grouping (or among the statutory groupings) of gross income and residual gross income in the same proportions that the amount of gross income in the statutory grouping (or statutory groupings) and the amount of residual gross income bear, respectively, to the total amount of gross income. If a taxpayer consistently apportions the deduction for interest on the basis of the book value of its assets, that method will ordinarily be accepted. Alternatively, if a taxpayer can apportion the deduction on the basis of the fair market values of his assets and he can establish the fair market values to the satisfaction of the district director, that method will also be acceptable. However, once the taxpayer uses fair market value, the taxpayer must continue to use such method unless expressly authorized by the district director to change his method.

(vi) *Example*—(A) *Facts.*—X, a domestic corporation, conducts a trade or business in the United States and owns all the stock of Y, a foreign corporation. X takes a deduction for interest expense of $150,000 allowable under section 162. X computes its foreign tax credit limitation under the overall method and for that purpose must determine the portion of the interest deduction attributable to gross income from sources without the United States.

(B) *Allocation.*—No portion of such deduction is definitely related solely to specific property within the meaning of subdivision (iii) of this subparagraph. Thus, X's deduction for interest is considered definitely related to all of its income-producing activities and properties.

(C) *Apportionment.*—(1) In accordance with subdivision (v) of this subparagraph, X determines the amount of capital utilized or invested in its income producing activities and properties in order to apportion the interest deduction by computing an average book value for the year for all of its assets on the basis of book values of assets as at the beginning and end of its year. However, such a method of computation may require some modification where, due to transactions occurring during the taxable year, use of beginning and ending balances with respect to specific assets would result in a significant distortion of the average book value of assets held during the course of the year. (2) Alternatively, X may determine the amount of capital utilized or invested in its income-producing activities and properties by computing an average book value for the year for all of its assets on the basis of book value of assets as at the end of each month of the year, as follows:

Assets	*Monthly Average*
Assets (net of depreciation) which relate to activities and properties that generate U.S.-source income (including inventory, working capital for U.S. business, trade accounts receivable, factory equipment)	$3,200,000
Assets (net of depreciation) which relate to activities and properties that generate foreign-source income, i.e., dividend income from Y (including X's investment in Y and loan to Y, portion of X's home office based on space and equipment utilized for subsidiary supervision and working capital required for such supervision)	800,000
Total	$4,000,000

As a result of the above computations, X would apportion its interest deduction as follows:

To gross income from source within the United States: $150,000×$3,200,000/$4,000,000	$120,000
To gross income from sources without the United States: $150,000×$800,000/$4,000,000	30,000
Total	$150,000

(vii) *Effective date of this subparagraph.*—The rules in this subparagraph shall apply only for interest paid with respect to a taxable year beginning after [the date of publication of these proposed regulations with the FEDERAL REGISTER] on such obligations as are incurred on or after January 1, 1973. Nothwithstanding paragraph (f)(6) of this section relating to methods of allocation and apportionment previously used, a taxpayer using a method of allocation and apportionment of interest other than as prescribed by this subparagraph must change to the method prescribed by this subparagraph for interest to which this subparagraph applies. For interest to which this subparagraph does not apply, if a taxpayer has consistently used a method of allocation and apportionment of interest other than as prescribed by this subparagraph, such method will be accepted by the Internal Revenue Service if consistent with § 1.861-8(a) as in effect on June 15, 1973. For purposes of this subdivision, effective June 19, 1974, obligations payable on demand incurred prior to January 1, 1973, shall be deemed to have been incurred on or after January 1, 1973.

(3) *Research and experimental expenditures*—(i) *Allocation.*—Expenditures for research and development which a taxpayer deducts under section 174 shall be considered deductions which are definitely related to the class of gross income to which such research and development activity gives rise or is reasonably expected to give rise and shall be allocated to such class. Where research and development is intended to create, or is reasonably expected to result in the creation of, specific intangible properties or processes, or is intended or is reasonably expected to result in the improvement of specific properties or processes, deductions in connection with such research and development shall be considered definitely related and therefore allocable to the class of gross income to which the properties or processes give rise or are reasonably expected to give rise. Experience in the past with research and development shall be considered in determining reasonable expectations. In other cases, as in the case of most basic research, research and development shall generally be considered definitely related and therefore allocable to all gross income of the current taxable year which is likely to benefit from the research and development. The gross income of the current taxable year which can be reasonably assumed to have benefited from similar research and development in the past is ordinarily acceptable as an indication of likely benefits from current research and development. The types of gross income to which deductions for research and development expenses are generally allocable include, but are not limited to, gross income from:

(A) The sale or rental of tangible property or the performance of services with respect to which intangible property is used,

(B) The lump-sum sale of intangible property,

(C) The licensing or other use of intangible property, and

(D) The receipt of dividends from a corporation the stock of which was acquired for intangible property in a tax-free exchange or from a corporation to which intangible property was transferred as a contribution to capital.

(ii) *Apportionment.*—If the gross income resulting from research and development activity is or is reasonably expected to be of disparate types, such as sales income and royalty income, apportionment of the deductions for research and development expenses allocated thereto on such basis as gross income or gross receipts will not generally be reasonable.

(iii) *Examples.*—Reasonable methods of allocation and apportionment are illustrated by examples (1) and (10) through (13) of paragraph (g) of this section. It should be noted that the methods of allocation and apportionment illustrated by these examples may not be appropriate in any case where important distinguishing factors are present. For instance, some of the examples use units as a basis for apportionment of research and development expenses. Nonetheless, if a research activity benefits two or more products with dissimilar characteristics (such as jet airplane tires and bicycle tires), apportionment on the basis of units may create distortions and, therefore, would be inappropriate.

(4) *Allocation of expenses attributable to dividends received.*—If a corporation renders services for the benefit of a related corporation and the corporation charges the related corporation for such services (see section 482 and the regulations thereunder which provide for an allocation where the charge is not on an arm's length basis as determined therein), the deductions for expenses of the corporation attributable to the rendering of such services are considered definitely related to the amounts so charged and are to be allocated to such amounts. However, the regulations under section 482 (§ 1.482–2(b)(2)(ii)) recognize a type of activity which is not considered to be for the benefit of a related corporation but is considered to constitute "stewardship" or "overseeing" functions undertaken for the corporation's own benefit as an investor in the related corporation and, therefore, a charge to the related corporation for such stewardship or overseeing functions is not provided for. The deductions resulting from such functions are incurred as a result of, or incident to, the ownership of the related corporation and, thus, shall be considered definitely related and allocable to dividends received or to be received from the related corporation. If a corporation has a foreign or international department which exercises stewardship or overseeing functions with respect to related foreign corporations and, in addition, the department has other functions which are attributable to other foreign-source income (such as fees for services rendered outside of the United States for the benefit of foreign related corporations, foreign royalties, and gross income of foreign branches) to which its deductions are also to be allocated, some part of the deductions with respect to that department are considered definitely related to other foreign-source income. In some instances, the operations of a foreign or international department will also be attributable to U.S.-source income (such as fees for services performed in the United States) to which its deductions are to be allocated. In addition to the deductions attributed to a foreign or international department, other deductions will ordinarily be definitely related to foreign source dividends. See paragraph (f)(5) of this section for the type of verification that may be required in this respect. See examples (7) and (8) of paragraph (g) of this section.

(5) *Allocation of legal and accounting fees and expenses.*—Legal and accounting fees and other legal accounting expenses of a corporation in connection with the issuance of its stock, the preparation of its annual report, or the annual meeting of its shareholders, or otherwise related to its relationship with its shareholders are not normally definitely related to any gross income. Except as stated in the preceding sentence and in subparagraph (9) of this paragraph, fees and other expenses for legal and accounting services are ordinarily definitely related and allocable to specific classes of gross income or to all the taxpayer's gross income as a class, depending on the nature of the services rendered. For example, accounting fees for the preparation of a study of the costs involved in manufacturing a specific product will ordinarily be definitely related to the class of gross income derived from (or which could reasonably have been expected to be derived from) that specific product. The taxpayer is not relieved from his responsibility to make a proper allocation of fees on the ground that the statement of services rendered does not identify the services performed beyond a generalized designation such as "professional," or provide any type of allocation.

(6) *Allocation of income taxes.*—The deduction for State, local, and foreign income, war profits, and excess profits taxes allowed by section 164 shall be considered definitely related and allocable to the gross income on which such taxes are imposed. For example, if a domestic corporation is subject to State income tax imposed by the State in which its principal office is located and the amount of such State income tax is based in part on the amount of foreign source income, that part of such State income tax attributable to foreign source income is definitely related and allocable to foreign source gross income.

(7) *Allocation of losses on the sale, exchange, or other disposition of property.*—The deduction allowed for loss recognized on the sale, exchange, or other disposition of a capital asset or property described in section 1231(b) shall be considered a deduction which is definitely related and allocable to the classes of gross income to which such asset or property ordinarily gives rise in the hands of the taxpayer.

(8) *Allocation of net operating loss deduction.*—A net operating loss deduction allowed under section 172 shall be treated as a deduction definitely related and allocable to the classes of gross income to which the activity or property which generated the net operating loss gave rise or could reasonably have been expected to give rise.

(9) *Deductions which are not definitely related.*—Deductions which shall generally be considered as not definitely related to any gross income, and therefore are ratably apportioned as provided in paragraph (c)(2) of this section, are—

(i) The deduction for interest allowed only by section 163;

(ii) The deduction allowed by section 164 for real estate taxes on a personal residence or for sales tax on the purchase of items for personal use;

(iii) The deduction for medical expenses allowed by section 213;

(iv) The deduction for charitable contributions allowed by section 170 (but see paragraph (i) of this section in the case of a nonresident alien or foreign corporation engaged in a trade or business in the United States);

(v) The deduction for alimony payments allowed by section 215; and

(vi) The deductions of a corporation for expenses in connection with the issuance of its stock, the preparation of its annual report, or the annual meeting of its shareholders, or otherwise related to its relationship with its shareholders. (See subparagraph (5) of this paragraph with respect to legal and accounting expenses.)

(f) *Miscellaneous matters*—(1) *Operative sections.*—The operative sections of the Code which require the determination of taxable income of the taxpayer from specific sources or activities and to which this section is applicable include the sections described below.

(i) *Overall limitation to the foreign tax credit.*—Under the overall limitation to the foreign tax credit, as provided in section 904(a)(2), the amount of the foreign tax credit may not exceed the tentative U.S. tax (i.e., the U.S. tax before application of the foreign tax credit) multiplied by a fraction, the numerator of which is the taxable income from sources without the United States and the denominator of which is the entire taxable income. Sections 862(a) and 863(a) provide rules for determining gross income from sources without the United States. Pursuant to sections 862(b) and 863(a) and §§ 1.862–1 and 1.863–1, this section provides rules for identifying the deductions to be taken into account in determining taxable income from sources without the United States. See section 904(f) and the regulations thereunder which require separate treatment of certain types of income. See example (1) of paragraph (g) of this section for one example of the application of this section to the overall limitation.

(ii) *Per-country limitation to the foreign tax credit.*—Under the per-country

limitation to the foreign tax credit, as provided in section 904(a)(1), the amount of the foreign tax credit for income taxes paid to a specific foreign country (or possession of the United States) may not exceed the tentative U.S. tax (i.e., the U.S. tax before application of the foreign tax credit) multiplied by a fraction, the numerator of which is the taxable income from sources within the foreign country and the denominator of which is the entire taxable income. Pursuant to § 1.863–6, the gross income and the taxable income from sources within a specific foreign country are determined under the same principles as are applied in determining gross income from sources within the United States (generally §§ 1.861–1 to 1.861–7) and taxable income from sources within the United States (generally this section). See section 904(f) and the regulations thereunder which require separate treatment of certain types of income. See example (1) of paragraph (g) of this section for one example of the application of this section to the per-country limitation.

(iii) *DISC taxable income.*—Section 994 provides rules for determining the taxable income of a DISC with respect to qualified sales and leases of export property and qualified services. The "50–50" combined taxable income method available for making such determination provides, without consideration of export promotion expenses, that the taxable income of the DISC shall be 50 percent of the combined taxable income of the DISC and the related supplier derived from such sales and leases of export property and such services. Pursuant to regulations under section 994 (until final regulations are promulgated, see the proposed regulations § 1.994–1(c)(6)(ii) set forth in the FEDERAL REGISTER for Thursday, September 21, 1972 (37 FR 19625)), this section provides rules for determining the deductions to be taken into account in determining such combined taxable income, except to the extent modified by the marginal costing rules set forth in the regulations under section 994(b)(2) (until final regulations are promulgated, see the proposed regulations § 1.994–2 set forth in the FEDERAL REGISTER for Wednesday, December 20, 1972 (37 FR 28065)) if used by the taxpayer as provided therein. See example (2) of paragraph (g) of this section. In addition, the computation of combined taxable income is necessary to determine the applicability of both the general and special "no loss" rules of the regulations under section 994 (until final regulations are promulgated, see the proposed regulations § 1.994–1(e)(1) set forth in the FEDERAL REGISTER for Thursday, September 21, 1972 (37 FR 19625)).

(iv) *Effectively connected taxable income.*—Nonresident alien individuals and foreign corporations engaged in trade or business within the United States, under sections 871(b) and 882, are taxable at ordinary rates, as provided in section 1 or 1201(b), and section 11 or 1201(a), on taxable income which is effectively connected with the conduct of a trade or business within the United States. Such taxable income is determined in most instances by initially determining, under section 864(c), the amount of gross income which is effectively connected with the conduct of a trade or business within the United States. Pursuant to sections 873 and 882(c), this section is applicable for purposes of identifying the deductions from such gross income to be taken into account in determining such taxable income. See example (3) of paragraph (g) of this section.

(v) *Foreign base company income.*—Section 954 defines the term "foreign base company income" with respect to controlled foreign corporations. Section 954(b)(5) provides that in determining foreign base company income the gross income shall be reduced by the deductions of the controlled foreign corporation "properly allocable to such income". This section provides rules for identifying which deductions are properly allocable to foreign base company income.

(vi) *Other operative sections.*—The rules provided in this section also apply in determining—

(A) The amount of foreign source items of tax preference under section 58(g) determined for purposes of the minimum tax;

(B) The amount of foreign mineral income under section 901(e);

(C) The amount of interest income and the income from certain distributions from a DISC or former DISC to which the foreign tax credit limitation is applied separately under section 904(f);

(D) The tax base for citizens and domestic corporations entitled to the benefits of section 931;

(E) The exclusion for income from Puerto Rico for residents of Puerto Rico under section 933;

(F) The limitation under section 934 on the maximum reduction in income tax liability incurred to the Virgin Islands;

(G) The income derived from Guam by an individual who is subject to section 935;

(H) The special deduction granted to China Trade Act corporations under section 941;

(I) The amount of certain U.S. source income excluded from the subpart F income of a controlled foreign corporation under section 952(b);

(J) The amount of income from the insurance of U.S. risks under section 953(b)(5); and

(K) The taxable income attributable to the operation of an agreement vessel under section 607 of the Merchant Marine Act of 1936, as amended, and the Capital Construction Fund Regulations thereunder (26 CFR, pt. 3), see 26 CFR 3.2(b)(3) (until final regulations are promulgated, see the proposed regulations set forth in the FEDERAL REGISTER for Thursday, June 15, 1972 (37 FR 11877)).

(2) *Application to more than one operative section.*—Where more than one operative section applies, it may be necessary for the taxpayer to apply this section separately for each applicable operative section. In such a case, the taxpayer is required to use the same method of allocation and the same principles of apportionment for all operative sections.

(3) *Special rules of section 863(b).*—(i) *In general.*—Special rules under section 863(b) provide for the computation of worldwide taxable income for each activity specified in such section and for the application of "processes or formulas of general apportionment," provided in §§ 1.863–3 to 1.863–5, to such worldwide taxable income in order to attribute part of such worldwide taxable income to U.S. sources and the remainder of such worldwide taxable income to foreign sources. The activities specified in section 863(b) are—

(1) Transportation or other services rendered partly within and partly without the United States,

(2) Sales of personal property produced by the taxpayer within and sold without the United States, or produced by the taxpayer without and sold within the United States, and

(3) Sales within the United States of personal property purchased within a possession of the United States.

In the instances provided in § 1.863–3 with respect to the activities descried in (B) and (C) of this subdivision, this section is applicable in determining worldwide taxable income.

(ii) *Relationship of sections 861, 862, 863(a), and 863(b).*—Sections 861, 862, 863(a), and 863(b) are the four provisions applicable in determining taxable income from specific sources. Each of these four provisions applies independently. Where a deduction has been allocated and apportioned to income under one of these four provisions, the deduction shall not again be allocated and apportioned to gross income under any of the other three provisions. However, two or more of these provisions may have to be applied at the same time to determine the proper allocation and apportionment of a deduction. For example, where a deduction is allocable in whole or in part to gross income to which section 863(b) applies, such deduction or part thereof shall not otherwise be allocated under section 861, 862, or 863(a). However, where the gross income to which the deduction is allocable includes both gross income to which section 863(b) applies and gross income to which section 861, 862, or 863(a) applies, more than one section must be applied at the same time in order to determine the proper allocation and apportionment of the deduction.

(4) *Adjustments made under other provisions of the code.*—(i) *In general.*—If an adjustment which affects the taxpayer is made under section 482 or any other provision of the code, it may be necessary to recompute the allocations

and apportionments required by this section in order to reflect the changes resulting from the adjustment. The recomputation made by the district director shall be made using the same method of allocation and apportionment as was originally used by the taxpayer, provided such method as originally used conformed with the standards set forth in subparagraph (6) of this paragraph and, in light of the adjustment, such method does not result in a material distortion. In addition to adjustments which would be made aside from this section, adjustments to the taxpayer's income and deductions which would not otherwise be made may be required before applying this section in order to prevent a distortion in determining taxable income from a particular source or activity. For example, if an item included as a part of the cost of goods sold has been improperly attributed to specific sales, and, as a result, gross income under one of the operative sections referred to in subparagraph (1) of this paragraph is improperly determined, it may be necessary for the district director to make an adjustment to the cost of goods sold, consistent with the principles of this section, before applying this section. Similarly, if a domestic corporation transfers the stock in its foreign subsidiaries to a domestic subsidiary and the parent continues to incur expenses in connection with the supervision of the foreign subsidiaries (see paragraph (e)(4) of this section), it may be necessary for the district director to make an allocation under section 482 with respect to such expenses before making allocations and apportionments required by this section, even though the section 482 allocation might not otherwise be made.

(ii) *Example.*—X, a domestic corporation, purchases and sells consumer items in the United States and foreign markets. Its sales in foreign markets are to related foreign subsidiaries. X reported $1,500,000 as gross income from sales during the taxable year of which $1 million was from domestic sales and $500,000 was from foreign sales. X took a deduction for expenses incurred by its market research department during the taxable year in the amount of $150,000. These expenses were determined to be allocable to both domestic and foreign sales and ratably apportionable between such sales on a gross income basis. Thus, X allocated and apportioned the market research deduction as follows:

To gross income from domestic sales $150,000 × $1,000,000 / 1,500,000	$100,000
To gross income from foreign sales $150,000 × $500,000 / 1,500,000	50,000
Total	150,000

On audit of X's return for the taxable year, the district director adjusted, under section 482, X's sales to related foreign subsidiaries by increasing the sales price by a total of $100,000, thereby increasing X's gross income from foreign sales and total gross income by the same amount. As a result of the section 482 adjustment, the apportionment of the deduction for marketing research expenses is redetermined as follows:

To gross income from domestic sales $150,000 × $1,000,000 / 1,600,000	$93,750
To gross income from foreign sales $150,000 × $600,000 / 1,600,000	56,250
Total	150,000

(5) *Verification of allocations and apportionments.*—Since, under this section, allocations and apportionments are made on the basis of the factual relationship between deductions and gross income, the taxpayer is required to furnish, at the request of the district director, information from which such factual relationships can be determined. In reviewing the overall limitation to the foreign tax credit of a domestic corporation, for example, the district director should consider information which would enable him to determine the extent to which deductions attributable to functions performed in the United States are related to earning foreign source income, U.S. source income, or income from both sources. In addition to functions with a specific international purpose, consideration should be given to the functions of management, the direction and results of an acquisition program, the functions of operating units and personnel located at the head office, the functions of support units (including but not limited to engineering, legal, budget, accounting, and industrial relations), the functions of selling and advertising units and personnel, the direction and uses of research and development, and the direction and uses of services furnished by independent contractors. Thus, for example when requested by the district director, the taxpayer shall make available any of its organization charts, manuals, and other writings which relate to the manner in which its gross income arises and to the functions of organizational units, employees, and assets of the taxpayer and arrange for the interview of such of its employees as the district director deems desirable in order to determine the gross income to which deductions relate. See section 7602 and the regulations thereunder which generally provide for the examination of books and witnesses. See also section 905(b) and the regulations thereunder which require proof of foreign tax credits to the satisfaction of the Secretary or his delegate.

(6) *Method previously used.*—If, for purposes of determining its income tax liability, a taxpayer has consistently used a method of allocation and apportionment and if such method is in accordance with the principles of this section, including the specific rules of paragraph (e) of this section, and therefore does not result in material distortion of taxable income within a statutory grouping, the taxpayer's use of such method will not be disturbed. For example, where deductions, such as general and administrative expenses, relate to all gross income generally in proportion to the amount of sales generating the gross income, consistent apportionment by the taxpayer of such deductions on a sales basis will be accepted. However, if the taxpayer had preferred, it could have kept time sheets for the personnel whose compensation was treated as general and administrative expenses and used such time sheets as the basis for a more precise allocation and apportionment of the deductions for general and administrative expenses, and if consistently used by the taxpayer, such method would also be accepted.

(g) *General examples.*—The following examples illustrate the principles of this section. In each example, unless otherwise specified, the operative section which is applied is the overall limitation to the foreign tax credit under section 904(a)(2). In addition, in each example, where a method of allocation or apportionment is illustrated as an acceptable method, it is assumed that such method is used by the taxpayer on a consistent basis from year to year.

Example (1)—(i) *Facts.*—X, a domestic corporation, is a manufacturer of gasoline fueled engines. X manufactures and sells 4 cylinder and 6 cylinder engines in foreign countries A and B with a separate manufacturing facility in each country, manufactures and sells 6 and 8 cylinder engines in the United States and has no other source of income. There is no reasonable basis for concluding that X's current unit sales within countries A and B and the United States are likely to change substantially in the future. X incurs deductible research and development expenses for the taxable year in the operation of a centralized research facility as follows:

In connection with:	
General research for all engines	$60,000
4 cylinder engine	50,000
6 cylinder engine	100,000
8 cylinder engine	150,000

During the taxable year, X has sales of 100,000 engines, as follows:

	Units
4-cylinder engine: Foreign sales:	
Country A	8,000
Country B	2,000
6-cylinder engine: Foreign sales:	
Country A	16,000
Country B	4,000
Domestic sales	30,000
8-cylinder engine	40,000
Total	100,000

(ii) *Allocation.*—X's deductions for its research and development expenses in connection with general research are definitely related to the gross income to which all engines give rise, i.e., gross income from the sales of engines both in the United States and in countries A and B. X's deductions for its research and development expenses in connection with the 4 cylinder engine are definitely related to the gross income to which the 4 cylinder engine gives rise, i.e., gross income from the sales of 4 cylinder engines in countries A and B. X's deductions for its research and development expenses in connection with the 6 cylinder engine are definitely related to the gross income to which the 6 cylinder engine gives rise, i.e., gross income from the sale of 6 cylinder engines both in the United States and in countries A and B. X's deductions for its research and development expenses in connection with the 8 cylinder engine are definitely related to the gross income to which the 8 cylinder engine gives rise, i.e., gross income from the sale of 8 cylinder engines in the United States.

(iii) *Apportionment.*—(A) *Overall limitation.*—For purposes of applying the overall limitation, the statutory grouping of gross income is gross income from sources without the United States and the residual gross income is gross income from sources within the United States. Since the gross income derived from the sale of engines consists of both gross income from sources without the United States (the statutory grouping) and gross income from sources within the United States (the statutory grouping) and gross income from sources within the United States (the residual gross income), X's deductions for its general research relating to all engines must be apportioned between the statutory grouping and the residual gross income before the overall limitation may be applied. Assuming that there is no indication that the general research activity relating to the engines does not contribute on a generally uniform basis to each unit, apportionment of the deductions for expenses for general research on the basis of units sold would be a proper method of apportionment under the facts of this example. Thus, allocations having been made, $18,000 of deductions for general research expenses allocated to all engines are apportioned to gross income from sources without the United States and $42,000 of such deductions are apportioned to residual gross income. The result of the allocation and apportionment would be as set forth below. Since the gross income derived from the manufacture and sale of four-cylinder engines is all within the statutory grouping of gross income from sources without the United States, no apportionment of the research and development deductions relating to the four-cylinder engine is necessary. Similarly, since the gross income derived from the sale of eight-cylinder engines is all within the residual gross income (gross income from sources within the United States), no apportionment of the research and development deductions relating to the eight-cylinder engine is necessary. Since the gross income derived from the sale of six-cylinder engines consists of both gross income from sources without the United States (the statutory grouping) and gross income from sources within the United States (the residual gross income), X's deductions for its research and development relating to the six-cylinder engine must be apportioned between the statutory grouping and the residual gross income before the overall limitation may be applied. Assuming that there is no indication that the research activity relating to the six-cylinder engine does not contribute on a generally uniform basis to each six-cylinder unit, apportionment on the basis of units sold would be a proper method of apportionment under the facts of this example. Thus, allocations having been made, $40,000 of deductions allocated to six-cylinder engines are apportioned to gross income from sources without the United States and $60,000 of such deductions are apportioned to residual gross income. The result of the above allocations and apportionments would be as follows:

	Foreign	Domestic
General research—all engines:		
Foreign: $60,000 × 30,000 (units) / 100,000 (units)	$18,000	
Domestic: $60,000 × 70,000 (units) / 100,000 (units)		$42,000
Research and development expenses:		
4-cylinder engine (full allocation to foreign)	50,000	
6-cylinder engine:		
Foreign: $100,000 × 20,000 (units) / 50,000 (units)	40,000	
Domestic: $100,000 × 30,000 (units) / 50,000 (units)		60,000
8-cylinder engine (full allocation to United States)		150,000
Total	108,000	252,000

(B) *Per-Country Limitation.*—If X were to utilize the per-country limitation in computing its foreign tax credit, there would be two statutory groupings: gross income from sources within country A and gross income from sources within country B. The residual gross income would remain the gross income from sources within the United States. In the case of the four- and six-cylinder engines, X's deductions for its research and development expenses (including expenses for general research) must be apportioned among the statutory groupings of its gross income from sources within country A, its gross income from sources within country B, and its residual gross income before the per-country limitation may be applied. Again, using an apportionment on the basis of units sold, allocations having been made, $86,400 of the deductions allocated to four- and six-cylinder engines would be apportioned to gross income from sources within country A, $21,600 of such deductions would be apportioned to gross income from sources within country B, and $102,000 of such deductions would be apportioned to residual gross income. The result of the allocation and apportionment would be as follows:

Research and development expenses	Country A	Country B	United States
General research—all engines:			
$60,000 × 24,000 (units) / 100,000 (units)	$14,400		
$60,000 × 6,000 (units) / 100,000 (units)		$3,600	
$60,000 × 70,000 (units) / 100,000 (units)			$42,000
4-cylinder engine:			
$50,000 × 8,000 (units) / 10,000 (units)	40,000		
$50,000 × 2,000 (units) / 10,000 (units)		10,000	
6-cylinder engine:			
$100,000 × 16,000 (units) / 50,000 (units)	32,000		
$100,000 × 4,000 (units) / 50,000 (units)		8,000	
$100,000 × 30,000 (units) / 50,000 (units)			60,000
8-cylinder engine (full allocation to United States)			150,000
Total	86,400	21,600	252,000

Example (2).—(i) *Facts.*—Assume the same facts as in example (1) except that instead of manufacturing and selling four- and six-cylinder engines in foreign countries, X manufactures and sells such engines in the United States to Y, a DISC which is wholly owned by X and has the same taxable year as X. Thus, during the taxable year, Y has foreign sales of 10,000 four-cylinder engines and foreign sales of 20,000 six-cylinder engines X and Y group transactions on the basis of each of the two products sold (four- and six-cylinder engines) pursuant to regulations under section 994. (Until final regulations under section 994 are promulgated, see the proposed regulations § 1.994–1(c)(7) set forth in the FEDERAL REGISTER for Thursday, Sept. 21, 1972 (37 FR 19625).) X and Y determine transfer prices charged on the basis of the "50–50" combined taxable income method. X and Y do not use the marginal costing rules of the regulations under section 994(b)(2). (Until final regulations are promulgated, see the proposed regulations § 1.994–2 set forth in the FEDERAL REGISTER for Wednesday, Dec. 20, 1972 (37 FR 28065).) In addition, X maintains a domestic sales department which is not concerned with promoting sales to or by the DISC and only promotes sales of six- and eight-cylinder engines in the United States.

(ii) *Allocation.*—As the initial step in computing the deductions which must be taken into account for purposes of determining combined taxable income of X and Y from DISC sales, X's deductions for its research and development expenses (including expenses for general research) are allocated in the same manner as in example (1) except that deductions allocated to gross income from sources within countries A and B in example (1) are allocated to combined gross income from DISC sales in this example. X's expenses with respect to the domestic sales department are allocated exclusively to gross income from domestic sales (the residual gross income) and are therefore not apportioned.

(iii) *Apportionment.*—The gross income derived from sales of all engines is partially within a statutory grouping (DISC sales of engines) and partially within the residual

gross income and, therefore, the deductions for general research must be apportioned between such statutory grouping and the residual gross income before transfer prices charged Y may be determined. Under the same circumstances as in example (1), apportionment of deductions for general research on the basis of units sold is a proper method of apportionment under the facts of this example. Thus, allocations having been made, $18,000 of deductions for general research expenses allocated to all engines are apportioned to combined gross income of X and Y from DISC sales of engines and $42,000 of such deductions are apportioned to X's residual gross income. The gross income derived from sales of eight-cylinder engines is entirely within the residual gross income (non-DISC sales income). The gross income derived from sales of four-cylinder engines is entirely within a statutory grouping of gross income (DISC sales of four-cylinder engines). The gross income derived from sales of six-cylinder engines is partially within a statutory grouping (DISC sales of six-cylinder engines) and partially within the residual gross income and, therefore, must be apportioned between such statutory grouping and the residual gross income before transfer prices charged Y may be determined. Under the same circumstances as in example (1), apportionment on the basis of units sold is a proper method of apportionment under the facts of this example. Thus, allocations having been made, $40,000 of deductions allocated to six-cylinder engines are apportioned to combined gross income of X and Y from DISC sales of six-cylinder engines and $60,000 of such deductions are apportioned to X's residual gross income. The result of the above allocations and apportionments would be as follows:

Research and development expenses	Combined gross income (4-cylinder engine)	Combined gross income (6-cylinder engine)	Residual gross income
General research—all engines:			
$60,000 × 10,000 (units) / 100,000 (units)	$6,000		
$60,000 × 20,000 (units) / 100,000 (units)		$12,000	
$60,000 × 70,000 (units) / 100,000 (units)			$42,000
4-cylinder engine (full allocation to combined gross income)	50,000		
6-cylinder engine:			
$100,000 × 20,000 (units) / 50,000 (units)		40,000	
$100,000 × 30,000 (units) / 50,000 (units)			60,000
8-cylinder engine (full allocation to residual gross income)			150,000
Total	56,000	52,000	252,000

Example (3).—(i) *Facts.*—Assume the same facts as in example (1) except that X is a foreign corporation and that the income from the manufacture and sale of the engines abroad is not effectively connected with X's U.S. business.

(ii) *Allocation.*—The allocation of X's deductions for its research and development expenses (including expenses for general research) is identical to its allocation in example (1).

(iii) *Apportionment.*—X's deductions for its research and development expenses (including expenses for general research) must be apportioned between the statutory grouping of gross income (income effectively connected with its trade or business in the United States) and residual gross income (gross income not effectively connected with a U.S. trade or business) in order to determine X's effectively connected taxable income. X's gross income from the manufacture and sale of eight-cylinder engines is entirely within the statutory grouping and, therefore, no apportionment is necessary. X's gross income from the manufacture and sale of four-cylinder engines is entirely within the residual gross income and, therefore, no apportionment is necessary. X's gross income from the manufacture and sale of all engines and X's gross income from the manufacture and sale of six-cylinder engines is partially with, the statutory grouping and partially within the residual gross income and, therefore, apportionment must be made. Under the same circumstances as in example (1), apportionment on the basis of units sold is a proper method of apportionment under the facts of this example. Thus, the allocation and apportionment of the research and development deductions is made in a manner identical to the allocation and apportionment illustrated with respect to the overall limitation in example (1), except that in example (1) the statutory grouping was foreign gross income and in this example the statutory grouping is domestic gross income.

Example (4)—(i) *Facts.*—A, a citizen and resident of the United States, purchases real property outside the United States which he expects to develop into and operate as a resort hotel complex. The property did not produce gross income for the taxable year. However, A does have various deductions for expenses incurred with respect to the property, and A receives gross income in the form of dividends from outside the United States.

(ii) *Allocation.*—A's deductions for expenses incurred with respect to the real property must be allocated to the class of gross income which can reasonably be expected to be derived from the property, that is, operating income from the hotel, which income will be from sources without the United States.

(iii) *Apportionment.*—For purposes of applying the overall limitation, the statutory grouping of gross income is gross income from sources outside the United States. Since the class of income to which A's deductions relate (and to which they have therefore been allocated) is entirely within the statutory grouping, no apportionment is necessary. The deductions relating to the real property reduce A's income from sources without the United States (which, in this example, consists entirely of the dividend income). If, however, A had computed his foreign tax credit on the per-country limitation, the real property were located in country M, and the corporation paying dividends to A were a corporation of country N, such deductions would not reduce A's gross income from sources within country N.

Example (5)—(i) *Facts.*—X, a domestic corporation, takes deductions for expenses incurred in connection with legal services and a feasibility study both of which relate to a proposed acquisition of manufacturing facilities outside the United States. X decides not to make the proposed acquisition. It has been the practice of X to conduct foreign manufacturing operations through foreign subsidiaries organized in the country in which the manufacturing operations are conducted.

(ii) *Allocation.*—Even though the acquisition was abandoned, X must allocate such expenses to the classes of gross income which would have arisen if such acquisition had been made, that is, dividends from foreign subsidiaries.

(iii) *Apportionment.*—Since X is on the overall limitation, there is no need to apportion the deductions.

Example (6)—(i) *Facts.*—X, a domestic corporation, conducts mining operations in several foreign countries. Ore mined abroad is processed and sold in the country where mined. During the taxable year, as part of a startup operation in country A, X incurred development expenditures which it deducted in accordance with section 616. Also, during the taxable year, X's operation in country B is expropriated by that country prior to the generation of any gross receipts during the taxable year in that country. X takes a deduction for such expropriation loss.

(ii) *Allocation.*—X's deduction for the development expenditures in country A is definitely related and allocable to the class of gross income which X can reasonably expect to derive from the country A operations, that is, mineral income from sources within country A. X's deduction for its expropriation loss is definitely related and allocable to the class of gross income which it had derived or had reasonably expected to derive from its operations in country B, that is, mineral income from sources in country B.

(iii) *Apportionment.*—Since X computes its foreign tax credit under the overall limitation and the classes of income, gross mineral income from sources within countries A and B, are each within the statutory grouping, no apportionment of either the development expenditures or the expropriation loss is necessary.

Example (7)—(i) *Facts.*—X, a domestic corporation, wholly owns M, N, and O, also domestic corporations. X, M, N, and O file a consolidated tax return. All of the income of X and O is from sources within the United States. All of M's income is from sources within South America. All of N's income is from sources within Africa. During the taxable year, the consolidated group of corporations earned consolidated gross income of $550,000 and incurred total deductions of $370,000, as follows:

	Gross income	Deductions
X	$100,000	$50,000
M	250,000	100,000
N	150,000	200,000
O	50,000	20,000
Total	550,000	370,000

Of the $50,000 of deductions incurred by X, $15,000 and $10,000 relate to X's ownership of M and N, respectively, and $5,000 relates to X's ownership of O. During the taxable year, M paid a dividend of $40,000 to X which is in addition to X's gross income of $100,000 listed above.

(ii) *Allocation.*—In accordance with § 1.1502-4, each corporation must compute its separate taxable income for purposes of computing the limitation on the foreign tax credit. Of the $50,000 of X's deductions, $25,000 is definitely related to the class of dividend income from M and N (gross dividend income from sources without the United

States), $5,000 is definitely related to the class of dividend income from O (gross dividend income from sources within the United States), and the remaining $20,000 is definitely related to X's United States source gross income of $100,000. The $100,000 of deductions incurred by M is definitely related to the $250,000 of foreign source gross income of M. The $200,000 of deductions incurred by N is definitely related to the $150,000 of foreign source gross income of N. The $20,000 of deductions incurred by O is definitely related to the $50,000 of U.S. source gross income of O. In each instance, the class of income to which each category of deductions relates is either entirely within the statutory grouping (gross income from sources without the United States) or is entirely within the residual gross income (gross income from sources within the United States). To the extent deductions ($30,000) are related to intercorporate dividends, they are to be allocated and apportioned to such gross income (even though such income is eliminated in computing consolidated income) and are not to be allocated and apportioned to other gross income. As a result of the allocation of deductions described above, X, M, and N have separate taxable income (loss) from sources without the United States in the amounts of ($25,000), $150,000, and ($50,000), respectively, computed as follows:

	X	M	N
Foreign gross income		$250,000	$150,000
Less: Deductions allocable to foreign gross income	25,000	100,000	200,000
Total taxable income (loss)	(25,000)	150,000	(50,000)

Thus, in the combined computation of the overall limitation, the numerator of the limiting fraction (gross income from sources without the United States) is $75,000 ($150,000 of separate taxable income of M less $50,000 of losses of N and less $25,000 of losses of X).

Example (8).—(i) *Facts.*—X, a domestic corporation, manufactures and sells pharmaceuticals in the United States. X's domestic subsidiary S, and foreign subsidiaries T, U, and V perform similar functions in the United States and foreign countries A, B, and C, respectively. Each corporation derives substantial net income during the taxable year. X's gross income for the taxable year consists of:

Domestic sales income	$32,000,000
Dividends from S (before dividends received deduction)	
Dividends from T	2,000,000
Dividends from U	1,000,000
Dividends from V	-0-
Royalties from T and U	1,000,000
Fees from U for services performed in the United States	1,000,000
Total gross income	$40,000,000

Among other deductions, X incurs the following:

Expenses of Subsidiary Supervision Department	$1,600,000
Charitable contributions	100,000

(ii) *Allocation of expenses of Subsidiary Supervision Department.*—X's Subsidiary Supervision Department (the Department) is responsible for the supervision of its four subsidiaries and for rendering certain services to the subsidiaries. The Department performs three principal types of activities. The first type consists of services for the direct benefit of U for which a fee is paid by U to X. The second type consists of stewardship activities which are review in nature and are generally duplicative of functions performed by the subsidiaries' own employees (and are, therefore, of a type described in § 1.482-2 (b)(2)(ii) which would not be subject to an allocation under section 482). For example, a team of auditors from X's accounting department periodically audits the subsidiaries' books and prepares internal reports for use by X's management. Similarly, X's treasurer periodically reviews for the board of directors of X the subsidiaries' financial policies. The third type of activity consists of the rendition of services which are ancillary and subsidiary to the licensing of the intangible property under the license agreements which X maintains with the subsidiaries.

The dividends paid by S are from domestic sources and the dividends paid by T and U are from foreign sources; the royalties paid by T and U are from foreign sources. The amount of the Department's costs was the basis for the charge to U for services rendered and, therefore, is allocated to the fees paid by U. The remaining $600,000 of deductions attributable to the Department relates to dividends from subsidiaries and royalties from T and U and is allocated to such income. Deductions in the amount of $60,000 (and of $600,000) are found to relate to such royalties and are allocated thereto.

(iii) *Apportionment of expenses of Subsidiary Supervision Department.*—The amount of $540,000 of the $600,000 of deductions consists of salaries paid to officers and employees engaged in stewardship activities and related supportive expenses. In determining an appropriate method of apportionment of the expenses for stewardship, a basis other than gross income must be used since the dividend payment policies of the subsidiaries bear no relationship to either the activities of the Department or to the amount of income earned by each subsidiary. This is evidenced by the fact that V paid no dividends during the year, whereas S, T, and U paid dividends of $1 million or more each. In the absence of facts that would indicate a material distortion which would result from the use of such method, the stewardship expenses ($540,000) may be apportioned on the basis of the gross receipts of each subsidiary.

The gross receipts of the subsidiaries were as follows:

S	$4,000,000
T	3,000,000
U	500,000
V	1,500,000
Total	$9,000,000

Thus, the expenses of the Department are allocated and apportioned for purposes of the overall limitation, as follows:

	Foreign source	Domestic source
Allocation of expenses of rendering service to U (full allocation to domestic income)		$1,000,000
Allocation of expenses attributable to royalties from T and U	$60,000	
Allocation and apportionment of remainder on basis of gross receipts of subsidiary:		
Supervision of S ($540,000 × $4,000,000/$9,000,000)		240,000
Supervision of T ($540,000 × $3,000,000/$9,000,000)	180,000	
Supervision of U ($540,000 × $500,000/$9,000,000)	30,000	
Supervision of V ($540,000 × $1,500,000/$9,000,000)	90,000	
Total	360,000	1,240,000

(iv) *Alternative methods of apportionment.*—Other methods of apportionment which could possibly be utilized with respect to the stewardship expenses include comparisons of time spent by the employees of the subsidiary supervision department weighted to take into account differences in amounts of compensation paid such employees, comparisons of each subsidiary's gross income or unit sales volume or comparisons of the costs incurred by each subsidiary, assuming that stewardship activities are not substantially disproportionate to such factors.

(v) *Allocation and apportionment of charitable contributions.*—Pursuant to paragraph (e)(9) of this section, charitable contributions are generally treated as deductions which are not definitely related to any gross income and are, accordingly, apportioned ratably on the basis of gross income as follows:

	Foreign source	Domestic source
To X's sales income [2] 3/4 × $100,000		$80,000
To dividends from S 3/40 × $100,000		7,500
To dividends from T 3/40 × $100,000	$5,000	
To dividends from U 1/40 × $100,000	2,500	
To royalties from T and U 1/40 × $100,000	2,500	
To fees from U 1/40 × $100,000		2,500
Total	10,000	90,000

Example (9).—(i) *Facts.*—X, a domestic corporation, purchases and sells products both in the United States and in foreign countries. During the taxable year, X incurs the following expenses with respect to its worldwide sales activities:

Personnel department expenses	$50,000
Training department expenses	35,000
General and administrative expenses	55,000
President's salary	40,000
Sales manager's salary	20,000
Total	200,000

X has domestic gross receipts from sales of $750,000 and foreign gross receipts from sales of $500,000 and has gross income from such sales in the same ratio of 3:2.

(ii) *Allocation.*—The above expenses are definitely related and allocable to all of X's gross income derived from both domestic and foreign markets.

(iii) *Apportionment.*—(A) Since X determines its foreign tax credit under the overall limitation, the expenses must be apportioned between gross income from domestic sources and gross income from foreign sources. The president and sales manager do not maintain time records. The division of their time between domestic and foreign activities varies from day to day and cannot be estimated on an annual basis with any reasonable degree of accuracy. Similarly, there are no facts which would justify a method of

apportionment of their salaries or of one of the other listed deductions based on more specific factors than gross receipts or gross income. An acceptable method of apportionment would be on the basis of gross receipts or gross income, in which case $120,000 of expenses would be apportioned to domestic gross income and $80,000 of expenses would be apportioned to foreign gross income, as follows:

To gross income from domestic sales (⅗×$200,000 expenses)	$120,000
To gross income from foreign sales (⅖×$200,000 expenses)	80,000
Total	200,000

(B) Assume the same facts as above except that X's president devotes only 5 percent of his time to the foreign operations and 95 percent of his time to the domestic operations and that, after one-half of X's taxable year has passed, X hires an assistant sales manager whose time is devoted 80 percent to foreign sales and 20 percent to domestic sales and is paid $7,500 for the latter half of X's taxable year, with the result that thereafter X's sales manager devotes approximately 10 percent of his time to foreign sales and 90 percent of his time to domestic sales. On the basis of these additional facts, it would not be acceptable to apportion the salary of the president for the year and the salaries of the sales manager and assistant sales manager for the last half of the year on the basis of gross receipts or gross income. It would be acceptable to apportion such salaries between domestic gross income and foreign gross income on the basis of time devoted to each sales activity, as follows:

To gross income from domestic sales:	
95/100×$40,000 (president's salary)	$38,000
90/100×$10,000 (sales manager's salary for last half of year)	9,000
20/100×$7,500 (assistant sales manager's salary for last half of year)	1,500
Apportionment of salaries to domestic sales	$48,500
To gross income from foreign sales:	
5/100×$40,000 (president's salary)	$2,000
10/100×$10,000 (sales manager's salary for last half of year)	1,000
80/10×$7,500 (assistant sales manager's salary for last half of year)	6,000
Apportionment of salaries to foreign salaries	$9,000

The remaining expenses (including the salary of the sales manager for the first half of the year) may still be apportioned on the basis of gross receipts or gross income.

Example (10)—(i) *Facts.*—X, a domestic corporation, manufactures drugs. One of the drugs manufactured by X combats a disease found primarily in countries A, B, and C and, therefore, X manufactures and sells the drug only in countries A, B, and C. X's research department is currently engaged in a research project directed at improvement of the drug. X computes its foreign tax credit under the per-country limitation.

(ii) *Allocation.*—Since the research activity can reasonably be expected to generate gross income from sales of the drug in countries A, B, and C, the deductions for the expenses (including supportive expenses resulting from, or incident to, the research activity are definitely related to the class of income to which the research activity gives rise, i.e., X's income from the manufacture and sale of the drug in countries A, B, and C.

(iii) *Apportionment.*—Since there is no reason to conclude that the unit volume of X's sales in countries A, B, and C will not continue in substantially the same proportions in the future, one acceptable method of apportionment of deductions for research expenses would be a ratable apportionment based on units sold during the year in each country. If, however, it can reasonably be expected that the proportion of units sold in each of the three countries will vary substantially in the future from the current proportions, apportionment of the deductions on the basis of units sold would not be reasonable and the deductions would be apportionable on some other basis, such as projected volume of unit sales.

(iv) *Allocation and apportionment based on additional facts.*—Assume that in the succeeding taxable year, an outbreak of the disease occurs in country D and X immediately commences manufacture and sale of the drug in country D although there had been no prior plans for marketing the drug in country D. Since it could not reasonably have been anticipated that income from manufacture and sale of the drug would be derived from country D at the time the research expenses were incurred, X's allocation of such expenses to countries A, B, and C will not be disturbed.

Example (11)—(i) *Facts.*—X, a domestic corporation, manufactures and sells forklift trucks and other types of materials handling equipment in the United States. X also manufactures and sells forklift trucks through branches located in foreign countries. X's research department has been engaged in a research project to improve the quality of engine exhaust systems used on its products in the United States. In the past, X has generally, after several years, adapted the product improvements developed originally for the domestic market to its forklift trucks manufactured abroad. During the taxable year, development of an improved engine exhaust system is completed and X begins installing the new system during the latter part of the taxable year in products manufactured and sold in the United States. X continues to manufacture and sell forklift trucks in foreign countries without improved engine exhaust systems as of the date its return is filed.

(ii) *Allocation.*—The deductions in connection with such research project can reasonably be expected to result in the improvement of all of X's products having an engine to which the improvement is adaptable whether manufactured in the United States or in foreign countries. Such deductions are considered definitely related to the gross income from the sales of X's products containing such engines.

(iii) *Apportionment.*—For one possible method of apportionment, see example (1) of this paragraph.

Example (12)—(i) *Facts.*—X, a domestic corporation, is engaged in continuous research and development to improve the quality of a product which it manufactures and sells. As a result of this research activity, X acquires certain patents and uses them in its own manufacturing activity and simultaneously makes them available to Y and Z, foreign corporations, for use in their own territories. Y and Z pay X royalties of 5 percent of sales. Y and Z are located in countries A and B, respectively, and each sells its products exclusively within the country in which it is located. X's sales of the product for the taxable year are $900,000 (at $5 per unit) or 180,000 units and its gross income from such sales is $360,000. Sales of the product by Y for the taxable year are $135,000 (at $4.50 per unit) or 30,000 units. Sales of the product by Z for the taxable year are $165,000 (at $5.50 per unit) or 30,000 units. Thus, X's gross income related to the research activity in the taxable year consists of $360,000, gross income from sales; $6,750, royalties from Y; and $8,250, royalties from Z. Y computes its foreign tax credit under the per-country limitation.

(ii) *Allocation.*—X's deductions for research and development expenses are definitely related to the class of X's gross income constituting sales income from the United States, royalty income from Y's country, and royalty income from Z's country.

(iii) *Apportionment.*—Since X's income resulting from research takes two disparate forms, i.e., income from sales of the product and royalty income, and, since, due to this disparity, the contributions of X's research activity to the sales income and the royalty income are disproportionate to the amounts thereof, gross income would not be an appropriate basis for apportioning deductions for the research. However, in the absence of indication that current unit sales of the product by X, Y, and Z are not a reasonable basis for estimating the future ratio of unit sales among X, Y, and Z, apportionment based on unit sales for the year would be a reasonable method of apportionment. Thus, if X deducted $100,000 in the taxable year for research and development, this amount may be apportioned on the basis of sales by X, Y, and Z of 240,000 units for the year as follows:

Royalty income from Y: $100,000 × 30,000 (units) / 240,000 (units)	$12,500
Royalty income from Z: $100,000 × 30,000 (units) / 240,000 (units)	12,500
Sales of the product by X: $100,000 × 180,000 (units) / 240,000 (units)	75,000
Total	$100,000

Example (13)—(i) *Facts.*—X, a domestic corporation, manufactures and sells a plastic product in the United States. X also receives royalties from Y, an unrelated foreign corporation, which under a licensing agreement with X manufactures and sells the same product in the foreign country where it is located. The agreement requires Y to pay to X an amount equal to 10 percent of the gross sales of the products. X engages in continuous research and development with respect to the product. During its taxable year X incurs $90,000 of deductions for research and development expenses with respect to the product. X has $1 million of gross sales of the product. Y has $500,000 of gross sales of the product and pays royalties of $50,000 to X.

(ii) *Allocation.*—X's deductions of $90,000 for research and development expenses are definitely related and allocable to its gross income from domestic sales of the product and to its foreign royalty income from Y.

(iii) *Apportionment.*—For purposes of computing the overall limitation to the foreign tax credit, X apportions its deductions of $90,000 between gross income from domestic sales and foreign royalty income on the basis of its gross sales and Y's gross sales from which X's foreign royalty income was determined. Thus, $60,000 of the deductions would

be apportioned to gross income from domestic sources and $30,000 would be apportioned to gross income from foreign sources, determined as follows:

To gross income from domestic sources

$$\$90{,}000 \times \frac{\text{(X's domestic gross sales) } \$1{,}000{,}000}{\text{(X and Y's gross sales) } \$1{,}500{,}000} = \$60{,}000$$

To gross income from foreign sources

$$\$90{,}000 \times \frac{\text{(Y's foreign gross sales) } \$500{,}000}{\text{(X and Y's gross sales) } \$1{,}500{,}000} = 30{,}000$$

Total ---------- 90,000

Example (14).—X, a domestic corporation, conducts a research program under a cost sharing arrangement. X incurs various research expenses for which it is reimbursed, in part, to the extent of the proportionate shares of the participants in the arrangement. Since such reimbursed expenses are not considered to be X's expenses and are not deductible by X, such expenses are not allocated and apportioned to X's gross income. If, however, X had contracted with Y, a related corporation, for X to conduct the research program for a fee, X's deductions for research expenses attributable to the program would be allocated to the fee charged Y.

(h) *Personal exemptions.*—The deductions for the personal exemptions allowed by section 151 or 642(b) shall not be taken into account for purposes of this section but shall be allowed as deductions from the taxable income computed hereunder, if and to the extent that such deductions are allowable for purposes of computing the taxable income of the taxpayer. See also sections 873(b)(3), 904(c), and 931(e) and the regulations thereunder.

(i) *Special deductions.*—The special deductions allowed in the case of a corporation by section 241 (relating to the deductions for partially tax-exempt interest, dividends received, etc.), section 922 (relating to Western Hemisphere trade corporations), and section 941 (relating to China Trade Act corporations) shall be taken into account for purposes of this section. See also sections 873(b) and 882(c)(1)(B) for special rules for certain deductions.

(j) *Exempt income.*—No deduction shall be allowed under this section for any amount, or part thereof, allocable and apportionable to a class or classes of exempt income. See section 265 and the regulations thereunder.

PAR. 2. Section 1.863–3 is amended by revising example (2)(i) of paragraph (b)(2), example (2)(i) of paragraph (c)(3), and example (1)(i) of paragraph (c)(4) to read as follows:

§ 1.863–3 Income from the sale of personal property derived partly from within and partly from without the United States.

* * * * *

(b) *Income partly from sources within a foreign country.* * * *

(2) *Allocation or apportionment.* * * *

Example (2).—(i) Where an independent factory or production price has not been established as provided under example (1), the taxable income shall first be computed by deducting from the gross income derived from the sale of personal property produced (in whole or in part) by the taxpayer within the United States and sold within a foreign country or produced (in whole or in part) by the taxpayer within a foreign country and sold within the United States, the expenses, losses, or other deductions properly allocated and apoprtioned thereto in accordance with the rules set forth in § 1.861–8.

* * * * *

(c) *Income partly from sources within a possession of the United States.* * * *

(3) *Personal property produced and sold.* * * *

Example (2).—(i) Where an independent factory or production price has not been established as provided under example (1), the taxable income shall first be computed by deducting from the gross income derived from the sale of personal property produced (in whole or in part) by the taxpayer within the United States and sold within a possession of the United States, or produced (in whole or in part) by the taxpayer within a possession of the United States and sold within the United States, the expenses, losses, or other deductions properly allocated and apportioned thereto in accordance with the rules set forth in § 1.861–8.

* * * * *

(4) *Personal property purchased and sold.* * * *

Example (1).—(i) The taxable income shall first be computed by deducting from such gross income the expenses, losses, or other deductions properly allocated or apportioned thereto in accordance with the rules set forth in § 1.861–8.

* * * * *

PAR. 3. Section 1.905–2(a)(2) is amended to read as follows:

§ 1.905–2 Conditions of allowance of

(a) *Forms and information.* * * *

(2) * * * If the taxpayer upon request fails without justification to furnish any such additional information which is significant, including any significant information which he is required to furnish pursuant to § 1.861–8(f)(5) as proposed in the FEDERAL REGISTER for June 18, 1973 (38 FR 15840), the district director may disallow the claim of the taxpayer to the benefits of the foreign tax credit.

* * * * *

[FR Doc.73–11917 Filed 6–15–73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR, Part 39]

[Docket No. 12893]

BRITISH AIRCRAFT CORPORATION VISCOUNT MODEL 810 SERIES AIRPLANES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to BAC Viscount model 810 series airplanes. There have been reports of high resistance at cable terminations caused by corrosion on BAC Viscount model 810 series airplanes that could result in loss of all generated electrical power on the airplane. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require inspection, and repair, if necessary, of all generator main ground cable assemblies, and of all aluminum cables and cable assemblies rated at 35 As and above; and the periodic replacement of all generator main ground cable assemblies on BAC Viscount model 810 series airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, AGC–24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before July 18, 1973, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORP.—Applies to BAC Viscount model 810 series airplanes.

Compliance is required as indicated.

To prevent high resistance at aluminum cable assembly terminations rated at 35 As and above, and at generator main ground cable assembly terminations, accomplish the following:

(a) Within the next 500 hours' time in service, or 6 months after the effective date of this AD, whichever occurs sooner, and thereafter at intervals not to exceed 3 years from the date of the last inspection, inspect all aluminum cables and cable assemblies rated at 35 As and above, except generator main ground cable assemblies for overheating, corrosion, cable conductor strand fracture, and loose bolted joints, in accordance with BAC Alert PTL No. 157, dated July 12, 1972, or an FAA-approved equivalent.

(b) If cables or cable assemblies are found to be overheated, or corroded, or to have cable conductor strand fractures, or loose bolted joints during an inspection required by paragraph (a), before further flight, repair in accordance with BAC Alert PTL No. 157, dated July 12, 1972, or an FAA-approved equivalent, or replace with an equivalent new cable or cable assembly.

(c) Within the next 500 hours' time in service or 6 months after the effective date of this AD, whichever occurs sooner, and thereafter at intervals not to exceed 1 year from the date of the last inspection, inspect all generator main ground cable assemblies for overheating, corrosion, cable conductor strand fracture, and loose bolted joints, in

accordance with BAC Alert PTL No. 156, dated July 12, 1972, or an FAA-approved equivalent.

(d) If the generator main ground cable assemblies are found to be overheated, or corroded, or to have cable conductor strand fractures, or loose bolted joints during an inspection required by paragraph (c), before further flight, repair in accordance with BAC Alert PTL No. 156, dated July 12, 1972, or an FAA-approved equivalent, or replace with an equivalent new cable assembly.

(e) Before the accumulation of 3 years total time in service, or within the next year after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 5 years, replace generator main ground cable assemblies with serviceable cable assemblies that comply with the same standard.

Issued in Washington, D.C., on June 7, 1973.

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

[FR Doc.73-12000 Filed 6-15-73;8:45 am]

[14 CFR, Parts 71, 73]

[Airspace Docket No. 72-WE-34]

RESTRICTED AREA AND CONTINENTAL CONTROL AREA

Supplemental Proposed Designation and Alteration

On October 13, 1972, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (37 FR 21651) stating that the Federal Aviation Administration (FAA) was considering amendments to parts 71 and 73 of the Federal Aviation Regulations that would designate two new joint-use restricted areas in the vicinity of Fallon, Nev., and include them in the continental control area; and also, alter an existing joint-use area.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. Additionally, an informal airspace meeting was held in Reno, Nev., on February 15, 1973.

Considerable opposition was manifested by the public at the meeting and through formal comments.

The NPRM proposed to establish the Dixie Valley, Nev., Restricted Area R-4816, the Shawave Mountains, Nev., Restricted Area R-4805, and to alter the lateral and vertical dimensions and the time of designation of the Carson Sink, Nev., Restricted Area R-4813.

Restricted Area R-4816 was proposed for use as an Electronic Warfare Range. Restricted Area R-4805 was proposed as an air-to-air gunnery range. The reduction in the lateral dimensions of Restricted Area R-4813 was proposed to free airspace northeast of the Fallon Municipal Airport for visual flight rule aircraft.

The adverse comments received in response to the NPRM addressed, not only the effects that the proposed restricted areas would have on the public right of freedom of transit through the navigable airspace, but also the withdrawal of land from public use associated with the proposed Shawave Mountains Restricted Area R-4805.

It is necessary that the Department of Navy resolve all land use problems below R-4805 before the proposed range can be used for air-to-air gunnery. Therefore, the FAA is deferring further action on the proposed R-4805 until such time as it has been advised that equitable solutions to land use problems have been reached.

As the result of comments received concerning the proposed Dixie Valley Restricted Area R-4816, the Navy has reevaluated their airspace requirements. In order to permit free access to aircraft arriving and departing ranches, mines, and other airports in the Dixie Valley and to provide for aircraft which are unable to contact Navy Fallon tower or the Electronic Warfare Range in Dixie Valley for clearance, the Navy has revised their request for Dixie Valley Restricted Area R-4816. The new proposal would subdivide R-4816 approximately in half with Dixie Valley North having a floor of 1,500 feet above ground level, and Dixie Valley South having a floor of 500 feet above ground level.

In consideration of the formal comments received and the objections voiced at the informal airspace meeting, the description of the proposed Dixie Valley, Nev., Restricted Area R-4816 as published in the NPRM on October 13, 1972, is deleted and the following is substituted therefor:

1. Dixie Valley, Nev., Restricted Area R-4816 North.

BOUNDARIES

Beginning at latitude 39°51'00" N., longitude 118°00'00" W.; to latitude 39°51'00" N., longitude 117°31'00" W.; to latitude 39°34'00" N., longitude 117° 39'30" W.; to latitude 39°34'00" N., longitude 118°12'30" W.; to point of beginning.

Designated altitudes.—1,500 feet AGL to 18,000 feet MSL.

Time of designation.—0700 to 2100 local time, Monday through Saturday.

Controlling agency.—Federal Aviation Administration, Oakland ARTC Center.

Using agency.—Commanding Officer, Naval Auxiliary Air Station, Fallon, Nev.

2. Dixie Valley, Nev., Restricted Area R-4816 South.

BOUNDARIES

Beginning at latitude 39°34'00" N., longitude 118°12'30" W.; to latitude 39°34'00" N., longitude 117°39'30" W.; to latitude 39°18'00" N., longitude 117° 47'30" W.; to latitude 39°18'00" N., longitude 118°13'15" W.; to latitude 39° 17'00" N., longitude 118°21'00" W.; to latitude 39°30'00" N., longitude 118° 15'30" W.; to point of beginning.

Designated altitudes.—500 feet AGL to 18,000 feet MSL excluding that portion from 500 feet AGL to and including 2,000 feet AGL which lies north of and within 1 nautical mile from U.S. Highway 50 between the intersection of U.S. Highway 50 with Longitudes 118°25'30" West and 118°09'50" West.

Time of designation.—0700 to 2100 local time, Monday through Saturday.

Controlling agency.—Federal Aviation Administration, Oakland ARTC Center.

Using agency.—Commanding Officer, Naval Auxiliary Air Station, Fallon, Nev.

To allow pilots of aircraft without two-way radio communications or who cannot contact Navy Fallon Tower or the Dixie Valley Electronic Warfare Range for clearance through the proposed R-4816, it is proposed to establish a corridor from the surface to and including 2,000 feet above ground level along U.S. Highway 50. This would be accomplished by deleting from Restricted Areas R-4804, Twin Peaks, Nev., and R-4812, Desert Mountains, Nev., that airspace from the surface to and including 2,000 feet above ground level which lies north of and within 1 nautical mile from U.S. Highway 50 between the intersection of U.S. Highway 50 with Longitudes 118° 25'30" West and 118°09'50" West.

Action is still proposed to reduce the Restricted Area R-4813 to free airspace northeast of the Fallon Municipal Airport for visual flight rule general aviation aircraft and to reduce the vertical dimensions and time of designation of the restricted area.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 92007, Los Angeles, Calif. 90009. All communications received on or before August 2, 1973, will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

(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 June 5, 1973.

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

[FR Doc.73-12001 Filed 6-15-73;8:45 am]

[14 CFR, Parts 91 and 103]

[Docket No. 12169; Notice No. 73-19]

CARRIAGE OF OXYGEN FOR MEDICAL USE

Notice of Proposed Rulemaking

The Federal Aviation Administration is considering amending parts 91 and 103 of the Federal Aviation Regulations to allow the carriage of oxygen for medical

purposes in the passenger compartment of passenger-carrying aircraft, in addition to that already carried as supplemental and first-aid oxygen.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before August 17, 1973, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

Section 103.7 permits certain nonflammable compressed gases, including oxygen, to be carried in a passenger-carrying aircraft, when packaged, marked, and labeled as specifically provided in parts 171 through 173 of title 49 for shipment by rail express. However, § 103.31(a) provides that no person may carry any articles that are subject to the requirements of part 103 in a cabin of a passenger-carrying aircraft.

The Air Transport Association of America (ATA) has petitioned for an amendment to part 103 to allow the carriage of oxygen in passenger compartments of aircraft operated by part 121 certificate holders when brought on board by a passenger who has shown that he will have a medical need for oxygen during flight. The ATA states that airlines receive numerous requests from passengers for permission to carry their own oxygen supply on board aircraft when it is required for medical reasons, and that there is evidence the frequency of these requests is increasing.

The FAA believes that the relief requested should be extended to all operators of aircraft and their passengers, provided that adequate standards and appropriate operating rules are established and compiled with for the oxygen storage and dispensing equipment to be carried and used. Accordingly, it is proposed to amend part 91 to add a new § 91.32a to allow the carriage of oxygen equipment (including an incubator), furnished by the operator of the aircraft or a passenger. Under the proposed regulations the equipment would have to be either of an approved type or conform to the manufacturing, packaging, marking, labeling, and maintenance requirements for the carriage of hazardous materials in parts 17, 172, and 173 of title 49 of the Code of Federal Regulations, except as necessary for the normal operation of the equipment. In addition, the operator of the aircraft would be required to examine the equipment to determine that: (1) all exterior surfaces of the equipment are free from contaminants that could react with oxygen to cause a fire or other hazard; (2) the cylinder gage pressure reading on any storage cylinder does not exceed the rated cylinder pressure; (3) the size of any cylinder does not exceed 147 in^3 water capacity; (4) all valves, fittings, and gages are protected from damage; and (5) an appropriate means to secure the equipment is provided.

Proposed § 91.32a would contain certain operating rules to further ensure that the use of oxygen storage and dispensing equipment would not create a safety hazard. To avoid any possibility of fire, the proposed regulation would provide that no person may smoke within 10 ft of equipment being used for the storage and dispensing of oxygen. To ensure that the equipment would not interfere with an emergency evacuation, it would require that the equipment be stowed, and any person using the equipment be seated, so as not to restrict access to or use of any required emergency or regular exit or of the aisle in the passenger compartment. To enable the passenger using his own equipment to continue to supply himself from that equipment with the supplemental oxygen required in the event of an emergency cabin decompression, without having to switch to the aircraft oxygen system, proposed § 91.32a would also require that the equipment be capable of providing a minimum mass flow of oxygen to the user of 4 l/m, STPD, which is the current requirement for first-aid oxygen equipment under § 25.1443 of the Federal Aviation Regulations.

Moreover, in order to prevent the unnecessary carriage and use of oxygen in the passenger compartment of the aircraft, the operator would be required to determine that the passenger using the equipment has a medical need evidenced by a written statement signed by a licensed physician. To prevent a medical emergency aboard the aircraft that could occur if the oxygen supply provided for the personal use of such a passenger were to run out before the end of the flight, the operator would also be required to determine that that oxygen supply is adequate to meet the medical needs of the passenger for the duration of the flight. Finally, the operator would have to ensure that the pilot in command is advised when the equipment is on board the aircraft and when it is in use.

The proposed amendments would add a new paragraph (c) to § 103.7 to allow the carriage of oxygen for medical use by a passenger in accordance with proposed § 91.32a. Section 103.31(a) would be amended to allow that carriage in the passenger compartment.

These amendments are proposed under the authority of sections 313(a), 601(a), and 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421(a), and 1472(h)), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend parts 91 and 103 of the Federal Aviation Regulations as follows:

1. By adding a new § 91.32a to part 91 to read as follows:

§ 91.32a Oxygen for medical use by passengers.

(a) No person may operate a passenger-carrying aircraft while oxygen and equipment for the storage and dispensing of it, other than supplemental or first-aid oxygen and related equipment required by this chapter, is carried in the passenger compartment, unless—

(1) Each person using the equipment has a medical need to use it evidenced by a written statement signed by a licensed physician;

(2) The equipment is—

(i) Of an approved type or conforms to the manufacturing, packaging, marking, labeling, and maintenance requirements of parts 171, 172, and 173 of title 49, except as necessary for the normal operation of the unit;

(ii) Free of contaminants on all exterior surfaces;

(iii) Capable of providing a minimum mass flow of oxygen to the user of 4 l/m; and

(iv) Constructed so that all valves, fittings, and gauges are protected from damage;

(3) Each oxygen cylinder—

(i) Does not exceed 147 in^3 water capacity; and

(ii) Has an oxygen cylinder gauge pressure that does not exceed the rated cylinder pressure;

(4) The oxygen supply is adequate to meet the medical needs of the passenger for whose intended use it is provided, for the duration of the flight;

(5) The pilot in command is advised when the equipment is on board and when it is in use;

(6) An appropriate means to secure the equipment is provided;

(7) The equipment is stowed, and each person using the equipment is seated, so as not to restrict access to or use of any required emergency or regular exit, or of the aisle in the passenger compartment;

(b) No person may smoke within 10 ft of oxygen storage and dispensing equipment while carried in a passenger-carrying aircraft in accordance with paragraph (a) of this section.

2. By adding a new paragraph (c) to § 103.7 to read as follows:

§ 103.7 Passenger-carrying aircraft.

* * * * *

(c) Oxygen carried for medical use by a passenger in accordance with § 91.32a of this chapter.

3. By adding a sentence at the end of paragraph (a) of § 103.31 to read as follows:

§ 103.31 Cargo location.

(a) * * * This paragraph does not apply to oxygen carried in accordance with § 91.32a of this chapter.

* * * * *

Issued in Washington, D.C., on June 7, 1973.

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

[FR Doc.73-11999 Filed 6-15-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Parts 2, 95]

[Docket No. 19759; FCC 73-600]

CITIZENS RADIO SERVICE

Proposed Creation of New Class, and Reallocation of Frequencies; Inquiry

In the matter of the creation of a new class of Citizens Radio Service and the reallocation of frequencies between 224 MHz and 225 MHz in the band 220–225 MHz now allocated for shared use by stations in the Amateur Radio Service and Government Radiolocation Stations for that purpose, docket No. 19759, RM–1633, RM–1656, RM–1747, RM–1761, RM–1793, RM–1841.

1. Notice is hereby given in the above-captioned matter.

2. The following petitions have been received which are applicable to this matter:

a. RM–1633 (Wayne Green petition) filed May 25, 1970—Proposes to make part of the 220 MHz amateur band available for "hobby class" amateurs and to limit 27 MHz citizens band operations to "business and personal business" use.

b. RM–1656 (Reed Electronics School petition) filed June 24, 1970—Proposes to move citizens band from 27 MHz to the 220 MHz amateur band and to return 27 MHz frequencies to U.S. Government.

c. RM–1747 (EIA petition) filed February 5, 1971—Proposes a new "Class E" citizens band service between 220 and 222 MHz; 80 channels; 25 kHz channels; 100 Ws maximum power. Would not alter rules for 27 MHz citizens band.

d. RM–1761 (F. C. Hervey petition) received February 26, 1971—Proposes to shut down 27 MHz class D citizens band as now provided in "parts 95 and 15" temporarily and reassign frequencies "to those mobile radio services in greatest need"; and to create a new "hobby/personal radio service" in parts of the 220–225 MHz band as a substitute for present class D citizens band.

e. RM–1793 (George Jacobs and Stewart Meyer petition) filed May 10, 1971—Proposes to establish a new "VHF radiotelephone license" in the amateur radio service anywhere above 144 MHz (suggests 221–224 MHz); phone only; 100 Ws maximum power; no code test. Would not change citizens band rules.

f. RM–1841 (United CB'ers of America) filed July 1, 1971—Proposes to use 27 MHz for "hobby (class H)" use only; transfer "all emergency and call channel operations" to 220 MHz.

3. All of the foregoing petitions propose, in various ways, Citizens Radio use of a portion of the band 220–225 MHz and will be considered in this proceeding. The most detailed petition was submitted by the Electronic Industries Association (EIA). As proposed by EIA in RM–1747 a new class E category in the Citizens Radio Service would be created for the same type of use now authorized to class D category stations, i.e., personal and business radiocommunications. As proposed, the class E category would provide 80 FM channels occupying 2 MHz within the 220–225 MHz frequency band. Channels would be allocated for specific types of communications, e.g., intra-station, inter-station, business, weather advisory, emergency, marine, in-plant, traffic control, etc. Most class E stations would be authorized 25 Ws power output. A small number of channels would be reserved for 1 W, local use stations. Certain public safety agencies would be licensed to operate class E stations at 100 Ws for use in emergencies. Antenna structures could be either 20 ft above the nearest man-made or natural object within 500 yds, or 60 ft above existing terrain. Licensees would be required to notify the Commission and the Federal Aviation Administration should antenna height exceed the maximum permitted near airports. The petition proposes a simplified licensing procedure which includes self-assigned station call signs. The petition further proposes that a station could be placed into operation immediately upon filing of the application and, should the Commission fail to act upon the application within 30 days, the license would automatically become validated. While the petition does not contain an estimate of the size potential for the proposed class E category, informal estimates run as high as 10 million licensees. The Commission is also in receipt of considerable correspondence both in favor and in opposition to the reallocation of the band and for any uses other than are now authorized. The American Radio Relay League, Inc. (ARRL), has filed a petition in opposition to that of EIA (RM–1747) requesting denial of the EIA petition and that the Commission issue a notice of inquiry inviting suggestions and proposals for increasing the efficiency and effectiveness of the Citizens Radio Service.

4. The band 220–225 MHz is currently allocated internationally in region 2 to the amateur and radiolocation services on a co-equal basis. Nationally, however, radiolocation is the primary service and amateur the secondary service. The latter service is further constrained by footnote NG13 to the national table of frequency allocations specifying that in an area in Texas and New Mexico about 175 mi wide and 110 mi in latitude centered essentially on the White Sands Missile Range, normal amateur operations are not permitted in the band between 5 a.m. and 6 p.m., Monday through Friday. In view of the Government use of the band for radiolocation, the Commission has inquired as to the possibility of the band being shared with some form of Citizens Radio Service operations. The Director of the Office of Telecommunications Policy has advised that sharing to accommodate additional operations of a disciplined Citizens Radio Service would be practicable in the band 223–225 MHz. Such use would be subject to reception of possible interference from radiolocation operations, particularly in coastal, North Central and the Northwestern areas of the United States. Moreover, operations would not be permitted between the hours of 5 a.m. and 6 p.m., Monday through Friday in the areas around the White Sands Missile Range, N. Mex., and in Franklin and Gulf counties in northwest Florida. These limitations, as well as the views of the Director, Office of Telecommunications Policy on this matter, are set forth in appendix 2 of this notice. (Letters dated August 19, 1971 and March 29, 1972, with attachments).[1]

5. As implied above, the use of a portion of the band 220–225 MHz for other than amateur or radiolocation services would be a derogation of the international table of frequency allocations of which the United States is a proponent. Therefore, it is possible that objections from Canada and Mexico may require a prohibition against any other operations in some border areas. Pending resolution of that matter, mobile stations would be constrained from operations within 10 mis of the border and base stations within 25 mis of the border. If suitable arrangements with Canada and Mexico can be effected, this prohibition may be modified to conform to the nature of the agreement.

6. The Citizens Radio Service was established by the Commission in 1945 (docket No. 6651) as a radio communication service of fixed, land, and mobile stations intended for short distance personal or business communications, and for radio signaling and control of remote devices by radio. Due to a lack of suitable low cost equipment for the then existing classes A, B, and C services, Citizens Radio grew slowly and reached a total of only 40,000 licensees by 1958. At that time it was decided to establish a class D citizens service in the 27 MHz region to permit voice communications of a general or business nature. Although interference had to be accepted from Industrial, Scientific, and Medical (ISM) equipment, to which the frequency 27.12 MHz was primarily allocated, it was believed the Citizens Radio Service, due to its relatively low priority, could nevertheless make effective use of the spectrum. Consequently, although not ideally suited to the short distance concept of the Citizens Radio Service because of its sporadic long distance transmission characteristics, the 27 MHz region was allocated for such use. It was expected that equipment operating in the 27 MHz band could be produced at considerably less expense than equipment operating in VHF or UHF bands. Growth has been phenomenal, with the number of licenses increasing from 49,000 in 1959 to 868,013 in 1971.

7. The 27 MHz class D citizens band is divided into 23 channels with seven channels authorized for communications between units of different stations and one channel to be used solely for emergency

[1] Filed as part of the original document.

communications involving the immediate safety of life and the immediate protection of property, or communications necessary to render assistance to a motorist. A wide variety of communications is permitted in the class D Citizens Radio Service. As the number of licensees increased, however, so did complaints against the use of the service for the transmission of long duration base-to-base messages, hoppy type communications, technical violations such as use of high powered amplifiers, and general pollution of the spectrum. Such abuses resulted in certain prohibitions against the class D CB Service, including: (1) Communications as a hobby or diversion; (2) transmission of obscene, indecent or profane words, language or meaning; (3) communications not directed to specific stations or persons; (4) the transmission of advertising or soliciting the sale of any goods or services; (5) transmission of music, whistling, sound effects or any material for amusement or entertainment purposes; (6) communications about the technical performance of equipment; (7) relaying messages for a person other than the licensee or member of his immediate family.

8. The Commission has been examining a number of various proposals directed toward promoting the effective use of the Citizens Radio Service or reducing widespread rule violations. These proposals will be the subject of further Commission inquiries and proceedings with regard to class D enforcement problems. The immediate proceeding, however, will address only the possibility of allocating additional frequencies to meet the requirements of the general public for improved radiocommunication services not now effectively provided by the class D Citizens Radio Service and, at the same time, relieve some of the heavy concentration of stations on channels available to the class D service. Such stations constituted nearly 47 percent of the total number of radio stations authorized by the Commission, as of June 30, 1971.

9. The Commission proposes in this proceeding to establish a form of fixed and mobile service in the band 224–225 MHz. The band would be divided into 40 channels at 25 kHz spacing. Eligibility for this service would be similar to that for the present class D service, i.e., any person 18 years and older who meets the basic criteria for Commission licensing. However, the Commission does not intend that the abuses of its class D rules, and associated enforcement problems, shall be extended to this new service. Accordingly, before this service is permitted to become operational the Commission will establish new class E rules and enforcement procedures, based on the information provided in response to paragraph 10 of this notice and such other relevant information as it deems appropriate.

10. With a view toward achieving the above objectives regarding the reallocation of the band 224–225 MHz specific comments and substantiating data are invited on the following:

a. Specific services and types of operations which should be provided, including limitations and reasons therefore. Estimated growth over 10-year period.

b. Economic, sociological and other public interest benefits which would be derived.

c. Effect on class D citizens band operations at 27 MHz.

d. Nature and probable impact of operational limitations imposed as a result of interagency and international objections or conditions of use.

e. Detailed technical parameters which should be adopted regarding equipment to be used, including detailed studies of extent of effective coverage and use to be expected in different environments such as urban areas with high density population. In addition, detailed recommendations should be made regarding total spectrum space required to meet various objectives, channeling, maximum power, antenna limitations, channel capability, frequency control, etc. Additional comments on recommended receiver characteristics are also invited, as well as estimated equipment costs to the user.

f. The feasibility, cost, operational use and potential effectiveness of automatic transmission of call sign or station identification as an aid to self or Commission enforcement, or for other purposes.

g. Appropriate measures to be followed regarding initial and updated registration of class E operations for purposes of achieving efficient channel utilization, enforcement followup, etc.

h. The feasibility and desirability, including estimated social and economic impact, of phasing out either personal or business use of class D service at 27 MHz in favor of the surviving use, in conjunction with the establishment of a new class E service.

i. The feasibility, desirability, and legality of Commission confiscation, under certain conditions, of equipment operated illegally.

11. Any schedule for implementing the new radio service operations at 224–225 MHz will have to consider the availability to the Commission of budget allocations in order to provide for the additional administration and enforcement of rules. EIA has estimated that the proposed class E service could produce 10 million licensees. The Commission solicits comments on this and other estimates of total licensee impact as well as the methodology and/or calculations that support such estimates. Comments are also requested regarding possible procedures for licensing and enforcement which would minimize the administrative burdens resulting from such a large number of users.

12. In the event that a portion of the 220–225 MHz amateur band is reallocated to other services, detailed amendments to the rules governing all services involved will be developed and proposed after review of the comments received in response to this proposal. The proposed amendment of § 2.106 (table of frequency allocations) is set forth in the attached appendix I below.

13. Action herein is being taken pursuant to authority contained in sections 4(i), 303 and 403 of the Communications Act of 1934, as amended.

14. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before September 20, 1973, and reply comments on or before October 22, 1973. All relevant and timely comments and reply comments will be considered before final action is taken in this proceeding. The Commission, additionally, in reaching a decision in this proceeding, may also take into account other relevant information before it.

15. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all comments, replies, pleadings, briefs, or 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.

Adopted June 6, 1973.

Released June 12, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX I

Part 2 of chapter I of title 47 of the Code of Federal Regulations is amended as follows:

1. Section 2.106 is amended to read as follows:

[2] Commissioners Johnson and Reid concurring in the result.

United States		Federal Communications Commission				
Band (MHz)	Allocation	Band (MHz)	Service	Class of station	Frequency (MHz)	Nature of services of stations
5	6	7	8	9	10	11
• • •	• • •	• • •	• • •	• • •	• • •	• • •
220–224	G, NG. (US84)	220–224	Amateur. (NG13)	Amateur.		AMATEUR.
224–225	G, NG. (US121)	224–225	Fixed. Mobile. (NG68) (NG69)	Base Fixed. Mobile.		FIXED. MOBILE.
• • •	• • •	• • •	• • •	• • •	• • •	• • •

2. NG13 is amended to change the pertinent band limits from 220–225 MHz to 220–224 MHz.

3. New footnotes NG68 and NG69 are added in appropriate numerical sequence to read as follows:

NG68 In those portions of the States of Texas and New Mexico in the area bounded on the south by parallel 31°53'N., on the east by longitude 105°40'W, on the north by parallel 33°24'N. and on the west by longitude 106°40'W. and in the State of Florida the counties of Gulf and Franklin and the contiguous water areas of the Gulf of Mexico extending to 30 mi offshore, the frequency band 224–225 MHz is not available for use by fixed, base and mobile stations between the hours of 0500 and 1800 local time Monday through Friday, inclusive, of each week.

NG69 Pending the outcome of coordination with Canada and Mexico, fixed and mobile stations are not authorized to operate within 10 mi of the international boundary with these countries; base stations are not authorized to operate within 20 mi of the international boundary with these countries.

4. US34 is amended to change the pertinent band limits from 220–225 MHz to 220–224 MHz.

5. A new footnote US121 is added in appropriate numerical sequence to read as follows:

US121 The only non-Government service permitted in the band 224–225 MHz is by stations of the fixed and mobile services. These stations shall be on a secondary basis to and not cause harmful interference to the Government radiolocation service.

[FR Doc.73-11950 Filed 6-15-73;8:45 am]

[47 CFR, Part 73]

[Docket No. 19764; FCC 73-608]

TABLE OF ASSIGNMENTS

FM Broadcast Stations, Columbus, Ind.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Columbus, Ind.), docket No. 19764, RM-1994.

1. The Commission has before it a petion for rulemaking filed by Ruch County Broadcasting Co. (petitioner), proposing the assignment of channel 285A to Columbus, Ind.

2. Columbus is a city of 27,141 persons,[1] and the seat of Bartholomew County, population 57,022. It is located 42 miles southeast of Indianapolis, 73 miles from Louisville, Ky., and 90 miles from Cincinnati, Ohio, and is not near any urbanized area. Channel 268 is presently assigned to Columbus and is licensed to station WCSI-FM. There is also a daytime-only AM station (WCSI) at Columbus.

3. The engineering study of petitioner indicates that the proposed assignment to Columbus would foreclose future assignment only on channel 285A; the adjacent channels are not affected. The precluded area would occur in and near Columbus. It notes that there are seven other communities within the precluded area, whose populations are less than that of Columbus, where channel 285A could be assigned. However, these communities receive service from stations located in the neighboring communities or have FM stations assigned to them. Seymour (13,352) and North Vernon (4,582) each has an FM station (class B). Edinburg (4,906) and Austin (4,902) are each served by an FM station located in a neighboring community. Three other communities have populations of less than 2,500 persons and also receive service from FM stations in neighboring communities.

4. Assignment of channel 285A to Columbus would meet our spacing requirements, and would not affect other channel assignments in the FM table.

5. Petitioner points out that Columbus has a mayor-city council form of government. It adds that Columbus has 50 manufacturing concerns (automotive emission controls, diesel engines, metal furniture, pulleys, electric controls, etc.) which employ over 16,000 people and is the retail-wholesale center of south-central Indiana, with retail sales in 1970 exceeding $105 million. Petitioner states that Columbus has a representative number of schools, churches, and fraternal organizations and, being the county seat, it contains a number of county governmental offices. It notes that there is a 30.6 percent growth in population over the 1960 census. According to its population, Columbus would qualify for another commercial FM channel.

6. Considering the size of Columbus and the rate of its past growth, we are of the opinion that institution of a rulemaking proceeding looking toward the assignment of a second FM channel there is warranted. Petitioner states that if the requested channel assignment is made it will promptly file for its use. We note that such an assignment would intermix a class A with a class B channel at Columbus. It would appear that petitioner was unable to find a class B channel available for the community and is willing to operate on a class A channel in competition with WCSI-FM which operates on class B channel 268. Although in some circumstances we are hesitant to intermix channels, in others we have done so. Comments are therefore invited on the intermixture question as well as on the following proposal:

City	Channel No.	
	Present	Proposed
Columbus, Ind.	268	268, 285A

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

8. *Showings required.*—Proponents of the proposed assignment are expected to file comments even if they only resubmit or incorporate by reference their former pleadings. They should also restate their present intentions 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.

9. *Cutoff 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 rulemaking which conflict with the proposal 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.

10. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before July 20, 1973, and reply comments on or before July 31, 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.

11. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

12. 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 June 6, 1973.

Released June 11, 1973.

FEDERAL COMMUNICATIONS COMMISSION.

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.73-12058 Filed 6-15-73;8:45 am]

[1] Population figures cited are from the 1970 U.S. census.

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 THE TREASURY

Bureau of Customs

[T.D. 73-163; Customs Delegation Order No. 46]

ASSISTANT COMMISSIONER, OFFICE OF ADMINISTRATION, AND THE DIRECTOR, FACILITIES MANAGEMENT DIVISION

Designation as Contracting Officers To Enter Into Certain Contracts

1. By virtue of authority vested in me by Treasury Department order No. 165, revised (T.D. 53654, 19 FR 7241), and by Treasury Department order No. 208 (revision 1), dated July 17, 1972 (37 FR 14419), I hereby designate the Assistant Commissioner, Office of Administration, Bureau of Customs, and the Director, Facilities Management Division, Office of Administration, Bureau of Customs, as contracting officers with authority to enter into and administer contracts for the acquisition of land and the construction of Customs border facilities provided for in section 1 and section 2 of the act of June 26, 1930, as amended (19 U.S.C. 68, 69); the lease of real property; and the procurement of personal property and nonpersonal services (including construction).

2. This delegation is subject to the requirements and limitations of Treasury Department order No. 208 (revision 1), dated July 17, 1972, and shall be exercised in accordance with the requirements and limitations of title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. ch. 4) as well as the applicable Federal Procurement Regulations, 41 CFR, chapters 1 and 10.

3. Subject to the requirements and limitations of paragraph 2 above, the authority herein delegated may be redelegated by the Assistant Commissioner, Office of Administration, Bureau of Customs, or the Director, Facilities Management Division, Office of Administration, Bureau of Customs, to other officers or employees of the Customs Service in such manner as they shall direct.

4. Any action heretofore taken by the Assistant Commissioner, Office of Administration, Bureau of Customs, or the Director, Facilities Management Division, Office of Administration, Bureau of Customs, which involved the exercise of authority hereby granted is affirmed and ratified.

5. This order supersedes Customs Delegation order No. 36, dated July 22, 1970 (T.D. 70-168, 35 FR 12079).

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

[FR Doc.73-12095 Filed 6-15-73;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

CHIEF OF NAVAL OPERATIONS EXECUTIVE PANEL ADVISORY COMMITTEE

Notice of Meetings

Notice is hereby given that the Chief of Naval Operations Executive Panel Advisory Committee will hold closed meetings on July 5 and 6, 1973, at the Naval War College, Newport, R.I. The meetings will commence at 2 p.m. on July 5 and are scheduled to be adjourned at 5 p.m. on July 6, 1973. Items to be discussed include the role of the U.S. Navy in the 1980's, the Soviet naval threat, status of ongoing U.S. Navy studies, and a review of Navy Programs.

Dated June 11, 1973.

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

[FR Doc.73-12035 Filed 6-15-73;8:45 am]

Office of the Secretary of Defense

ADVISORY COMMITTEE FOR DOMESTIC ACTION PROGRAMS

Charter

In accordance with the provisions of Public Law 92-463, Federal Advisory Committee Act, notice is hereby given that the DOD Advisory Committee for Domestic Action programs 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 Advisory Committee for Domestic Action programs is as follows:

General.—In order to assist in the furtherance and wider acceptance of the Domestic Action program which encourages the utilization of Defense resources—human and material—to aid the whole of our American society on a not-to-interfere basis with primary mission objectives, and in accordance with the provisions of Public Law 92-463, Executive Order 11686 and implementing OMB and DOD regulations, it has been determined that a Civilian Advisory Committee could function as a key element in this most important adjunct to military activity.

Mission.—The mission of the Committee is purely advisory in nature. The Committee is to function to provide assistance and advice on all matters relating to Defense Domestic Action programs in six general areas of concern. These areas are: (1) transfer of technical knowledge; (2) community relations; (3) manpower; (4) procurement; (5) equal opportunity; and (6) use of assets. Additionally, the Committee will act to provide an exchange of information between Defense and the public sector so as to allow for a total understanding not only to the restrictions on use of military resources but also to their total impact and interaction in our American society. The Committee will function under the Secretary of Defense through the Assistant Secretary of Defense for Manpower and Reserve Affairs.

Membership. — 1. The Committee should be composed of not more than 30 members and representatives of as many diverse fields of interest in the public sector as practicable. The geographical representation should be, as nearly as possible, related to those people in the general vicinity of military installations in order to provide a common bond of mutual interest.

2. Members will be appointed by the Secretary of Defense and shall serve without compensation. Approximately one-third of the membership shall be replaced annually.

3. An individual of national stature will be appointed by the Secretary of Defense and will serve a term of 2 years that is renewable.

Administration.—1. The Committee shall meet at the invitation of the Assistant Secretary of Defense for Manpower and Reserve Affairs. There will be four formal meetings held annually and the presence of a simple majority of the members shall constitute a quorum. One of these meetings can be held near or on a major Defense establishment. The Assistant Secretary of Defense (Manpower and Reserve Affairs) shall appoint as Executive Director a full-time salaried Government officer or employee who will have authority to adjourn any meeting of the Committee which is not considered to be in the public interest.

2. The Assistant Secretary of Defense (Manpower and Reserve Affairs) will provide, from resources made available for this purpose, such personnel, facilities, and other administrative support as are determined to be necessary for the performance of the Committee's functions.

3. In accomplishing its mission as stated herein, the Committee may obtain such information and assistance as it requires from the military departments and other agencies of the Department of Defense as appropriate.

4. It is estimated that the annual operating costs for the Committee will

be $35,000 and the man-years necessary to support the Committee will be four.

Duration.—This Committee shall terminate upon the completion of its mission or not later than 2 years after its approval unless prior to that time it is renewed by appropriate action.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, Office of the Assistant Secretary of Defense (Comptroller).

JUNE 3, 1973.

[FR Doc.73-12036 Filed 6-15-73;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

FINANCIAL MANAGEMENT FOR PLANNING AND ACTION GRANTS MANUAL

Notice of Availability

Notice is hereby given that on April 30, 1973, the Law Enforcement Assistance Administration issued the manual "Financial Management for Planning and Action Grants." These are the financial requirement guidelines for program 16.500 law enforcement assistance—comprehensive planning grants; program 16.501—law enforcement assistance—discretionary grants and program 16.502—law enforcement assistance—part C block grants and part E grants distributed in block grant fashion. Copies of this manual are available and may be obtained from the regional office in any of the following cities:

LEAA—U.S. Department of Justice, 147 Milk Street, suite 800, Boston, Mass. 02109.

LEAA—U.S. Department of Justice, 26 Federal Plaza, room 1351, Federal Office Building, New York, N.Y. 10007.

LEAA—U.S. Department of Justice, 325 Chestnut Street, suite 800, Philadelphia, Pa. 19106.

LEAA—U.S. Department of Justice, 730 Peachtree Street NE., room 985, Atlanta, Ga. 30308.

LEAA—U.S. Department of Justice, O'Hare Office Center, room 121, 3166 Des Plaines Avenue, Des Plaines, Ill. 60018.

LEAA—U.S. Department of Justice, 500 South Ervay Street, suite 313–C, Dallas, Tex. 75201.

LEAA—U.S. Department of Justice, 436 State Avenue, Kansas City, Kans. 66101.

LEAA—U.S. Department of Justice, Federal Building, room 6519, Denver, Colo. 80202.

LEAA—U.S. Department of Justice, 1860 El Camino Real, fourth floor, Burlingame, Calif. 94010.

LEAA—U.S. Department of Justice, 130 Andover Building, Seattle, Wash. 98188.

DONALD E. SANTARELLI,
Administrator.

[FR Doc.73-12030 Filed 6-15-73;8:45 am]

LEAA PROCUREMENT PUBLICATIONS

Availability of Handbooks and Manual

Notice is hereby given that the Law Enforcement Assistance Administration issued on January 9, 1973, the Project Monitor Procurement Handbook (HB 1700.5), on January 17, 1973, the Procurement Handbook (OOS HB 1700.1), and on February 7, 1973, the Grant Manager Procurement Manual (M 1700.6).

The Project Monitor Procurement Handbook (HB 1700.5) provides LEAA personnel guidance in the procurement process from the time a procurement requirement is identified through each step until the desired results of a contract are achieved and the contract closed out. It guides the Project Monitor with respect to his relationship to the personnel having responsibility for the solicitation, source selection, negotiation, award and administration of procurement contracts.

The Procurement Handbook (OOS HB 1700.1) is designed to provide supplementary material to the Federal Procurement Regulations and to provide in one single document a summary of the policies, regulations and procedures governing procurement planning and the preparation, issuance and administration of Law Enforcement Assistance Administration (LEAA) contracts.

The Grant Manager Procurement Manual (M 1700.6) is to provide guidance for those involved in managing LEAA grants in which the procurement of supplies, equipment, construction and services is contemplated. The guide is applicable to both Federal and State grant managers and is consistent with current Federal Government and LEAA policies applicable to all LEAA grant programs.

Copies of the handbooks and the manual are available and may be obtained from the Policy and Review Section, Procurement Branch, Law Enforcement Assistance Administration, 633 Indiana Avenue, Washington, D.C. 20530.

ALLEN J. VANDER-STAAY,
Assistant Administrator, Office of Operations Support.

[FR Doc.73-12096 Filed 6-15-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

SHOSHONE DISTRICT ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Shoshone District Grazing Advisory Board will hold a field meeting July 11, 1973, beginning at the District Office, 122 Cherry Street, Shoshone, Idaho, at 9 a.m.

The agenda for the field meeting will be to tour different range areas to discuss and make recommendations on grazing use and problems. The range to be examined will be between Shoshone and Sun Valley, Idaho, which will include the Macon Flat Unit.

The meeting will be open to the public who will be required to furnish their own transportation. Time at different stops will be available for brief statements by members of the public. Those wishing to make an oral statement should inform the Advisory Board Chairman, Allen Bauscher, Fairfield, Idaho 83327, prior to the meeting. Written statements may also be filed for consideration with Mr. Bauscher.

WILLIAM L. MATHEWS,
State Director.

[FR Doc.73-12040 Filed 6-15-73;8:45 am]

Bureau of Reclamation

MARBLE BLUFF DAM AND PYRAMID LAKE FISHWAY, WASHOE PROJECT, NEVADA

Notice of Public Hearing on Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for construction of the Marble Bluff Dam and Pyramid Lake Fishway, which is a part of the Washoe project. This statement (INT DES 73–35 dated June 8, 1973) was filed with the Council on Environmental Quality on June 8, 1973, and is available to the public, as specified in the notice of availability.

The purpose of the dam and fishway is to provide a waterway for the fish in Pyramid Lake to ascend the sandy delta at the mouth of the Truckee River and allow them to reach spawning areas in the lower Truckee River and return to the lake. The dam will also serve as a barrier to continued headcutting of the river channel upstream from the dam.

A public hearing will be held at Nixon, Nev., in the Old Natchez School on July 18, 1973, starting at 9 a.m. and continuing until 5 p.m. to recive comments on the draft environmental statement.

Statements at the hearing will be limited to a period of 10 minutes. Speakers will not trade their time to obtain a longer oral presentation; however, the person authorized to conduct the hearing may allow any speaker to provide additional oral comment after all persons wishing to make comment have been heard. Speakers will be scheduled according to the time preference mentioned in their letter or telephone request, whenever possible. Request for scheduled presentation will be accepted up to 4 p.m., July 13, 1973, and any subsequent requests will be handled on a first-come-first-served basis following the scheduled presentations.

Organizations or individuals desiring to present their oral statements at the hearing should contact Mr. Edward C. Malmstrom, Project Manager, Bureau of Reclamation, P.O. Box 640, Carson City, Nev. 89701, telephone 702–882–3436, and announce their intention to participate. Written comments from those unable to attend the public hearing, and for those wishing to supplement their oral presentation at the hearing should be sent on or before July 27, 1973, to Mr. Malmstrom so that they can be included in the hearing record.

Dated June 14, 1973.

G. G. STAMM,
Commissioner, Bureau of Reclamation.

[FR Doc.73-12183 Filed 6-15-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[Docket No. SH-319]

TEXAS SUGARCANE AREA

Notice of Hearing on Sugarcane Wages in Texas and Designation of Presiding Officers

Pursuant to the authority contained in section 301(c)(1) of the Sugar Act of section 301(c)(1) of the act, whether U.S.C. 1131), and in accordance with the rules of practice and procedure applicable to wage proceedings (7 CFR 802.1 et seq.), notice is hereby given that a public hearing will be held at San Benito, Tex., on July 12, 1973, in the community building, 210 East Heywood, beginning at 9:30 a.m.

The purpose of this hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining, pursuant to the provisions of section 301(c)(1) of theact, whether the wage rates established for Texas sugarcane fieldworkers in the wage determination which became effective October 2, 1972 (37 FR 19341), continue to be fair and reasonable under existing circumstances, or whether such determination should be amended.

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearing to express their views and present appropriate data in regard to wages.

All written submissions made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk, room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. (7 CFR 1.27(b)).

The hearing, after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the presiding officers.

L. L. Sommerville, R. R. Stansberry, Jr., J. E. Agnew, Jr., W. H. Ragsdale, and H. A. Sullivan are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearings.

Signed at Washington, D.C., on June 13, 1973.

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

[FR Doc.73-12091 Filed 6-15-73;8:45 am]

Farmers Home Administration

GUARANTEED RURAL HOUSING LOAN AUTHORIZATIONS

Development of Preliminary Regulations

Notice is hereby given that preliminary regulations are being developed by the Farmers Home Administration for the guaranteed rural housing loan authorizations in section 310C of the Consolidated Farm and Rural Development Act (Public Law 92-419). These regulations will not be published in the FEDERAL REGISTER for public comment until the comprehensive study of all Federal housing programs now being conducted under the direction of James T. Lynn, Secretary, Department of Housing and Urban Development (38 FR 8685, dated April 5, 1973), is completed and any conclusions and recommendations reached by this study affecting the guaranteed rural housing loan authorizations have been reviewed.

Dated June 13, 1973.

FRANK B. ELLIOTT,
Acting Administrator, Farmers Home Administration.

[FR Doc.73-12090 Filed 6-15-73;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

[Order 42-2]

DIRECTORATE OF ADMINISTRATIVE MANAGEMENT FOR DIBA

Organization and Functions

This order effective May 17, 1973, supersedes the material appearing at 38 FR 9318 of April 13, 1973.

SECTION 1. Purpose. This order prescribes the organization and assignment of functions within the Directorate of Administrative Management.

SEC. 2. Organization and structure. The organization structure and line of authority of the Directorate of Administrative Management (DAM) shall be as depicted in the attached organization chart. A copy of the chart is on file with the original of this document in the Office of the Federal Register.

SEC. 3. Office of the Deputy Assistant Secretary. .01 The Deputy Assistant Secretary for Administrative Management (the Deputy Assistant Secretary) who shall also be the Director shall be responsible to the Assistant Secretary, DIB and shall determine the objectives of DAM, formulate the policies and programs for achieving those objectives and direct execution of the programs.

.02 The Deputy Director shall assist in the direction of DAM and perform the functions of the Deputy Assistant Secretary in the latter's absence.

.03 The travel staff shall provide comprehensive travel services for DIBA personnel which shall include itinerary plans, modes of travel, reservations for transportation, security clearances, tickets, passports and visas, hotel accommodations for international travel, and where possible, domestic hotel reservations. The travel staff shall serve as liaison with the Department's travel unit, the Passport Office, the Central Accounting Division, and any other organizations necessary to making travel arrangements.

.04 The protocol staff shall provide all protocol-related services to the immediate office of the Secretary and to the Assistant Secretary, DIB and DIBA Deputy Assistant Secretaries. Services shall include arranging social functions and providing other information and assistance to secretarial and DIBA officials in connection with visits of high-ranking foreign dignitaries and preparation for official visits by secretarial-level or DIBA Officials abroad. The protocol staff also serves as liaison with the Department of State Protocol Office.

.05 The Deputy Assistant Secretary shall supervise and direct the following organizational components:

a. Office of the Deputy Assistant Secretary.
b. Office of Personnel.
c. Office of Management and Systems.
d. Office of Administrative Services.
e. Office of Budget.

SEC. 4. Office of Personnel. .01 The Office of Personnel shall be headed by a Director who shall plan, coordinate and conduct the personnel management program for the Domestic and International Business Administration, advise on personnel policy and procedures, and employee development and utilization; interpret personnel policies and procedures established by higher authority, and act as liaison with the Department's Office of Personnel. The Director will head the following operating units:

.02 The Personnel Operations Division shall plan, conduct, and coordinate DIBA-wide programs in the technical areas of recruitment, placement and position classification, and related matters; maintain official personnel records for all DIBA employees; and monitor utilization of assigned ceiling for DIBA.

.03 The Employee Relations Division shall plan and coordinate DIBA-wide programs in the technical areas of employee performance evaluation, employee grievances and appeals, employee recognition and incentives, employee and supervisory counseling, equal employment opportunity counseling, employee welfare and benefits, personnel planning for emergency readiness, and labor-management relations.

.04 The Employee Development Division shall plan and coordinate DIBA-wide programs in the technical areas of career development and training, equal employment opportunity policy implementation, employee utilization, and related matters.

SEC. 5. Office of Management and Systems. The Office of Management and Systems shall be headed by a Director who shall direct the management analysis program for DIBA. The Office shall provide management, organization, and systems analysis—including management studies and staffing surveys and organization planning. The Office shall coordinate the DIBA management review and improvement program, ADP systems development, and the internal DIBA project management information system, perform committee management, records management and reports management; administer the DIBA forms management program; maintain a system for the

issuance of all DIBA announcements, instructions, organization and function orders, delegations of authority and other issuances prepared for the administration of DIBA; coordinate GAO and departmental audits within DIBA and provide liaison with the Department's Office of Organization and Management Systems.

SEC. 6. Office of Administrative Services. .01 The Office of Administrative Services shall be headed by a Director who shall plan and direct all administrative services for DIBA operating units and maintain liaison with the Department's Office of Administrative Services. The Office of the Director will administer the following DIBA programs: (1) Parking program including allocation of spaces, (2) safety program including assuring safe working conditions and accident reporting, the Director is the DIBA Safety Officer, (3) security program including document and physical security, the Director is the DIBA Security Officer, and (4) space management program including assignment and control of all DIBA space in Washington and the field. The Director will head the following operating units:

.02 The Communications Management Division shall analyze and assign action on all incoming overseas correspondence; dispatch all outgoing Commerce correspondence to overseas establishments; receive, sort, and distribute all correspondence; received, log, control, and distribute all classified, and registered documents from NATO, the Department of State, other Federal agencies and the Foreign Service posts. In addition, the division includes the DIBA Secretariat which is responsible for correspondence control, including review, assignment of responsibility and follow-up; special messenger service; maintenance of DIBA routing codes; and distribution of bulk material including newspapers and departmental and DIBA bulk mailings.

.03 The Procurement and Facilities Management Division processes procurement requests for all furniture, furnishings, and office equipment; processes requests for subscriptions and publications; arranges for the purchase of office supplies; processes requests for rental and leased equipment; processes requests for printing; requests services from GSA; verifies and approves all invoices for payment; arranges for furniture repair and refinishing; controls and arranges for the issuance of building passes, credentials, civil defense identification cards, door keys and driver permits; provides copying services; arranges for repair of office equipment; arranges for services related to space management including telephones, electrical work, moving and carpeting; maintains an inventory of furniture, furnishings and office equipment; and provides payroll services for DIBA.

SEC. 7. Office of budget. .01 The Office of Budget shall be headed by a Director, who shall be the DIBA Budget Officer, and who shall plan, coordinate, and conduct the budget and program analysis functions of DIBA; exercise control over all DIBA funds; collect and control receipts and contributions; negotiate and approve all reimbursable agreements and agreements for special statistical studies; interpret budgetary and financial procedures established by higher authority; maintain liaison with counterpart budget, program analysis and fiscal offices in the Office of the Secretary, the Office of Management and Budget, and as necessary, other Federal agencies; and provide guidance and direction for the Office. The Director will head the following operating units:

.02 The Program Analysis and Budget Formulation Division shall be responsible for: analyzing and evaluating DIBA programs and program plans, and formulating all DIBA budget requests; developing the DIBA program/budget structure; developing program output indicators, workload measures and progrm plans in cooperation with DIBA bureaus and offices; analyzing the relationship of programs to DIBA goals and objectives, the results of DIBA programs, and the impact of DIBA programs in relation to other Government activities; coordinating and reviewing/or preparing program issue studies; developing alternative program configurations and resource distributions for programs; designing and maintaining a system of collecting and classifying program workload and output data, and historical program budget data; preparing recommended guidance and instructions for the formulation of budgetary requests by DIBA program managers; analyzing budget estimates, justifications and program plans; preparing, in cooperation with the DIBA bureaus and offices, the budget materials required for the Preview, Secretarial, Presidential, and Congressional budget estimates and justifications, preparing the DIBA program memorandum; preparing and collecting materials to support appeals of budget allowances; preparing and collecting backup materials and materials for the hearings record; briefing witnesses for budget hearings; preparing budget supplemental and budget amendment estimates; and preparing analyses of program budget requests and recommended alternative budget packages for the Assistant Secretary, DIB.

.03 The Budget Execution and Reports Division shall be responsible for: developing and preparing plans for utilization and for administrative control of all DIBA appropriations and other funds; maintaining fund controls over all DIBA appropriations and trust funds; preparing apportionment requests, allotments, budget authorizations, and quarterly fiscal plans; developing guidance and instructions for a system of operating budgets; preparing, in cooperation with DIBA bureaus and offices, cost-based operating budget plans; analyzing, maintaining, and reviewing bureau cost-based operating budgets; prevalidating all DIBA obligating documents; preparing monthly reports on the status of funds against operating budgets; analyzing progress against budgets; analyzing and making projections of fund utilization; reporting and analyzing variances from operating budget and fiscal plans; maintaining personnel compensation availability controls; negotiating and controlling reimbursable agreements; developing and controlling all financial cost and project coding patterns; providing financial cost controls and fund records; reconciling financial data with the Department accounting reports; reporting status of availability, obligations, costs, outlays, and manpower utilization; receiving and recording all collections and receipts; authorizing and controlling all contributions, trust funds, hospitality amounts, and representation allowances; controlling any financial limitations established against DIBA funds; and maintaining liaison with departmental accounting offices.

SEC. 8. Effect on other orders. This order supersedes DIBA Organization and Function Order 42–2 of December 4, 1972.

Effective date.—May 17, 1973.

JUDITH S. CHADWICK,
Director, Directorate of Administrative Management.

[FR Doc.73–12014 Filed 6–15–73;8:45 am]

Maritime Administration

[Docket No. S–361]

OPERATING-DIFFERENTIAL SUBSIDY FOR CARRIAGE OF BULK CARGO PRINCIPALLY BETWEEN THE UNITED STATES AND U.S.S.R.

Notice of Extension of Existing Agreements

Notice is hereby given that the Maritime Subsidy Board proposes to extend all operating-differential subsidy agreements with respect to the carriage of grain between the United States and the Union of Soviet Socialist Republics which are scheduled to expire on June 30, 1973 (except for voyages in progress on that date) for 1 month or until July 31, 1973 (except for voyages in progress on that date).

Inasmuch as certain of the parties to these agreements employ ships in the domestic, intercoastal, or coastwise service, written permission of the Maritime Administration, under section 805(a) of the Merchant Marine Act, 1936, as amended, previously granted to each affected operator, after appropriate notice in the FEDERAL REGISTER, will likewise be so extended for 1 additional month to July 31, 1973, or until completion of subsidized bulk-carrying voyages in the Russian grain program in progress at that time.

For the purposes of section 605(c), Merchant Marine Act, 1936, as amended, the Maritime Subsidy Board similarly has noted in the FEDERAL REGISTER during the past year each application for operating-differential subsidy under the Russian grain program pointing out that, for the purposes of section 605(c),

Merchant Marine Act, 1936, as amended, it should be assumed that each vessel named will engage in the trades described on a full-time basis. As stated in the prior notification, each voyage must be approved for subsidy before commencement of the voyage and the Maritime Subsidy Board will act on each request for a subsidized voyage as an administrative matter under the terms of the individual operating-differential subsidy contract. This procedure will continue throughout the 1-month extension described above.

Any person having an interest in the proposed extension of the foregoing described agreements from June 30, 1973, to July 31, 1973, and who would contest such an extension by the Maritime Subsidy Board, must, on or before June 22, 1973, notify the Board's Secretary, in writing, of his desire to intervene, with as much specificity as possible, giving those facts that the intervenor would undertake to prove at any hearing that may be ordered on the subject. Further, each such statement shall identify the contractor against which the intervention is lodged.

Dated June 13, 1973.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-12179 Filed 6-15-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 8530; docket No. FDC-D-141; NDA Nos. 10-613 and 8-530]

WINTHROP PRODUCTS, INC., AND WINTHROP LABORATORIES

Alevaire; Termination of Order Withdrawing Approval of New Drug Applications

On March 6, 1973, the Food and Drug Administration published a final order in the FEDERAL REGISTER (38 FR 6305-9) denying requests for a hearing and withdrawing approval of new drug applications Nos. 10-613 and 8-530 for the drug Alevaire. On April 16, 1973, a petition for reconsideration of the order with supporting materials was filed by Sterling Drug, Inc., Winthrop Products, Inc., and Breon Laboratories. Following review of the petition for reconsideration, the Food and Drug Administration has concluded that the requests for hearing should be reevaluated.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505 (f) and (h), 52 Stat. 1052, as amended; 21 U.S.C. 355 (f) and (h)) and under authority delegated to the Commissioner (21 CFR 2.120), the order of March 6, 1973, is set aside and approval of new drug applications Nos. 10-613 and 8-530, and all amendments and supplements thereto, is reinstated.

Dated June 14, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-12152 Filed 6-15-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-73-159]

ENGLISH MOUNTAIN DEVELOPMENT, ET AL.

Notice of Hearing

Notice is hereby given that:

1. Preferred Development Corp., a Tennessee corporation and a wholly owned subsidiary of Peoples' Protective Corp., a Tennessee holding corporation, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Public Law 90-448) (15 U.S.C. 1701 et seq.), received a notice of proceedings and opportunity for hearing dated May 4, 1973, which was sent to the developer pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), informing the developer of information obtained by the Office of Interstate Land Sales Registration showing that a change had occurred which affected material facts in the developer's statement of record for English Mountain development and the failure of the developer to amend the pertinent sections of the statement of record and property report.

2. The Respondent filed an answer received May 22, 1973, in answer to the allegations of the notice of proceedings and opportunity for a hearing.

3. In said answer the Respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for a hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(b), *it is hereby ordered,* That a public hearing for the purpose of taking evidence on the questions set forth in the notice of proceedings and opportunity for hearing will be held before Administrative Law Judge Miles Brown, in room 7233, Department of HUD Building, 451 Seventh Street SW., Washington, D.C., on June 22, 1973, at 10 a.m.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, room 10150, Washington, D.C. 20410, on or before June 21, 1973.

5. The Respondent is hereby notified that failure to appear at the above-scheduled hearing shall be deemed a default and the proceeding shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated June 13, 1973.

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

[FR Doc.73-12098 Filed 6-15-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-269, 50-270, 50-287]

DUKE POWER CO.

Addendum to Final Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the U.S. Atomic Energy Commission's regulations in appendix D to 10 CFR, part 50, notice is hereby given that the addendum to the final environmental statement prepared by the Commission's Directorate of Licensing related to the proposed issuance of operating licenses to the Duke Power Co. for the startup and operation of Oconee Units 2 and 3 is available for inspection by the public in the Commission's public document room at 1717 H Street NW., Washington, D.C., and in the Oconee County Library, 201 South Spring Street, Walhalla, S.C. The addendum to the final environmental statement is also being made available at the Office of the Governor, State Planning and Grants Division, Wade Hampton Office Building, South Carolina 29201, and at the South Carolina Appalachian Regional Planning and Development Commission, P.O. Box 4184, 11 Regency Hills Drive, Greenville, S.C. 29608.

The "Final Environmental Statement Related to the Operation of Oconee Nuclear Station Units 1, 2, and 3" was published by the Directorate of Licensing in March 1972. Paragraph 2 of the summary and conclusions pointed out that "this statement consider the environmental impact of the simultaneous operation of all three units," although the action at the time was concerned with the proposed issuance of a license to operate unit 1.

In connection with the proposed issuance of operating licenses for units 2 and 3, the final environmental statement was reviewed and it was determined that the statement sets forth an adequate analysis and evaluation of the environmental impact of the proposed actions. Nevertheless, this addendum to the FES is issued in order to provide a progress report on the station's continuing monitoring program and to update certain "need for power" information. The information set forth in this addendum is not of sufficient importance to warrant its circulation for comment, and accordingly, the addendum is being issued as a part of the final environmental statement.

On the basis of the analysis and evaluation set forth in the final environmental statement, as supplemented by the material in this addendum, and after weighing the environmental, economic, technical, and other benefits of Oconee Nuclear Station Units 2 and 3 against environmental and other costs and considering available alternatives, it is concluded that the findings in the FES are reaffirmed; that the monitoring programs have been developed and are incorporated as part of the technical specifications for the Oconee Station; and that the further actions called for under the National Environmental Policy Act of 1969 (NEPA) and appendix D to 10 CFR, part 50, are the issuance of operating licenses for Oconee Units 2 and 3,

subject to the condition that the applicant shall continue and modify as necessary the comprehensive monitoring program described in appendix B to operating license No. DPR–38 technical specifications for unit 1 which will be made a part of any licenses issued for units 2 and 3.

The notice of availability of the final environmental statement for the Oconee Nuclear Station Units 1, 2, and 3 was published in the FEDERAL REGISTER on April 1, 1972 (37 FR 6702).

Single copies of the addendum may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 13th day of June 1973.

For the Atomic Energy Commission.

GORDON K. DICKER,
Chief, Environmental Projects Branch 2, Directorate of Licensing.

[FR Doc.73–12140 Filed 6–15–73;8:45 am]

[Dockets Nos. 50–315, 50–316]

INDIANA & MICHIGAN ELECTRIC CO. ET AL.

Notice and Order for Second Prehearing Conference

In the matter of Indiana & Michigan Electric Co., et al. (Donald C. Cook Nuclear Plant, units 1 and 2).

Take notice that the previously canceled second prehearing conference will be held on September 6, 1973, in Washington, D.C. The exact time and place will be disclosed by a subsequent order of the instant Atomic Safety and Licensing Board (Board).

The topics listed in the "Notice And Order For Second Prehearing Conference", dated January 30, 1973, will be the subject of discussion at the September 6, 1973, prehearing conference.

We have considered the request of applicant that the prehearing conference be held on June 13, 1973 (as previously contemplated), and the request of the joint intervenors that such conference be held in late September, and we conclude that the public interest would best be served by the action taken herein.

It is so ordered.

Issued at Washington, D.C., this 12th day of June 1973.

The Atomic Safety and Licensing Board.

JEROME GARFINKEL,
Chairman.

[FR Doc.73–11995 Filed 6–15–73;8:45 am]

[Dockets Nos. 50–289; 50–320]

METROPOLITAN EDISON CO. ET AL.

Establishment of Atomic Safety and Licensing Board To Rule on Petitions

Pursuant to Commission memorandum and order dated June 8, 1973, an Atomic Safety and Licensing Board is being established to rule on petitions and/or requests for leave to intervene in the following proceeding:

METROPOLITAN EDISON COMPANY, ET AL.

(Three Mile Island Nuclear Station, units 1 and 2)

Dockets Nos. 50–289, 50–320

This action is in reference to the "Determination to Rescind Suspension of Construction Activities" in the instant matter published by the Director of Regulation on April 10, 1973, in the FEDERAL REGISTER (38 FR 9105).

The members of the Board are:

Charles A. Haskins, Esq., Chairman.
Dr. M. Stanley Livingston, member.
Dr. John R. Lyman, member.

Dated at Washington, D.C., this 12th day of June 1973.

ATOMIC SAFETY AND LICENSING BOARD PANEL,
NATHANIEL H. GOODRICH,
Chairman.

[FR Doc.73–11997 Filed 6–15–73;8:45 am]

[Docket No. 50–367]

NORTHERN INDIANA PUBLIC SERVICE CO.

Notice and Order for Holding Further Evidentiary Hearings

In the matter of Northern Indiana Public Service Co. (Bailly Generating Station Nuclear 1).

Take notice that further evidentiary hearings in this proceeding shall take place as follows:

VALPARAISO HOLIDAY INN

June 27–29, 1973, commencing 9:30 a.m. (local time).
July 17–18, 1973, commencing 10 a.m. (local time).

COURTROOM, FOURTH FLOOR, SUPERIOR COURT OF PORTER COUNTY, VALPARAISO, IND.

July 19–20, 1973, commencing at 10 a.m. (local time).
July 24–27, 1973, commencing at 10 a.m. (local time).
July 31–August 3, 1973, commencing at 10 a.m. (local time).

Further hearings are also scheduled for August 8 through August 10, 1973, commencing at 9:30 a.m., local time. The site of these hearings will be disclosed during the July evidentiary hearings.

It is so ordered.

Issued at Washington, D.C., this 12th day of June 1973.

ATOMIC SAFETY AND LICENSING BOARD,
JEROME GARFINKEL,
Chairman.

[FR Doc.73–11998 Filed 6–15–73;8:45 am]

[Docket No. 50–346]

TOLEDO EDISON CO. AND CLEVELAND ELECTRIC ILLUMINATING CO.

Notice and Order for Prehearing Conference

In the matter of Toledo Edison Co. and Cleveland Electric Illuminating Co. (Davis-Besse Nuclear Power Station).

Take notice, that pursuant to the rules and regulations of the Atomic Energy Commission, a prehearing conference in the captioned proceeding will be held on June 26, 1973, commencing at 9:30 a.m., local time, at the Lucas County Courthouse, Courtroom No. 4, Adams Street at Erie Street, Toledo, Ohio 43624.

The purpose of the prehearing conference is to deal with:

(1) Simplification and clarification of the issues;
(2) Obtaining of stipulations and admissions of fact, and agreement as to the authenticity of documents to avoid unnecessary proof;
(3) Identification of witnesses;
(4) Establishment of schedules for further actions; and
(5) Such other matters as may aid in the orderly disposition of the instant proceeding.

Issued at Washington, D.C., this 12th day of June, 1973.

ATOMIC SAFETY AND LICENING BOARD.
JOHN B. FARMAKIDES,
Chairman.

[FR Doc.73–11996 Filed 6–15–73;8:45 am]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 20070, 25025; Order 73–6–45]

SOUTHERN AIRWAYS, INC.

Order Regarding Service to Crossville, Tenn.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of June 1973.

On August 1, 1968, Southern Airways, Inc., filed an application in docket 20070 to renew on a permanent or temporary basis its authority to serve Crossville, Tenn. Southern had been certificated to serve Crossville by orders E–23087/8, January 5, 1966, for a temporary period to expire on February 4, 1969. During the pendency of its application, Southern has continued to serve the point pursuant to section 9(b) of the Administrative Procedure Act.

On December 20, 1972, Southern filed a pleading in docket 25025 which requests the Board to dismiss its application in docket 20070 or, if necessary, to conduct an expedited hearing for the purpose of amending Southern's certificate of public convenience and necessity for route 98 so as to delete Crossville therefrom. In the same document Southern seeks authority to suspend service at Crossville immediately, which authority would continue in effect until 50 days after final Board order following a deletion hearing.[1]

An answer in opposition to the applications was filed jointly by the city of Crossville and its airport committee. Southern has filed a reply.

Upon consideration of the pleadings and all the relevant facts, we have decided to deny Southern's request for immediate suspension of service and to

[1] As Southern noted in its application, a Board order dismissing the application in docket 20070 would render moot the request for suspension authority.

adopt, as delineated below, expedited procedures for the consideration of whether Southern's motion to dismiss its application should be granted or whether Southern's certificate should be amended so as to require it to serve Crossville on a temporary or permanent basis. Accordingly, we shall defer decision on Southern's motion for dismissal of its application in docket 20070 in order to consider that issue on the basis of the record to be established in the manner described herein.[2]

This case presents circumstances which require that a decision be reached with dispatch. Since the temporary certification of Crossville in 1966, the average number of passengers enplaned per day has, following an initial increase, declined from a high of 3.8 in 1968 to a low of 1.2 for the first 9 months of 1972. Southern contends that in fiscal year 1972 its services at Crossville resulted in an operating loss of $38,126 and a subsidy requirement of $41,142 and that termination of such service would produce a net financial improvement, after return and tax, of $77,000 in calendar year 1973. Southern also alleges that it has actively promoted its services—a point disputed by the civic parties—and that, in any event, there is adequate surface transportation available to nearby airports.[3]

Under these circumstances, we believe that Southern's request for relief should be considered under expedited procedures which will permit a rapid decision while insuring a full record and preserving the rights of all parties. We are establishing herein dates for the filing of briefs and reply briefs to the Board by interested parties. The briefs will be addressed to the issues set forth in the appendix attached hereto. Reply briefs shall be addressed solely to matters raised in the direct briefs. Each brief and reply brief shall have attached to it the evidentiary material prescribed in the attached appendix with sworn affidavits that the material contained therein is true and correct.[4] Estimates such as growth rates, which contain elements of judgment, will be clearly identified and the basis thereof explained in detail, and the supporting affidavit will affirm that such judgment is the best judgment of the proponent. The parties will also furnish sufficient detail in the form of footnotes or otherwise so that, without further clarification, final results may be obtained from the basic data. The parties will provide the sources of any data included and the basis and methodology used in constructing the evidentiary material. Oral argument will be held only upon the request of any party, filed within 15 days after the date set for the exchange of reply briefs. While we recognize that the action we are taking herein is unusual, we believe that the procedure specified above will insure a full, fair, and true disclosure of the facts and will afford the parties due process while they permit the expedited processing of this case.

In reaching this decision, we have considered the allegations of the civic parties that Southern has deliberately pursued a policy of rendering its service at Crossville all but useless. If, in fact, there have been deficiencies in Southern's service which have contributed to the failure of traffic to develop at the point, the civic parties will be afforded an adequate opportunity to so demonstrate in the context of the procedures adopted herein. Evidence on this point will be given full consideration by the Board in reaching its determination on the issue of deletion.

Finally, we have decided to deny Southern's request for immediate suspension of service because of the lack of alternative air service at Crossville and because of the need for full consideration of the conflicting contentions of the parties.[5]

Accordingly, it is ordered, That:

1. Decision on the motion of Southern Airways, Inc., to dismiss its application in docket 20070 be and it hereby is deferred until further order of the Board;

2. The application of Southern Airways, Inc., in docket 25025 for authority to suspend service without hearing be and it hereby is denied;

3. Briefs to the Board in docket 20070 may be exchanged by interested parties on the 28th day following service of this order and reply briefs may be exchanged on the 21st day thereafter;

4. The briefs shall address themselves to the issues specified in the appendix attached hereto, and shall have affixed thereto sworn affidavits as set forth above;

5. The reply briefs shall address themselves solely to matters raised by the briefs, and shall have affixed thereto sworn affidavits as set forth above;

6. Written requests for oral argument may be submitted to the Board on the 15th day following the date set for exchange of reply briefs; and

7. A copy of this order shall be served upon Southern Airways, Inc.; mayor, city of Crossville; Governor, State of Tennessee; director, Tennessee Aeronautics Commission; manager, Crossville Airport; and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

ISSUES TO BE CONSIDERED

1. Should the Board grant the motion of Southern Airways, Inc. to dismiss its application for renewal of authority to serve Crossville?

2. Do the public convenience and necessity require that the certificate of Southern Airways, Inc. for Route 98 be altered, amended, or modified so as to require Southern to serve Crossville on either a temporary or permanent basis? This issue includes, but is not limited to, consideration of the following subsidiary issues:

(a) Whether the quality and quantity of Southern's past and present services have been adequate to test the traffic generating ability of the point;

(b) Whether Southern's promotion of its services to/from Crossville by advertising or otherwise has been adequate;

(c) Whether the alternative of a suspension/replacement arrangement is feasible; and

(d) Whether Crossville is an "isolated community" according to past Board standards.

EVIDENCE TO BE SUPPLIED

The evidence supplied by the parties shall include, but is not limited to, the following:

Southern Airways.—1. *Current financial impact.*—Provide an estimate of the economic impact on Southern of providing the current Crossville service, setting forth the revenues by category of traffic, and the breakdown of traffic and expense according to the service pattern provided in the latest 12-month period available.

2. *Financial forecast.*—Provide detailed estimates of financial and traffic results that Southern would experience in the calendar year 1974 assuming it continues to serve Crossville. The forecast should assume the present pattern of service unless Southern proposes to change its current schedules.

NOTE.—Historical data relied upon for the estimates made in 1 and 2 above will also be provided for the calendar years 1970–72, by year.

3. *Air taxi replacement.*—Explain whether the carrier has made any effort to obtain for Crossville an air taxi replacement service on a permanent or temporary basis and, if not, why not. Submit any studies or analyses of the economic feasibility of air taxi replacement service at that point. If Southern has made no such studies explain why it feels that an air taxi replacement is not feasible. Include an estimated annual cost for 1974 to Southern to hire a substitute air taxi to serve Crossville.

Civic parties.—1. *Airport facilities.*—Describe the airport facilities and navigational aids at the Crossville Airport, including improvements and modifications contemplated. Indicate types of commercial aircraft (that is, jet or propeller) which the airport can now accommodate with or without restriction.

Describe improvements which will be required pursuant to parts 107 and 139 of the Federal Air Regulations dealing, respectively, with airport security, and fire, crash and rescue standards.

Describe capital and operating costs of improvements, sources of funds (separate committed funds from future proposals) and anticipated completion dates, if applicable.

2. *Future need for air service at Crossville.*—Provide information as to population

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[2] We note that there are no statutory provisions governing the procedure to be followed in determining whether to dismiss (or permit withdrawal of) an application for renewal of authority filed pursuant to pt. 377 of the special regulations.

[3] Knoxville and Nashville, Tenn., are, respectively, 78 and 102 miles from Crossville via improved and high-speed roads.

[4] The service segment data to be supplied by the Bureau of Operating Rights are confidential for a period of 1 year. Accordingly, pursuant to § 241.19–6 of the Board's economic regulations, the Board, on its own motion, finds that it is in the public interest to disclose this information.

[5] Denial of suspension pendente lite here is consistent with our denial of suspension requests in other cases under similar circumstances. See e.g., order 70–7–90, July 20, 1970; order 70–11–72, Nov. 18, 1970; and order 71–12–68, Dec. 16, 1971.

size and rate of growth together with demographic and economic indications which show trends in the commercial or social and recreational activity within the service area having a bearing on the future demand for air service to and from Crossville.

Submit a narrative setting forth all discussions or plans (if any) with respect to the possibility of future air service by air taxi operators.

3. *Alternative transportation.*—Describe the alternative means of transportation (surface and air) to principal communities of interest, including air taxi, limousine, bus, or rail service, if available.

Provide maps showing the geographic area served by the Crossville, Nashville and Knoxville airports, including the major roads within the area.

Show in a separate tabulation road distances, driving times, peak and nonpeak hours, routes utilized and description of roads, from the Crossville area to the Nashville and Knoxville airports. In the event that construction is planned, submit an estimate of the new driving distances and times, and an estimated completion date of the planned construction.

4. *Isolation.*—Describe the degree of isolation, if any, from each community of interest which would result from the deletion of Southern's service.

5. *Promotion of air service.*—Indicate what has been done, including promotion and advertising of Southern's service, and what could or should have been done, to achieve what is believed to be Crossville's traffic generating potential. Give the facts as to why Crossville has not (if it has not) generated the amount of traffic which it is capable of generating. From available sources (travel agency records, business firms or associations, nearby airports or special surveys), show the number of passengers where ground origin was at the community in issue and air service at an adjacent airport was used. Identify, if possible, the airport used. Provide this information on the most recent annual basis available.

BUREAU OF OPERATING RIGHTS

Submit average load factors for each flight segment to and from Crossville by month for each calendar year 1970, 1971, and 1972, and from January 1, 1973, to date, as available.

[FR Doc.73-12094 Filed 6-15-73;8:45 am]

[Docs. 25024 and 25025; Order 73-6-44]

SOUTHERN AIRWAYS, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 13th day of June 1973.

By application filed on December 20, 1972, Southern Airways, Inc. (Southern), has requested amendment of its certificate of public convenience and necessity for Route 98 so as to delete Shelbyville-Tullahoma, Tenn. (hereinafter, Shelbyville),[1] therefrom. On the same date Southern filed a motion for expedited action in the form of an immediate hearing or an order to show cause and an application for authority to suspend service immediately.

The city of Shelbyville and the Shelbyville Airport Authority have informed the Board by letter that they will not oppose Southern's applications and motion on the condition that Southern continue to provide service through September 3, 1973, or until the city secures replacement air taxi service, whichever occurs first. In a reply Southern states that it has agreed to the condition postulated by the city in its letter.

Upon consideration of the foregoing and all the relevant facts, we have decided to issue an order to show cause why the requested deletion should not be granted. In this regard, we tentatively find and conclude that the public convenience and necessity require the amendment of Southern's certificate for Route 98 so as to delete Shelbyville therefrom.

In support of our ultimate conclusion, we make the following tentative findings and conclusions. Southern's service at Shelbyville has been characterized by minimal traffic and excessive costs and is not likely to become economically sound in the future. Since Southern's first full year of service (1961), average passenger enplanements for each year have never been greater than 3.9 per day (in 1966). For the first 9 months of 1972 the average was only 1.6 per day, or 0.8 per departure. We estimate that continuation of service will result in a subpart K subsidy need requirement of approximately $81,500, based upon an estimated 1,140 passengers in 1973. Thus, the average subsidy need per passenger would be about $72, a figure substantially greater than the subsidy need per passenger which in similar cases the Board has found to be unwarranted in relation to the concurrent public benefits.[2] Even without air transportation the Shelbyville-Tullahoma area would not be isolated. Both Huntsville, Ala., and Nashville, Tenn., are accessible within 90 and 50 minutes, respectively, by automobile; there is also ample bus service available. Finally, the absence of civic opposition to Southern's application lends support to our decision that the show cause procedure is appropriate in these circumstances.[3]

With respect to Southern's request for authority to suspend service, we find that such action would not be in the public interest. Although the parties have agreed in principle that Southern should continue to provide service until September 3, 1973, or until Shelbyville secures air taxi service, whichever occurs first, the Board is of the opinion that this type of contingency presents problems of uncertainty, potential disagreement and confusion, particularly regarding the quantity and quality of air taxi service which would relieve Southern of its obligations. In the absence of replacement service, Shelbyville would be without scheduled air transportation for the first time since 1960. We therefore conclude that interim suspension authority should be denied and that our tentative decision to delete Shelbyville should bear an effective date of September 3, 1973.

Interested persons will be given until July 9, 1973, to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein, and amending Southern Airways, Inc.'s certificate of public convenience and necessity for Route 98 so as to delete Shelbyville-Tullahoma, Tenn., therefrom, effective September 3, 1973;

2. Any interested persons having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, on or before July 9, 1973, file with the Board and serve upon all persons listed in paragraph 6 a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;[4]

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein;

5. The application of Southern Airways, Inc. for authority to suspend service, be and it hereby is denied;

6. A copy of this order shall be served upon Southern Airways, Inc.; mayor, city of Shelbyville; mayor, city of Tullahoma; Governor, State of Tennesee; Director, Tennesse Aeronautics Commission; manager, Shelbyville Airport; and the Postmaster General.

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[1] Southern was permanently certificated to serve Shelbyville in the *Southeastern Area Local Service Case,* 30 C.A.B. 1318 (1959).

[2] See, *e.g.*, order 70-6-22, June 2, 1970; order 73-2-16, Feb. 5, 1973; and order 72-11-26, Nov. 9, 1972.

[3] We also tentatively find that the carrier is fit, willing, and able properly to perform the certificate obligations which will result from the changes proposed herein and to conform to the provisions of the act and the Board's regulations and requirements thereunder.

[4] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-12092 Filed 6-15-73;8:45 am]

COMMISSION ON CIVIL RIGHTS

CALIFORNIA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting and Closed or Executive Session

Notice is herey given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a factfinding meeting of the California State Advisory Committee will convene on June 22 at 10 a.m. in the board room of the San Francisco Board of Education, 170 Fell Street, San Francisco, Calif. 94102. The meeting will reconvene at 9 a.m. on June 23. This meeting shall be open to the public.

The purpose of this meeting shall be to collect information concerning legal developments constituting a denial of the equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin which affect the rights of the Asian American in California; to appraise denials of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin as these pertain to the rights of the Asian American in California; and to disseminate information concerning denials of the equal protection of the laws because of race, color, religion, sex, or national origin with respect to the rights of the Asian American in California, and related areas.

A closed or executive session of the California State Advisory Committee will convene on June 21 at 7:30 p.m. in the Embarcadero Room of the Jack Tar Hotel, Geary and Van Ness Streets, San Francisco, Calif. 94101. At this session, Advisory Committee members will discuss matters which may tend to defame, degrade, or incriminate individuals, and as such, this session is closed to the public.

These meetings will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., June 11, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-12011 Filed 6-15-73;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 on June 21, 1973, at 7:30 p.m. at the Labor Education Center, Rutgers University, Roders Lane, New Brunswick, N.J. 08903.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission in room 510, 2120 L Street NW., Washington, D.C. 20425.

The purpose of this meeting shall be to discuss the latest developments in the progress of the Prison Study in the State of New Jersey.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., June 12, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-12012 Filed 6-15-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Availability

Pursuant to the requirements of Section 102(2)(C) of the National Environmental Policy Act of 1969 and Section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period from May 1, 1973, to May 31, 1973.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this reviewing period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in appendix II, and the EPA source for copies of the comments as set forth in appendix V.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this reviewing period. The listing will include the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in appendix V.

Appendix IV contains a listing of proposed Federal Agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in appendix V.

Appendix V contains a listing of the names and addresses of the sources for copies of EPA comments listed in appendices I, III, and IV.

Copies of the EPA Order 1640.1, setting forth the policies and procedures for EPA's review of agency actions, may be obtained by writing the Public Inquiries Branch, Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency or from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

SHELDON MEYERS,
Director,
Office of Federal Activities.

JUNE 12, 1973.

APPENDIX I

Draft environmental impact statements for which comments were issued between May 1, 1973, to May 31, 1973

Responsible Federal agency	Identifying number and title	General nature of comments	Source for copies of comments
Atomic Energy Commission	D-AEC-00081-NY: Nine Mile Point Nuclear Station, unit 2, New York.	ER-2	A
Do	D-AEC-00082-PA: Susquehanna Steam Electric Station, units 1 and 2, Pennsylvania.	ER-2	A
Do	D-AEC-00084-MN: Prairie Island Nuclear Generating Plant, units 1 and 2, Minnesota.	ER-2	A
Do	D-AEC-00083-CT: Millstone Nuclear Power Station, units 1 and 2, Connecticut.	ER-2	A
Department of Agriculture	D-AFS-65025-NM: Proposed timber management plan, Apache National Forest, N. Mex.	3	G
Do	D-AFS-61117-00: Roadless and undeveloped areas, new study areas.	3	A
Do	D-AFS-61135-TN: South Holston unit, Cherokee National Forest, Tenn.	LO-1	E
Do	D-AFS-61135-AR: Operation of Blanchard Springs Caverns, Ark.	ER-2	G
Do	D-AFS-65022-MT: East Fork Yaak planning unit, Montana.	ER-2	G
Do	D-DOA-65014-IN: Off-vehicle policy—Hoosier National Forest, Ind.	ER-2	F
Do	D-SCS-36262-ND: Burnt Creek R.C. & D. measure for flood prevention, North Dakota.	LO-1	I
Do	D-SCS-36252-KS: Sand Creek Watershed, Harvey and Marion Counties, Kans.	3	H
Do	D-SCS-36253-VA: Buffalo River Watershed, Amherst County, Va.	ER-2	D
Do	D-SCS-36257-VA: Indian Creek Watershed, city of Chesapeake, Va.	LO-2	D
Do	D-SCS-36254-PA: Oil Creek Watershed, Crawford, Erie, Warren, and Venango Counties, Pa.	ER-2	D

APPENDIX I—Continued

Responsible Federal agency	Identifying number and title	General nature of comments	Source for copies of comments
Corps of Engineers	D-COE-32410-AL: Maintenance dredging of Dauphin Island Bay, Mobile County, Ala.	ER-2	E
Do	D-COE-32418-MI: Black River at Port Huron, Mich	LO-1	F
Do	D-COE-34070-GA: Closure of Academy Creek, Brunswick Harbor, Ga.	ER-2	E
Do	D-COE-35068-VA: James River, Va. (maintenance dredging).	EU-2	D
Do	D-COE-35069-VA: Waterway of the coast of Virginia (dredging), Virginia.	3	D
Do	D-COE-35074-AK: Homer small boat harbor, operation and maintenance, Alaska.	LO-1	K
Do	D-COE-35077-VA: Norfolk Harbor (maintenance dredging), Va.	LO-2	D
Do	D-COE-36256-CA: Cucamonga Creek and tributaries, San Bernardino, Riverside County, Calif.	LO-2	J
Do	D-COE-36265-PA: Flood control improvements, Paxton Creek and Susquehanna River, Harrisburg, Pa.	ER-2	D
Do	D-COE-36241-CA: Flood control project on north fork of Feather River, Calif.	LO-1	J
Do	D-COE-36247-PR: Portugues and Bucana Rivers, flood control, Puerto Rico.	ER-2	C
Do	D-COE-36255-SC: Scotts Creek project, Newberry County, S.C.	ER-2	E
Do	D-COE-36263-CA: Alameda Creek flood control project, California.	LO-1	J
Do	D-COE-39013-MD: Diked disposal island, Hart and Miller Islands, Md.	ER-2	D
Do	D-COE-39016-TX: Natural salt pollution study, Brazos River Basin, Tex.	LO-2	G
Do	D-COE-30060-NY: City Island and vicinity, hurricane protection study, New York.	LO-2	C
Department of Commerce	D-DOC-61105-MN: Grand Portage Band Chippewa, Cook County, Minn.	LO-2	F
Federal Maritime Administration.	D-MAR-99014-00: Maritime Administration tanker construction program.	LO-2	A
Department of Defense	D-UAF-10035-TT: Revised Pacific cratering experiments (PACE), Trust Territory of the Pacific Islands.	3	J
Do	D-USN-11036-MS: Multipurpose target range, Naval Air Station, Miss.	LO-2	E
Federal Power Commission	D-FPC-05428-WI: Cornell Hydro Project No. 2639, Chippewa County, Wis.	ER-2	F
Do	D-FPC-39018-NY: Hudson River Project No. 2482, Fort Edward development, New York.	ER-2	C
Do	D-FPC-89056-MD: Authority to import Algerian liquid natural gas, Cove Point, Md.	LO-2	D
General Services Administration	D-GSA-81128-MD: Edward A. Garmatz Federal Building, Baltimore, Md.	LO-1	D
Do	D-GSA-80008-KS: Improvements at the Dwight D. Eisenhower Library, Kans.	LO-1	H
Do	D-GSA-80009-OR: Courthouse and Federal office building, Eugene, Oreg.	LO-1	K
Do	D-GSA-81120-VI: Construction of courthouse and Federal office building, Virgin Islands.	LO-1	C
Do	D-GSA-81120-MA: Construction of Federal building, New Bedford, Mass.	LO-1	B
Do	D-GSA-81121-OH: Construction of courthouse and Federal office building, Dayton, Ohio.	LO-1	F
Do	D-GSA-81125-OK: Construction of Federal office building, Oklahoma.	ER-2	G
Do	D-GSA-81127-VA: Richard H. Poff Federal Building, Roanoke, Va.	LO-1	D
Department of Housing and Urban Development.	D-HUD-80008-HI: Pauahi urban renewal project, Honolulu, Hawaii.	ER-2	J

APPENDIX I—Continued

Responsible Federal agency	Identifying number and title	General nature of comments	Source for copies of comments
Department of Housing and Urban Development.	D-HUD-80010-CA: West Berkeley Industrial Park, Berkeley, Calif.	LO-2	J
Do	HUD-85011-RI: Historic Hill urban renewal, Newport, R.I.	ER-2	B
Do	D-HUD-85010-DC: First, second, and third years of neighborhood development program, 14th Street urban renewal area, Washington, D.C.	LO-2	D
Do	D-HUD-89128-CA: City center urban renewal project in Oakland, Calif.	ER-2	J
Department of the Interior	D-BOR-61121-OH: Little Miami River, from Glen Island to Clifton, Ohio.	LO-2	F
Do	D-BOR-61128-WI: Pine, Popple, and Pike wild rivers acquisition, Wisconsin.	LO-1	F
Do	D-SFW-64007-AZ: Habitat enhancement project, Havasu National Wildlife Refuge, Ariz.	LO-1	J
Do	D-SFW-61120-AR: White River National Wildlife Refuge, Wilderness, Desha County, Ark.	LO-1	G
Do	D-SFW-64008-00: Land acquisition, Cibola National Wildlife Refuge.	LO-1	A
Do	D-NPS-24050-MO: Proposed many glacier sewerage system, plan, Missouri.	LO-1	H
Do	D-NPS-24051-MO: Proposed Lake McDonald sewerage system plan, Missouri.	LO-1	H
Do	D-NPS-24052-MO: Proposed sewage treatment facilities for Risingsun, Mo.	LO-1	H
Do	D-NPS-61127-NC: Moores Creek National Military Park, Boundary, N. C.	LO-2	E
National Capitol Planning Commission.	D-NCP-11034-DC: The proposed Bolling/Anacostia Base development, Washington, D.C.	ER-2	D
Department of Transportation	D-FAA-51251-ND: Grand Forks International Airport, Grand Forks, N. Dak.	LO-2	I
Do	D-FAA-51257-KY: Ashland-Boyd County Airport, Ashland, Ky.	LO-2	E
Do	D-FAA-51258-IN: Starke County Airport, Knox, Ind	LO-1	F
Do	D-FAA-51259-GA: Emanuel County Airport, Swainsboro, Ga.	LO-2	E
Do	D-FAA-51259-NY: Columbia County Airport, Hudson, N.Y.	LO-2	C
Do	D-FAA-51260-TN: Somerville-Fayette County Airport, Somerville, Tenn.	LO-1	E
Do	D-FAA-51261-TX: Stephens County Airport, Breckenridge, Tex.	LO-2	G
Do	D-FAA-51263-VA: Mountain Empire Airport, Wytheville, Va.	LO-1	D
Do	D-FAA-51270-NC: Albert J. Ellis Airport, Onslow County, N.C.	ER-2	E
Do	D-FHW-41737-CA: Improvement of Route 101, Arcata, Humboldt County, Eureka, Calif.	LO-1	J
Do	D-FHW-41707-IL: Federal aid urban system Route 8398, Peoria County, Ill.	ER-2	F
Do	D-FHW-41725-AR: Highway 82 bypass (El Dorado), Union County, Ark.	LO-2	G
Do	D-FHW-41726-AR: JOB C-60-49 FAP S-1141(2) Markham Street, Parkway, Ark.	ER-2	G
Do	D-FHW-41727-WI: Park Freeway and spur, Milwaukee County, Wis.	ER-2	F
Do	D-FHW-41729-IA: U.S. 20, Fort Dodge, Webster County, Iowa.	LO-2	H
Do	D-FHW-41730-IA: Iowa 330 expressway, Jasper, Story and Marshall Counties, Iowa.	LO-2	H

APPENDIX I—Continued

Responsible Federal agency	Identifying number and title	General nature of comments	Source for copies of comments
Department of Transportation	D-FHW-41733-NC: Guilford-Forsyth County, U.S. 311, Project 6480175A, North Carolina.	LO-2	E
Do	D-FHW-41736-CA: Highway improvements on Routes 106 and 30, San Bernadino County, Calif.	3	J
Do	D-FHW-41740-CO: Project SU 0157(1) Boulder bypass, Colo.	ER-2	I
Do	D-FHW-41747-MI: Improvement of U.S. 127 between U.S. 12 and M 50, Mich.	LO-2	F
Do	D-FHW-41774-OH: State Route 107, Identification No. WIL-107-8.39, Willian County, Ohio.	LO-1	F
Do	D-FHW-41794-TX: Loop from 689 southeast of Kerrville, to State Highway 16 northeast of Kerr County, Tex.	LO-1	G
Do	D-FHW-41748-MI: I-69, Clinton and Eaton Counties, Mich.	LO-2	F
Do	D-FHW-41740-FL: Mills Avenue Extension, Orange County, Orlando, Fla.	ER-2	E
Do	D-FHW-41751-FL: State Road 80, ST. JOB 93120-1507, Palm Beach County, Fla.	LO-2	E
Do	D-FHW-41752-FL: State Road 24 and I-175 interchange, Alachua County, Fla.	LO-2	E
Do	D-FHW-41757-AK: Haines to St. James Bay Highway, Project S-0961, Alaska.	ER-2	K
Do	D-FHW-41761-OH: Bagley Road, County Road 27, Berea, OHIO.	3	F
Do	D-FHW-41762-WI: Connersville-East County Line Road, Dunn County, Wis.	LO-2	F
Do	D-FHW-41763-NC: Inner belt loop, from York Road to Central Avenue, North Carolina.	LO-1	F
Do	D-FHW-41770-WV: Corridor H. Elkins bypass, Elkins, W. Va.	LO-1	D
Do	D-FHW-41771-SC: Extension State Route S-179, Georgetown County, S.C.	LO-2	E
Do	D-FHW-41777-NB: 84th Street tunnels, 96th Street, I-80, Douglas County, Nebr.	LO-2	H
Do	D-FHW-41778-NM: Cuba-Pojoaque New Mexico Forest Highway, Route 12, New Mexico.	ER-2	G
Do	D-FHW-41788-AL: Mobile County, Project S-4930(102), Bayou LaBatre, Ala.	LO-2	G
Do	D-FHW-41790-MO: Route 71, Nodaway County, Project F-71-7, Missouri.	LO-2	H
Do	D-FHW-41791-MT: Conrad West (urban section, Montana.	LO-1	I
Do	D-FHW-41792-MD: Route 210, Prince Georges County, Md.	LO-1	D
Do	D-FHW-41808-AK: Copper River Highway, Addendum, Alaska.	ER-2	K
Do	D-FHW-41757-MD: Relocation of Routes 140 and 30, phase I, Rapid Transit, Baltimore, Md.	ER-2	D
Do	D-FHW-41809-OR: Garden Valley Road, fairgrounds Interchange I-5, Oregon.	LO-1	K
Do	D-FHW-41755-PA: L. R. Route 170, section A-10, Luzerne County, Pa.	ER-2	D
Do	D-FHW-41828-NJ: Route 206 Freeway, Newton bypass, Sussex County, N. J.	ER-2	C
Do	D-FHW-41799-CA: Interstate 5, Dunsmuir and Mount Shasta, Siskiyou County, Calif.	LO-1	J
Do	D-UMT-10035-DC: Washington Metro System, Washington, D.C.	LO-2	D

APPENDIX II

DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

ENVIRONMENTAL IMPACT OF THE ACTION

LO—Lack of Objection

EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these aspects.

EU—Environmentally Unsatisfactory

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

ADEQUACY OF THE IMPACT STATEMENT

Category 1—Adequate

The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information

EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate

EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonably available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

APPENDIX III

Final environmental impact statements for which comments were issued between May 1, 1973, and May 31, 1973

Responsible Federal agency	Identifying number and title	General nature of comments	Source for copies of comments
Department of Health, Education, and Welfare.	F-HEW-89079-MD: Tri-Service Incinerator, Forest Glen annex, Maryland.	EPA's comments reflect that the final statement adequately responded to the EPA draft comments. However, EPA offered an alternative, equally acceptable environmentally, for further consideration of HEW to dispose of solid waste materials.	A
Department of Housing and Urban Development.	F-HUD-86007-MD: Lake urban renewal area, College Park, Md.	General agreement. The final statement adequately accommodates comments made by EPA on draft statements.	D

APPENDIX IV

Regulations, legislation, and other Federal agency actions for which comments were issued between May 1, 1973, and May 31, 1973

Responsible Federal agency	Identifying number and title	General nature of comments	Source for copies of comments
Department of the Interior	R-BLM-99017-00: Conservation or protection of natural resources or the environment, 43 CFR 4110, 4120, and 4130.	EPA had no comment on the proposed amendment. However, EPA indicated a desire to review the environmental impact statement to be prepared on the use of chemical intoxicants.	A

APPENDIX V

SOURCES FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

B. Director of Public Affairs, Region I, Environmental Protection Agency, room 2303, John F. Kennedy Federal Building, Boston, Mass. 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, room 847, 26 Federal Plaza, New York, N.Y. 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pa. 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, suite 300, 1421 Peachtree Street NE., Atlanta, Ga. 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 1 North Wacker Drive, Chicago, Ill. 60606.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, Tex. 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Mo. 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, Lincoln Tower, room 916, 1860 Lincoln Street, Denver, Colo. 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, Calif. 94102.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 6th Avenue, Seattle, Wash. 98101.

[FR Doc.73-11992 Filed 6-15-73;8:45 am]

EFFLUENT STANDARDS AND WATER QUALITY INFORMATION ADVISORY COMMITTEE

Agenda and Notice of Public Hearings

Notice is hereby given of a public hearing to be held by the Effluent Standards and Water Quality Information Advisory Committee ("the Committee") established pursuant to section 515 of the Federal Water Pollution Control Act, as amended, 33 U.S.C.A. section 1251 et seq. ("the Act"). On June 6, 1973, the Acting Administrator of the Environmental Protection Agency notified the Committee of his intention to propose effluent standards for toxic pollutants under section 307(a) of the Act. The statute authorizes the Chairman of the Committee to publish a notice of a public hearing within 10 days after receipt of such notice, and to hold a public hearing within 30 days. The hearing noticed hereby will be held on July 16, 1973, at 10 a.m. in the Old Angus Ballroom, Holiday Inn, Crystal City, Arlington, Va. The hearings will be open to the public. Although final determinations have not yet been made with respect to the pollutants which will constitute the list of toxic pollutants required to be published under section 307(a), the Committee is informed that the following pollutants, among others, are being considered at the staff level for inclusion in the list:

1. Aldrin (1,2,3,4,10,10-hexachloro - 1,4,4a, 5,8,8a-hexahydro-1,4,4,5 - endo - exodimethanonaphthalene).
2. Benzidine and its salts (para-diaminodiphenyl).
3. Cadmium ion.
4. Cyanide ion.
5. DDD (TDE) 1,1-dichloro-2,2-bis(parachlorophenyl)-ethane.
6. DDE (dichlorodiphenyldichloroethylene) 1,1,1 - trichloro - 2,2 - bis(chlorophenyl)-ethylene.
7. DDT (dichlorodiphenyltrichloroethane) 1,1,1 - trichloro - 2,2 - bis(chlorophenyl)-ethane.
8. Dieldrin (1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro - 1,4 - endo, exo-5,8-dimethanonaphthalene.
9. Endrin (1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a - octahydro - 1,4-endo-endo-5, 8-dimethanonaphthalene.
10. Mercury (including elemental, ionic, and organo mercury).
11. Polychlorinated biphenyls (PCB's).
12. Toxaphene (chlorinated camphene).

The purpose of the hearings noticed hereby will be to initiate consideration of such scientific and technical information as is pertinent to the determinations required to be made by the Administrator when proposing effluent standards for toxic pollutants. It is anticipated that the Administrator may publish a notice setting forth a proposed list of toxic pollutants in the FEDERAL REGISTER prior to July 16. If so, such list and notice will be considered at the hearing noticed herein. If the list has not been proposed by that time, the hearing will be held on the basis of this notice. The hearing may be adjourned to subsequent dates in order to obtain further information.

Additional information concerning the hearing may be obtained by writing Dr. Martha Sager, Chairman, Effluent Standards and Water Quality Information Advisory Committee, Environmental Protection Agency, room 821, Crystal Mall, Building 2, Washington, D.C. 20460. The hearing will be held pursuant to the direction of the Chairman and in accordance with hearing procedures published in the FEDERAL REGISTER on Wednesday, April 11, 1973, at pages 9179–80. Certain persons or organizations may be invited by the Committee to appear and give oral testimony. Others desiring to appear and give oral testimony should contact the Committee at 703–557–7390 or may request the opportunity to appear by telegraphic notice or letter to Dr. Sager at the address listed above. Due to limitations of time, it may be necessary to limit the number of witnesses who may appear and give oral testimony. Witnesses will ordinarily be limited to 15-minute presentations to be followed by 15-minute periods of questions from the Committee.

Although the opportunity to appear and give oral testimony must necessarily be limited due to the limitations of time available to the Committee to hold public hearings and obtain additional information pursuant to the provisions of section 515 of the Act, all persons desiring to submit written statements or testimony to the Committee are encouraged to do so. Such statements or testimony should clearly indicate the pollutant or pollutants concerned and should be addressed to the "Effluent Standards and Water Quality Information Advisory Committee" at the address listed above.

Statements presented at the hearing, or otherwise submitted to the Committee will be available to the public pursuant to section 10(b) of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770), subject to the assessment of reasonable reproduction charges. Requests for such information should be directed to Dr. Martha Sager, Chairman, Effluent Standards and Water Quality Information Advisory Committee, Environmental Protection Agency, room 821, Crystal Mall, Building 2, Washington, D.C. 20460.

Dated June 12, 1973.

MARTHA SAGER,
Chairman, Effluent Standards and Water Quality Information Advisory Committee.

[FR Doc.73-12031 Filed 6-15-73;8:45 am]

ETHEPHON

Notice of Extension of Temporary Tolerance

In connection with Pesticide Petition No. 2G1195, Amchem Products, Inc., Ambler, Pa. 19002, was granted temporary tolerances for residues of the plant regulator ethephon ((2-chloroethyl) phosphonic acid) in or on the raw agricultural commodities pineapples and tomatoes at 2 parts per million on April 27, 1972 (notice was published in the FEDERAL REGISTER of Apr. 29, 1972 (37 FR 8706)). These temporary tolerances expired April 27, 1973.

A tolerance was established for residues of ethephon in or on tomatoes at 2 parts per million in connection with Pesticide Petition No. 3F1321, on April 16, 1973 (notice was published in the FEDERAL REGISTER of Apr. 20, 1973 (38 FR 9815)).

The firm has requested a 1-year extension of the temporary tolerance for residues of ethephon in or on pineapples to obtain additional experimental data. It is concluded that this extension of the temporary tolerance for residues of the plant regulator in or on pineapples will protect the public health. It is therefore extended as requested on condition that the plant regulator be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the Amchem Products, Inc. name.

This temporary tolerance expires April 27, 1974.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038).

Dated June 5, 1973.

HENRY J. KORP,
Deputy Administrator for Pesticide Programs.

[FR Doc.73-12032 Filed 6-15-73;8:45 am]

PENNWALT CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 3F1361) has been filed by Pennwalt Corp., P.O. Box 1297, Tacoma, Wash. 98401, proposing establishment of an exemption (40 CFR pt. 180) from the requirement of a tolerance for residues of the cross linked nylon type polymer formed by the reaction of a mixture of sebacoyl chloride and polymethylene polyphenylisocyanate with a mixture of ethylenediamine and diethylenetriamine when used as an inert encapsulating material for formulations of methyl parathion applied to growing alfalfa; corn

(field and sweet); cotton; forage grasses; soybeans; peas (before pods form); and barley, oats, wheat (before heads form).

The analytical method proposed in the petition for determining capsule wall residues is pyrolysis-gas chromatography. After destroying the plant material by acid digestion, the residue is pyrolyzed and the flame ionization gas chromatography response of a characteristic pyrolysis product is measured.

Dated June 7, 1973.

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

[FR Doc.73-12033 Filed 6-15-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 73-602]

ANSWER IOWA, INC., AND MANPOWER, INC. OF CEDAR RAPIDS

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In regards to applications of ANSWER IOWA, INC., Cedar Rapids, Iowa, docket No. 19760, file No. 4724-C2-P-70.

MANPOWER, INC. OF CEDAR RAPIDS, Cedar Rapids, Iowa, docket No. 19761, file No. 3413-C2-P-70. For construction permits to establish new facilities in the Domestic Public Land Mobile Radio Service.

1. The Commission has before it for consideration the above-captioned applications to establish new one-way radio signaling stations to operate on 158.70 MHz in the Domestic Public Land Mobile Radio Service (DPLMRS) at Cedar Rapids, Iowa. The applications are mutually exclusive, because the grant of both to operate on the same radio channel and in the same locality would result in mutually harmful electrical interference. Since both applicants appear to be legally, financially, and otherwise qualified to construct and operate the proposed facilities, the applications must be designated for comparative hearing to determine which applicant is better qualified to operate the proposed facilities in the public interest. *Ashbacker Radio Corp.* v. *FCC*, 326 U.S. 327 (1945).

2. It appears from the application of Answer Iowa, Inc. (Answer Iowa), that it is an Iowa corporation, with its principal office located at 414 9th Street, Des Moines, Iowa. Answer Iowa is the licensee of two stations in Cedar Rapids, both operating in the DPLMRS: Stations KJU 810 and KAF 244. Both stations operate in the upper-VHF band and serve two-way mobile subscribers primarily, with one-way signaling provided on a secondary basis. As of December 31, 1972, Answer Iowa was serving 32 two-way mobile units through the two stations belonging to 25 subscribers, and 89 one-way signaling units belonging to 69 subscribers (Answer Iowa Annual Report (form L) for 1972, filed Apr. 27, 1973). Answer Iowa's Combined Annual Report (form L) for all its stations in Iowa and Minnesota describes in its condensed balance sheet assets of $1,338,435 with an earned surplus of $236,037. Construction costs proposed in the instant Answer Iowa application are $3,150. Answer Iowa, therefore, appears to be financially qualified to construct its proposed station. The control point for the proposed station will be collocated with the control point for its presently authorized facilities in Cedar Rapids. The stockholders of Answer Iowa appearing to own 10 percent, or more, of the stock are: Russel W. Wolf (17.69 percent, J. Paul Strother (15.31), James Russel Day (12.51 percent), and Roger Lund (12.10 percent). All of the foregoing reside in Ottumwa, Iowa.

3. In reply to a Commission staff letter dated August 30, 1972, Answer Iowa submitted a need showing for the one-way signaling channel by letter dated November 7, 1972. Answer Iowa proposes to set aside 400 paging codes to be used by its one-way subscribers not only in Cedar Rapids, but in Des Moines, Sioux City, Waterloo, Clinton, Marshalltown, Davenport, and Dubuque. In addition, it submits that there are significant delays in placing one-way signaling calls on its presently authorized channels, which serve two-way units primarily and one-way units on a secondary basis.

4. Answer Iowa's application states that the charges it proposes to make to the public are "on file" with the Commission. Under § 21.15(a)(2) of our rules when any qualifications have been established "reference thereto may be made by specific identification" (emphasis supplied). Answer Iowa's reference is not specific, and would require the submission of additional information pending further consideration of its application. Since this would unduly delay action on the competing application we would simply take this opportunity to remind applicants that the failure to submit pertinent information, not only unnecessarily delays staff action on applications but can be the basis of adverse inferences drawn against the applicant. (See rules, § 21.20.) In any event, this matter will be considered under issue 1.

5. Answer Iowa's antenna will be located on the same tower with Manpower's proposed antenna, but at a height 100 ft higher (or 419 ft above ground). Its transmitter will be a Motorola type CC 3064 with 15F2 and 16F3 emissions, and input and output powers of 425 and 250 W, respectively. Since there is nothing in the record to indicate that Answer Iowa is no longer technically qualified to operate its two-way stations in Cedar Rapids, we do not believe that any useful purpose would be served in further describing these qualifications here.

6. Manpower, Inc. of Cedar Rapids (Manpower) is also an Iowa corporation, with its principal office located at 858 First Avenue NE., Cedar Rapids. All of the Manpower stock is owned by John J. Gavin, who operates a telephone answering service and temporary employment business at the principal office address. Manpower's balance sheet, dated June 30, 1969, shows a net worth of $53,958.17, with the cost of establishing its proposed facilities estimated to be $7,300.00.

7. Technically, Manpower proposes a Motorola model CC 3040C base station transmitter with both 16F3 and 15F2 emission, to be located in Cedar Rapids. Input/Output powers will be 220 and 120 respectively, and the antenna will be located on an existing tower at a height of 300 ft above ground. Regular and emergency maintenance of the system will be provided on a full time basis by Communications Engineering Co. of Cedar Rapids, under the direction of Mr. Harlan Brummwell who holds a first-class radiotelephone permit. Only authorized personnel will be permitted to service the radio equipment. All maintenance personnel will have access to the base station premises and the control point, which will be located at Manpower's principal office. All dispatching and managerial personnel will be instructed to report all service problems directly to Communications Engineering Co. shop and at Manpower's control point to replace paging units which go out of service for technical reasons.

8. Mr. Gavin, who will devote at least 25 hours per week to the radio operation, once it is commenced, will be in complete charge of the entire operation. At least one dispatching operator will be devoted exclusively to the paging operation during each 8-hour shift; but more will be added, as necessary. Manpower proposes to render both tone-only and selective calling voice paging service in the Cedar Rapids area at the following rates:

Service	*Monthly charge*
Rental of voice paging unit	$10.00
Rental of tone-only paging unit	8.00
Maintenance of leased paging unit	2.50
Maintenance of customer-owned paging unit (exclusive of cost of parts)	2.50
Message Service	
Voice paging unit—100 messages of up to 1-minute duration	15.00
Tone-only unit—first 100 signalings	12.00

9. Manpower alleges a great need for one-way signaling service in the Cedar Rapids area, since no facility is now authorized to provide such service on a primary basis. Manpower has been conducting a telephone answering service in that area for a number of years and appears to be quite familiar with the area, through that activity and its temporary manpower service. It further alleges that it has received requests from its present telephone answering service subscribers and others for paging services. Based upon the requests and independent studies, it estimates that within the first 6 months of operation it will have 50 paging units in operation and within a year 100 units. On September 20, 1972, in response to a Commission request, Manpower submitted a list of 95 potential subscribers to its proposed one-way service. Manpower states that it also had letters from present answering service customers requesting one-way paging service; letters from former customers who left due

to a lack of one-way paging service; and letters from potential subscribers for one-way paging service who were not then telephone answering service customers. While the underlying documents themselves were not submitted to the Commission, Manpower stated that they could be inspected by Commission personnel at the office of Manpower's Washington attorney.

10. In a letter to the Commission dated January 11, 1971, Manpower stated its willingness to enter into a time-sharing agreement with Answer Iowa to resolve the frequency conflict involved in their mutually exclusive applications. Manpower also stated that it was directing its Washington counsel to begin negotiations with Answer Iowa to that end. The Answer Iowa file discloses no reference to a sharing agreement, and so we infer that Answer Iowa has considered the matter, but has chosen not to enter into such an agreement with Manpower. We are of the view that Answer Iowa, if it has reached such a decision, might wish to reconsider its position, not only with the view of bringing this needed service into public use at the earliest date, but to avoid a costly and time-consuming hearing. Since we have already stated our position that time-sharing agreements are in the public interest, we do not believe that any useful purpose would be served by going into the matter at length again here.[1] Suffice it to say that the Manpower application has been pending since December 12, 1969, and the Answer Iowa application since February 19, 1970. Since the applications have been pending now for over 3 years, any further delay in the commencement of service to the public, in view of the availability of a time-sharing arrangement, would seem to require substantial justification. We are therefore authorizing and directing the presiding administrative law judge, as we did in the Ventura matter, *supra*, to explore with the parties the possibility of resolving this matter without the necessity of hearing.

11. In view of the foregoing, *it is ordered*, That pursuant to sections 309 (d) and (e) of the Communications Act of 1934, as amended (47 U.S.C. 309 (d) and (e)) that the captioned applications of Answer Iowa, Inc. and Manpower, Inc. of Cedar Rapids are designated for hearing in a consolidated proceeding upon the following issues:

1. To determine the nature and extent of services proposed by each applicant, including the rates, charges, personnel, practices, classifications, regulations, and faciilties pertaining thereto.

2. To determine the total area and population to be served by Answer Iowa, Inc. within the 43 dBu contour of its proposed station, based upon the standards set forth in § 21.504 of the FCC rules and regulations; and to determine the need for its proposed service in that area.[2]

3. To determine the total area and population to be served by Manpower, Inc. of Cedar Rapids within the 43 dBu contour of its proposed station, based upon the standards set forth in § 21.504 of the FCC rules and regulations; and to determine the need for the proposed service in that area.[2]

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if either, of the above-captioned applicants would better serve the public interest, convenience, and necessity.

12. *It is further ordered*, That the hearing shall be held at the Commission offices in Washington, D.C., at a time and place, and before an administrative law judge, to be specified in a subsequent order.

13. *It is further ordered*, That the burden of proof upon issue 2 is upon Answer Iowa, Inc.; the burden of proof upon issue 3 is upon Manpower, Inc. of Cedar Rapids; and the burden of proof upon issues 1 and 4 is upon both applicants.

14. *It is further ordered*, That the Chief, Common Carrier Bureau, is made a party to the proceeding.

15. *It further ordered*, That the presiding administrative law judge is authorized and directed to explore, together with the parties, the possibility of resolving this matter by the applicants entering into a time-sharing agreement for the use of the one-way channel sought by both applicants in this proceeding.

16. In the event that both applicants, after having been given an opportunity for full consideration, do not agree upon a time-sharing arrangement the administrative law judge shall enter a memorandum in the record stating such to be a fact, together with a brief statement of the positions of the parties regarding such an agreement and *It is further ordered*, That the hearing proceed upon the above-stated issues.

17. *It is further ordered*, That applicants and party respondent may avail themselves an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the Commission's rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this memorandum opinion and order.

By the Commission.

Adopted June 6, 1973.

Released June 12, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-12060 Filed 6-15-73;8:45 am]

[1] An extended discussion of sharing agreements can be found in Mobile Radio System of Ventura, Inc., et al., 30 FCC 2d 660 (1971).

[2] Section 21.504(a) of the Commission's rules and regulations describes a field strength contour of 43 dBu above 1 μV/m as the limit of the reliable service area for base stations engaged in the one-way communications service. Propagation data set forth in § 21.504(b) are a proper basis for establishing both the location of the service contours and the areas of harmful interference for the facilities involved in this proceeding.

[3] Commissioner Johnson concurring in the result.

[Report No. 652]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JUNE 11, 1973.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the 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.

[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 (pt. 21 of the rules).

By the Chief, Common Carriers Bureau.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary,

APPENDIX

APPLICATIONS ACCEPTED FOR FILING:

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE:

8938–C2–MP–73, General Telephone Co. of Pennsylvania (KLF501): C.P. to add a transmitter to operate on 35.58 MHz at 4.6 miles southeast of Somerset, Pa.

8939–C2–P–(5)–73, South Central Bell Telephone Co. (KIB389): C.P. to add an antenna and additional facilities to operate on 157.77, 157.89, 158.07, 454.450, and 459.475 (test) at 919 Lindsay Street, Chattanooga, Tenn.

8940–C2–P–73, Portable Communications, Inc. (KEK289): C.P. to add frequencies 454.125, 454.175, and 454–275 MHz at Loc. No. 3: No. 1 Marine Midland Center, Buffalo, N.Y.

8942–C2–P–(2)–73, Mobilfone Communications (new): C.P. for a new 2-way station to operate on 454.100 and 454.275 MHz at Woods Street at Garrison Avenue, West Memphis, Ark.

8960–C2–P–73, Capitol Radiotelephone Co., Inc. (new): C.P. for a new 1-way station to operate on 152.24 MHz at or near 800 block of Nease Drive 900 feet north of 7th Avenue Ext., Charleston, W. Va.

8961–C2–P–73, LeHigh Valley Mobile Telephone Co. (new): C.P. for a new 1-way station to operate on 43.58 MHz at South Mountain, Allentown, Pa.

RURAL RADIO SERVICE:

8941–C6–P–73, South Central Bell Telephone Co. (new): C.P. for a new rural subscriber station to operate on 459.400 MHz at Southeast Pass, approximately 9 miles northeast of Port Eads, La.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE:

Renewals of Licenses expiring July 1, 1973.
TERM: July 1, 1973, to July 1, 1978.

Licensee and Call Sign

Bell Telephone Co. of Pennsylvania, KEK300, KGA474.
Same as above, KGA475.
Same, KGA476.
Same, KGA585.
Same, KGA592.
Same, KGB868.
Same, KGC226.
Same, KGC228.
Same, KGC229.
Same, KGC411.
Same, KGC412.
Same, KGH861.
Same, KGH871.
Same, KGH872.
Same, KGH874.
Same, KGI262.
Same, KGI263.
Same, KGI264.
Same, KGI265.
Same, KGI266.
Same, KGI785.
Central Telephone Co., KQK770.
Central Iowa Telephone Co., KAQ620.
Same as above, KBM509.
Same, KBM524.
Same, KBM525.
Same, KBM526.
Same, KBM527.
Same, KBM528.
Same, KBM529.
Creston Mutual Telephone Co., KFL861.

Licensee and Call Sign—Continued

Chesapeake & Potomac Telephone Co. of Maryland, KGA587.
Same as above, KGC407.
Same, KGC408.
Same, KGC409.
Same, KGC410.
Same, KGC586.
Same, KGC592.
Same, KGC600.
Same, KGC601.
Same, KGC602.
Same, KGH866.
Consolidated Telephone Co., KQZ710.
General Telephone Co. of California, KLF497.
Same as above, KLF543.
Same, KMA609.
Same, KMD981.
Same, KMM617.
Same, KME440.
Same, KMM593.
Same, KMM618.
Same, KMM632.
Same, KMM665.
Same, KMM667.
Same, KMM668.
Same, KMM687.
Same, KMM698.
Same, KMM709.
Same, KQZ711.
Same, KQZ779.
Same, KSV982.
Same, KUA300.
Same, KUA304.
General Telephone Co. of the Midwest, KDT204.
Same as above, KLF642.
Same, KQZ729.
General Telephone Co. of Nebraska, KFL954.
General Telephone of the Northwest, KON912.
Same as above, KTS239.
General Telephone of Wisconsin, KFQ928.
Same as above, KRH644.
Same, KRH652.
Same, KRH655.
Same KRH674.
Same, KRM946.
Same, KRM953.
Same, KRM964.
Same, KRM979.
Same, KRM993.
Same, KRS623.
Same, KRS625.
Same, KRS628.
Same, KRS629.
Same, KRS642.
Same, KRS646.
Same, KRM979.
Same, KSA622.
Same, KSV929.
Illinois Consolidated Telephone Co., KS, C369.
Same as above, KSJ763.
Same, KSJ764.
Same, KSJ765.
Indiana Telephone Corp., KSJ775.
Same as above, KSJ797.
Same, KSJ798.
Same, KSJ799.
Lincoln Telephone & Telegraph Co., KAA689.
Same as above, KAI933.
Same, KAQ647.
Same, KBM530.
Same, KBM531.
Same, KBM532.
Same, KLF603.
Same, KFL867.
Same, KFL878.
Same, KFL888.
Same, KFL889.
Same, KLF884.
Same, KQZ736.
Muenster Telephone Corp. of Texas, KLB597.
New England Telephone & Telegraph Co., KCA207.
Same as above, KCA228.
Same, KCA669.
Same, KCA670.

Licensee and Call Sign—Continued

Same, KCA671.
Same, KCB897.
Same, KCB898.
Same, KCB899.
Same, KCC261.
Same, KCC262.
Same, KCC267.
Same, KCC268.
Same, KCC269.
Same, KCC470.
Same, KCC472.
Same, KCC473.
Same, KCC487.
Same, KCC787.
Same, KCC800.
Same, KCC801.
New York Telephone Co., KEA763.
Same as above, KEA769.
Same, KEA770.
Same, KEA771.
Same, KEA772.
Same, KEA773.
Same, KEA774.
Same, KEC931.
Same, KEC934.
Same, KEC938.
Same, KEC940.
Same, KED354.
Same, KED355.
Same, KED356.
Same, KED357.
Same, KED358.
Same, KED359.
Same, KED361.
Northwestern Bell Telephone Co., KFJ893.
Same, KFL883.
Same, KRM950.
Same, KRM980.
Same, KSV902.
Same, KSV903.
Same, KSV950.
Same, KAQ611.
Same, KDN402.
Same, KAQ611.
Same, KAA813.
Same, KAA815.
Same, KAA816.
Same, KAA817.
Same, KAA895.
Same, KAD932.
Same, KAL881.
Same, KAQ604.
Same, KAQ605.
The Ohio Bell Telephone Co., KQA655.
Same, KQA771.
Same, KFJ891.
Same, KQA440.
Same, KQA468.
Same, KQD304.
Same, KQD313.
Same, KQD598.
Same, KQD603.
Pacific Northwest Bell Telephone Co., KOA612.
Same, KOA738.
Same, KOE256.
Same, KOF325.
Same, KOF330.
Same, KOF342.
Same, KOF915.
Same, KOK417.
Same, KOK420.
Same, KON911.
Same, KOP300.
Same, KRS648.
Same, KRS680.
Same, KSV968.
Same, KSV970.
Same, KSV971.
Indiana Bell Telephone Co., KSD326.
Pacific Northwest Bell Telephone Co., KTS258.
Same, KUA288.
Same, KLF506.
Same, KLF510.
Same, KOA226.
Same, KOA246.

Same, KOA731.
Same, KOE519.
Same, KOE520.
Same, KOF324.
Same, KOF326.
Same, KOF331.
Same, KOF332.
Same, KOF333.
Same, KOF334.
Same, KOF335.
Same, KOF336.
Same, KOF340.
Same, KOF900.
Same, KOF904.
Same, KOF917.
Same, KOK421.
Same, KON922.
Same, KON923.
Same, KON911.
Same, KOP300.
Same, KRS648.
Same, KRS680.
Same, KSV968.
Same, KSV971.
Same, KTS258.
Same, KUA288.
Pacific Telephone & Telegraph Co., KLF498.
Same as above, KLF589.
Same, KMA203.
Same, KMA333.
Same, KMA400.
Same, KMA612.
Same, KMA613.
Same, KMA614.
Same, KMA615.
Same, KMA750.
Same, KMB302.
Same, KMA744.
Same, KMA745.
Same, KMA829.
Same, KMD345.
Same, KMD982.
Same, KMD688.
Same, KMD692.
Same, KMD983.
Same, KMD984.
Same, KMD985.
Same, KMD989.
Same, KMD991.
Same, KMD996.
Same, KMD999.
Same, KME432.
Same, KME435.
Same, KMJ223.
Same, KMM585.
Same, KMM588.
Same, KMM653.
Same, KQZ764.
Same, KQZ765.
Same, KSV983.
Southern Bell Telephone & Telegraph Co., KIA251.
Same, KIA959.
Same, KIG286.
Same, KIG295.
Same, KIG298.
Same, KIG847.
Same, KIJ353.
Same, KIJ526.
Same, KIK575.
Same, KIN651.
Same, KIQ514.
Same, KIQ998.
Same, KIY392.
Same, KIY443.
Same, KIY514.
Same, KIY518.
Same, KIY524.
Same, KIY603.
Same, KRS698.
Same, KTS261.
Same, KTS273.
Same, KWA640.
Same, KIC345.
Same, KIC346.
Same, KIF654.
Same, KIF655.
Same, KIG288.
Same, KIG290.
Same, KIG291.
Same, KIG292.
Same, KIG293.
Same, KIG294.
Same, KIG840.
Same, KIG846.
Same, KIK572.
Southern New England Telephone Co., KCA221.
Same, KCA718.
Same, KCA772.
Same, KCA723.
Same, KCA751.
Same, KCC475.
Same, KLF610.
Yadkin Valley Telephone Membership Corp., KLF576.

Major amendments

993–C2–P–73, Howard R. Jones d.b.a. Myrtle Beach Communications, Myrtle Beach, S.C. Amend to add the frequency 152.21 MHz. All other particulars are to remain the same as reported on Public Notice No. 611 dated Aug. 28, 1972.

8339–C2–P–73, Advanced Radio Communication Co., Alexandria, Va. Amend to add base frequencies on 454.075 MHz and 454.200 MHz, located at Tower Street, Falls Church, Va. All other particulars are to remain the same as reported on Public Notice No. 649 dated May 21, 1973.

6302–C2–P–73, Nashville Mobilphone, Inc., Nashville, Tenn. Amend to add base frequencies on 454.025 MHz, 454.075 MHz, 454.275 MHz, and 454.300 MHz located at 0.175 mile west of junction U.S. 70S and 100. All other particulars are to remain as reported on Public Notice No. 638 dated Mar. 5, 1973.

4188–C2–P–73, Two-Way Radio of Carolina, Inc., Charlotte, N.C. Amend to add the base frequency 152.03 MHz located at Baugh Building, 112 South Tryon Street, Charlotte, N.C. All other particulars are to remain the same as reported on Public Notice No. 627 dated Dec. 18, 1972.

8331–C2–P–(4)–73, Mahaffey Message Relay, Inc., Memphis, Tenn. Amend to add base frequencies 454.050 MHz, 454.150 MHz, 454.225 MHz, and 454.300 MHz at 969 Madison Avenue, Memphis, Tenn. All other particulars are to remain the same as reported on Public Notice No. 649 dated May 21, 1973.

Correction

4188–C2–P–73, Two-Way Radio of Carolina, Inc. (KIY441), Charlotte, N.C. Correct frequencies to read: 454.125 and 454.175 MHz. All other particulars are to remain as stated on Public Notice No. 627 dated Dec. 18, 1972.

8331–C2–P–(4)–73, Mahaffey Message Relay, Inc., Memphis, Tenn. Public Notice No. 649 dated May 21, 1973 should read: C.P. for additional 2-way channels to KDT223 to operate on 454.025 MHz, 454.075 MHz, 454.125 MHz, and 454.175 MHz at 305 South Bellevue, Memphis, Tenn.

POINT-TO-POINT MICROWAVE RADIO SERVICE

8830–C1–P–73, Northwestern Bell Telephone Co. (KBI58): 1 mile west of Lakota, N. Dak. Latitude 48°02'14" N., longitude 98°22'29" W. C.P. to add frequency 6360.3V MHz toward new point of communication at Edmore, N. Dak.

8831–C1–P–73, same (new): 0.9 mile east of Edmore, N. Dak. Latitude 48°24'55" N., longitude 98°26'04" W. C.P. for a new station on frequency 6137.9V MHz toward Lakota, N. Dak.; frequency 6108.3H MHz toward Langdon, N. Dak.

8832–C1–P–73, same (new): one-half mile east of Langdon, N. Dak. Latitude 48°45'-18" N., longitude 98°21'38" W. C.P. for a new station on frequency 6390.0H MHz toward Edmore, N. Dak.

8833–C1–P–73, the Pacific Telephone & Telegraph Co. (KMA38): 434 South Grand Avenue, Los Angeles, Calif. Latitude 34°03'02" N., longitude 118°15'08" W. C.P. to add frequency 4070V MHz toward Corona Del Mar, Calif.

8834–C1–P–73, same (KME46): 3848 Seventh Avenue, San Diego, Calif. Latitude 32°44'-52" N., longitude 117°09'29" W. C.P. to add frequency 3970H MHz toward Julian, Calif.

8835–C1–P–73, same (KNL78): 3.5 miles east of Corona Del Mar, Calif. Latitude 33°36'20" N., longitude 117°48'35" W. C.P. to add frequency 4030V MHz toward San Clemente, Calif.: frequency 4030V MHz toward Los Angeles, Calif.

8836–C1–P–73, same (KPP95): 5.6 miles north of Julian, Calif. Latitude 33°09'33" N., longitude 116°36'53" W. C.P. to add frequency 4150V MHz toward San Diego, Calif.; frequency 4070V MHz toward San Marcos, Calif.

8837–C1–P–73, same (KNL79): 2 miles northeast of San Clemente, Calif. Latitude 33°26'37" N., 117°35'15" W. C.P. to add frequency 4070V MHz toward San Marcos, Calif.; frequency 4070V MHz toward Corono Del Mar, Calif.

8838–C1–P–73, same (KNL80); 3.5 miles northeast of San Marcos, Calif. Latitude 33°11'05" N., longitude 117°07'44" W. C.P. to add frequency 4030V MHz toward Julian, Calif.; frequency 4030V MHz toward San Clemente, Calif.

8723–C1–ML–73, Illinois Bell Telephone Co. (WAN84): Modification of license to add (1) Rhode & Schwartz type SMCI BN 41 4222 SHF test set, E/W Hewlett-Packard J–532A and J532B wavemeters; (1) Scientific Atlanta type 1691–20–1 fault locators; and (1) Polard Signal Source model 1207, E/W Hughes model 1177HO 3F TWT amplifier.

8839–C1–P–73, Carolina Telephone & Telegraph Co. (KJH22): 102 South Ninth Street, Morehead City, N.C. Latitude 34°-43'14" N., longitude 76°42'53" W. C.P. to add antenna system and add frequency 2162H MHz toward new point of communication at Smyrna, N.C.

8840–C1–P–73, same (new): 6.5 miles northnortheast of Atlantic, Lola, N.C. Latitude 34°57'44" N., longitude 76°16'58" W. C.P. for a new station on frequency 2168V MHz toward Smyrna, N.C.; frequency 2162V MHz toward Ocracoke, N.C.

8841–C1–P–73, same (new): Cedar Road, Ocracoke, N.C. Latitude 35°06'29" N., longitude 75°58'48" W. C.P. for a new station on frequency 2112V MHz toward Lola, N.C.

8842–C1 P–73, same (new): 0.6 mile northeast of Smyrna, N.C. Latitude 34°45'52" N. longitude 76°41'07" W. C.P. for a new station on frequency 2112H MHz toward Morehead City, N.C.; frequency 2118V MHz toward Lola, N.C.

8843–C1–ML–73, American Telephone & Telegraph Co. (KJM61): Lambert, N.C. Modification of license to change frequencies 3710, 3790 MHz to 4070H, 4150H MHz toward Troy, N.C.

8844–C1–ML–73, same (KJM62): Troy, N.C. Modification of license to change frequencies 4070, 4150, MHz to 4030H, 4110H MHz toward Lambert, N.C.; frequency 3750, 3830 MHz to 4030V, 4110V MHz toward Coleridge, N.C.

8845–C1–ML–73, same (KJM63): Coleridge, N.C. Modification of license to change frequencies 3710V, 3790V MHz to 4070H, 4150H MHz toward Silk Hope, N.C.; frequencies 4030V, 4110V to 4070V, 4150V MHz toward Troy, N.C.

8846–C1–ML–73, same (KJM64): Silk Hope, N.C. Modification of license to change frequencies 4070V, 4150V MHz to 4030H, 4110H MHz toward Coleridge, N.C.; frequencies 3750V, 3830V MHz to 4030V, 4110V MHz toward Chatham, N.C.

8847–C1–ML–73, same (KJJ94): Chatham, N.C. Modification of license to change frequencies 4030V, 4110V MHz to 3750V, 3830V MHz toward Silk Hope, N.C.

8848–C1–ML–73, same (KID72): Thomasville, N.C. Modification of license to delete frequencies 3770V, 3850V, 3930V, 4010V, 4090V, 4170V MHz toward Browns Summit, N.C.

8849–C1–ML–73, same (KIJ90): Browns Summit, N.C. Modification of license to delete frequencies 3810V, 3890V, 3970V, 4050V, 4130V MHz toward Thomasville, N.C.; change frequencies 3730V MHz to 4190H MHz toward Thomasville, N.C.

(Informative: MCI, St. Louis-Texas, Inc., has filed two new applications for Sycamore and Auburn, Kans. Frequencies and points of communication contained in these new applications have been deleted from pending applications, files Nos. 5819 and 5826–C1–P–72. for these same two stations by amendments appearing in Public Notice No. 652, dated June 11, 1973. Applications 5819 and 5826–C1–P–72 were filed February 18, 1972, and appeared in Public Notice, March 20, 1972, FCC Report No. 588.)

8828–C1–P–73, MCI St. Louis-Texas, Inc. (new): 2.5 miles north of Sycamore, Kans. Latitude 37°21'51" N., longitude 95°43'-31" W. C.P. for a new station on frequency 6123.1H MHz toward Busby, Kans. on azimuth 290°00'.

8829–C1–P–73, same (new): 4.8 miles north-northeast of Auburn, Kans. Latitude 38°-58'42" N., longitude 95°47'51" W. C.P. for a new station on frequency 6152.8V MHz toward Topeka, Kans. on azimuth 52°55'.

8943–C1–MP–73, MCI Telecommunications Corp. (WPW43): 125 East 31st Street, Kansas City, Mo. Latitude 39°04'14" N., longitude 94°34'59" W. Modification C.P. to change radio path azimuth toward Victory Junction to 289°25'.

8944–C1–MP–73, same (WPW44): Modification of C.P. to change station location to 3.6 miles east-northeast of Victory Junction, Kans. Latitude 39°08'44" N., longitude 94°51'27" W. and to change radio path azimuth toward Kansas City and Nashua to 109°15' and 47°5', respectively.

8945–C1–MP–73, same (WPW45): 2.2 miles north-northwest of Nashua, Mo. Latitude 39°19'43" N., longitude 94°36'13" W. Modification of C.P. to change radio path azimuth toward Victory Junction to 227°15'.

8946–C1–ML–73, American Telephone & Telegraph Co. (KAJ67): Modification of license to change polarization from V to H on frequencies 3750, 3830, 3910, 3990, 4070, 4150 MHz toward Kansas City, Mo.; from H to V on frequencies 3930, 4010, 4090, MHz toward Kansas City, Mo.; from V to H on frequencies 3770, 3850, 3930, 4010, 4170 MHz toward LaCygne, Kans.; from H to V on frequencies 3750, 3830, 3910, 3990, 4070, 4150 MHz toward LaCygne, Kans.

8947–C1–ML–73, same (KAC73): Modification of license to change polarization from H to V on frequencies 3950, 4030, 4110 MHz; from V to H on frequencies 3730, 3810, 3890, 3970, 4050, 4130 MHz toward Elkhorn, Mo.; change frequencies from V to H on 3710, 3790, 3870, 3950, 4030, 4110 MHz; from H to V on frequencies 3730, 3810, 3890, 4050 MHz toward Louisburg, Kans.

8948–C1–ML–73, same (KAR84): Modification of license to change polarization from V to H on frequencies 3730, 3810, 3890, 3970, 4130 MHz; from H to V on frequencies 3790, 3870, 3950, 4030, 4110 MHz toward Louisburg, Kans.

8949–C1–ML–73, American Telephone & Telegraph Co. (KAL78): Modification of license to change polarization from H to V on frequencies 3750, 3830, 3910, 3990 MHz toward Chaffey, Wis.

8950–C1–ML–73, same (KAH91): Modification of license to change polarization from V to H on frequencies 3770, 3850, 3930, 4010, 4090, 4170 MHz; from H to V on frequencies 3990, 4070, 4150 MHz toward Kansas City, Mo.

8951–C1–P–73, Michigan Bell Telephone Co. (KQA60): 3 miles north of Standish, Mich. Latitude 44°01'24" N., longitude 84°06'24" W. C.P. to change power on frequency 11,075H MHz toward Linwood, Mich.; frequency 10,795H MHz toward West Branch, Mich.

8952–C1–P–73, same (KQA63): 3 miles south, 1 mile west of Linwood, Mich. Latitude 43°41'49" N., longitude 83°58'48" W. C.P. to change power on frequency 11,245V MHz toward Saginaw, Mich.; frequency 11,525H MHz toward Standish, Mich.

8953–C1–P–73, same (KQM41): 309 South Washington Street, Saginaw, Mich. Latitude 43°25'51" N., longitude 83°56'24" W. C.P. to change power on frequency 10,795V MHz toward Linwood, Mich.

8954–C1–P–73, same (KQA58): 5 miles west of West Branch, Mich. Latitude 44°16'56" N., longitude 84°20'56" W. C.P. to change power on frequency 11,245H MHz toward Standish, Mich.

8955–C1–MP–73, The Mountain States Telephone & Telegraph Co. (KPC83): 3 miles southwest of Pocatello, Idaho. Latitude 42°50'55" N., longitude 112°30'58" W. Modification of C.P. to change antenna system, points of communication, power, alarm center location, replace transmitter, and change frequencies from 6219.5, 6397.4, 10,755V, 10,995 MHz to 6241.7V, 6271.4H, 6360.3V, 6390.0H MHz toward Blackfoot, Idaho.

8956–C1–MP–73, same (KPC82): 290 North Ash Street, Blackfoot, Idaho. Latitude 43°11'30" N., longitude 112°20'35" W. Modification of C.P. to change antenna system, points of communication, power, alarm center location, replace transmitter and change frequencies from 6026.7, 6145.3, 11,445, 11,685 MHz to 5989.7V, 6019.3H, 6108.3V, 6137.9H MHz toward Pocatello Junction, Idaho; add frequencies 6115.7H, 5967.4V, 6056.4H, 6145.3V MHz toward Iona, Idaho.

8957–C1–MP–73, samc (KOM61): 299 C Street, Idaho Falls, Idaho. Latitude 43°-29'36" N., longitude 112°02'14" W. Modification of C.P. to change antenna system, points of communication, alarm center location, change in coordinates and elevation, and change frequencies from 6293.6, 6412.2, 10,715, 10,955 MHz to 11,485V, 11,325V, 11,285H, 11,605H MHz toward new point of communication at Iona, Idaho.

June 11, 1973

8958–C1–P–73, The Mountain States Telephone & Telegraph Co. (new): 2.2 miles northeast of Iona, Idaho. Latitude 43°32'-33" N., longitude 111°53'05" W. C.P. for a new station on frequencies 6367.7H, 6219.5V, 6308.4H, 6397.4V MHz toward Blackfoot, Idaho; frequencies 11,035V, 10,875V, 10,835H, 11,155H MHz toward Idaho Falls, Idaho.

8793–C1–ML–73, West Texas Microwave Co. (KLU86): Aledo, Tex. Latitude 32°41'38" N., longitude 97°40'29" W. Modification of license to deliver, via audio subcarrier, the off-the-air and subsidiary communications authorization signals of KWXI–FM (Texas State Network) of Fort Worth, Tex., to Mineral Wells, Tex. for broadcast service.

8797–C1–ML–73, same (WQE32): Goldsmith, Tex. Latitude 31°59'17" N., longitude 102°51'59" W. Modification of license as above for broadcast at Andrews, Kermit, and Monahans, Tex.

8794–C1–ML–73, same (WAY39): Jennings Farm, 5.4 miles northwest of Ogg, Tex. Latitude 34°52'19" N., longitude 101°58'-25" W. Modification of license as above for broadcast service at Hereford, Tex.

8795–C1–ML–73, same (WHB28): Community Center, Tex. Latitude 35°40'46" N., longitude 101°51'04" W. Modification of license as above for broadcast service at Pampa, Tex.

8796–C1–ML–73, same (WHB29): South Tower, Tex., 19 miles southeast of Spearman, Tex. Latitude 36°02'17" N., longitude 100°54'42" W. Modification of license as above for broadcast service at Perryton, Tex.

8792–C1–ML–73, same (KKT90): Levelland, Tex., 10.5 miles northwest of Panhandle, 102°23'01" W. Modification of license as above for broadcast service at Littlefield, Tex.

7839–C1–ML–73, same (WHB27): Purvines, Tex., 10.5 miles northwest of Panhandle, Tex. Latitude 35°25'37" N., longitude 101°32'59" W. Amendment to modification of license as above for broadcast service at Dumas, Tex.

7574–C1–P–73, same (new): Monahans, Tex. Latitude 31°36'22" N., longitude 102°54'-01" W. Amendment to application for C.P. as above for broadcast service at Pecos, Tex.

8962–C1–P–73, Florida Telephone Corp. (KIO44): 33 North Main Street, Winter Garden, Fla. Latitude 28°34'02" N., longitude 81°35'09" W. C.P. to change antenna system and add frequency 6034.2V MHz toward Orlando, Fla.

8963–C1–P–73, Southern Bell Telephone & Telegraph Co. (KJG26): Glassy Mountain, approximately 3 miles east northeast of Pickens, S.C. Latitude 34°54'00" N., longitude 82°39'36" W. C.P. to add frequency 6256.5H MHz toward Anderson, S.C.

8964–C1–P–73, Illinois Bell Telephone Co. (WAN62): 3.3 miles north northeast of Plano, Ill. Latitude 41°42'20" N., longitude 88°30'27" W. C.P. to change antenna system, add points of communication, and add frequencies 5945.2H, 6004.5H, 6063.8H, 6123.1H MHz toward De Kalb, Ill.

727–C1–P–73, MCI St. Louis-Texas, Inc. (new): Chetopa, Kans. C.P. for new station 2 miles northwest of Chetopa, Kans. at latitude 37°03'44", longitude 95°08'30". Correct frequency and azimuth to 5974.8V MHz on azimuth 304°45' toward Mound Valley, Kans. Delete Edna, Kans. as a point of communication. Delete frequency 5945.-2 V MHz on azimuth 280°33'.

5818–C1–P–72, same as above (new): Mound Valley, Kans. Change proposed station location to 2.5 miles northwest of Mound Valley, Kans. at latitude 37°13'33", longitude 95°26'14". Add frequencies 6226.9V MHz on azimuth 124°34' toward Chetopa, Kans. and 6197.2V MHz on azimuth 301°06' toward Sycamore, Kans. Delete frequencies 6226.9V MHz on azimuth 100°24' and 6197.-2V MHz on azimuth 312°16'.

5819–C1–P–72, same as above (new): Sycamore, Kans. Change proposed station location to 2.5 miles north of Sycamore, Kans. at latitude 37°21'51" longitude 95°43'31". Add frequency 5945.2V MHz on azimuth 120°55' toward Mound Valley, Kans. Correct frequency and azimuth to 6034.2H MHz on azimuth 4°27' toward Benedict, Kans. Delete Edna, Kans. and Busby, Kans. as points of communication. Delete frequencies 5974.8V MHz on azimuth 132°04', and 6123.1H MHz on azimuth 294°54'.

5821–C1–P–72, same as above (new): Benedict, Kans. C.P. for a new station 2.8 miles northeast of Benedict, Kans. at latitude 37°37'53" longitude 95°41'57". Correct frequencies and azimuths to 6226.9V MHz on azimuth 184°28' toward Sycamore, Kans. and 6286.2V MHz on azimuth 336°22' toward Yates Center, Kans. Delete frequencies 6226.9V MHz on azimuth 183°53' and 6197.2H on azimuth 338°07'.

5822–C1–P–72, same as above (new): Yates Center, Kans. Change proposed station to 6.0 miles northwest of Yates Center, Kans. at latitude 37°54'00", longitude 95°50'51". Correct frequencies and azimuths to 5974.-8V MHz on azimuth 156°17' toward Benedict, Kans. and 5945.2H MHz, on azimuth 26°41' toward Burlington, Kans. Delete frequencies 5974.8H on azimuth 158°01' and 5945.2H MHz on azimuth 25°11'.

5823–C1–P–72, same as above (new): Burlington, Kans. Change proposed station location to 4.2 miles east of Burlington, Kans., at latitude 38°11'58", longitude 95°39'24". Correct frequencies and azimuths to 6226.-9H MHz on azimuth 206°48' toward Yates Center, Kans. and 6197.2V MHz on azimuth 325°42' toward Lebo, Kans. Delete frequencies 6226.9H MHz on azimuth 205°18' and 6197.2V on azimuth 325°25'.

5824–C1–P–72, same as above (new): Lebo, Kans. Change in proposed station location to 2.4 miles south-southeast of Lebo, Kans. at latitude 38°23'54", longitude 95°49'45". Correct frequencies and azimuths to 5974.-8V MHz on azimuth 145°36' toward Burlington, Kans. 5945.2V MHz on azimuth 343°33' toward Osage City, Kans. Delete frequencies 5974.8V MHz on azimuth 145°-19' and 5945.2H MHz on azimuth 344°23'.

5825–C1–P–72, MCI St. Louis-Texas, Inc. (new): Osage City, Kans. Change in proposed station location to 7 miles northwest of Osage City, Kans., at latitude 38°41'41", longitude 95°56'27". Add frequency 6197.2H MHz on azimuth 21°31' toward Auburn, Kans. Change frequency and azimuth to 6226.9V MHz on azimuth 163°29' toward Lebo, Kans. Delete Fairview, Kans., as a point of communication. Delete frequency 6197.2H on azimuth 31°57'.

5826–C1–P–72, same as above (new): Auburn, Kans. Change proposed station location to 4.8 miles north-northeast of Auburn, Kans., at latitude 38°58'42", longitude 95°47'51". Add frequencies and azimuths to 5974.8H MHz on azimuth 201°37' toward Osage City, Kans., and 6093.5H MHz on azimuth 93°28' toward Clinton, Kans. Delete Topeka, Kans., as point of communication. Delete frequencies 5974.8H MHz on azimuth 212°05', 5945.2V MHz on azimuth 87°43' and 6152.8V on azimuth 26°10'.

5827–C1–P–72, same as above (new): Clinton, Kans. Change proposed station location to 3.4 miles north-northwest of Clinton, Kans., at latitude 38°57'34", longitude 95°24'39". Add frequency 6226.9V MHz on azimuth 273°42' toward Auburn, Kans. Change frequency and azimuth to 6197.2V MHz on azimuth 51°56' toward Midland, Kans. Delete Fairview as a point of communication. Delete frequencies 6226.9V MHz on azimuth 267°55' and 6197.2V MHz on azimuth 52°22'.

5828–C1–P–72, same as above (new): Midland, Kans. Change proposed station location to 4.1 miles north-northeast of Midland, Kans., at latitude 39°04'53", longitude 95°12'39". Correct frequencies and azimuths to 5974.8V MHz on azimuth 232°-03' toward Clinton, Kans., and 5945.2H MHz on azimuth 76°46' toward Victory Junction, Kans. Delete frequencies 5974.8V MHz on azimuth 232°30' and 5945.2H on azimuth 76°33'.

5948–C1–P–70, same as above (new): Victory Junction, Kans. Change proposed station location to 3.6 miles east-northeast of Victory Junction, Kans., at latitude 39°08'44", longitude 94°51'27". Change frequency and azimuth to 6286.2H MHz on azimuth 256°-59' toward Midland, Kans. Delete Kansas City, Mo., as point of communication. Delete frequencies 6226.9H MHz on azimuth 256°-46' and 6404.8H MHz on azimuth 109°21'.

5476–C1–P–71, CML Satellite Corp. (Formerly MCI Lockheed Satellite Corp.): Change frequencies and point of communication to 10855V 11175V MHz toward Chicago South, Ill., on azimuth 182°03'. (All other particulars the same as reported in public notice No. 539, dated Apr. 12, 1971.)

(Major Amendments)

6428–C1–P–73, Mountain States Telephone & Telegraph Co. (WQP64): Grouse Mountain, Colo. Change frequency to 4030H MHz toward San Toy Mountain, Colo.

6429–C1–P–73, same (WQP65): San Toy Mountain, Colo. Change frequencies to 3750H MHz toward Grouse Mountain, Colo.; frequency 4070H MHz toward Castle Peak, Colo.

6430–C1–P–73, same (WQP66): Castle Peak, Colo. Change frequencies to 3710H MHz toward San Toy Mountain, Colo.; frequency 4030V MHz toward Vail Junction, Colo.

6431–C1–P–73, same (WQP67): Vail Junction, Colo. Change frequencies to 4070V MHz toward Vail, Colo.; frequency 3750V MHz toward Castle Peak, Colo.

6432–C1–P–73, same (WQP68): Vail, Colo. Change frequency to 3710V MHz toward Vail Junction, Colo.

Corrections

7666–C1–P–73, Illinois Bell Telephone Co. (KSO78). Correct to read: Latitude 40°-42'58" N., longitude 89°29'42" W. (All other particulars same as reported in Public Notice No. 646, dated 4–30–73.)

7460–C1–P–73, American Telephone & Telegraph Co. (KCA44): Correct to read: C.P. to add frequency 3770V MHz toward Worcester, Mass. (All other particulars same as reported in Public Notice No. 645, dated 4–23–73.)

7461–C1–P–73, same (KCM82): Correct to read: C.P. to add frequency 3730V MHz toward Asnebumskit Mountain, Mass. (All other particulars same as reported in Public Notice No. 645, dated 4–23–73.)

[FR Doc.73–12063 Filed 6–15–73;8:45 am]

[Dockets Nos. 19765, 19766]

FLORIDA AIRMOTIVE OF BOCA RATON, INC., AND TOMLEE CORP.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard to applications of Florida Airmotive of Boca Raton, Inc., Boca Raton, Fla., docket No. 19765, file No. 88–A–RL–122; Tomlee Corp., doing business as Boca Flite Center, Boca Raton, Fla., docket No. 19766, file No. 42–A–L–33. For Aeronautical Advisory Station to serve the Boca Raton Airport, Boca Raton, Fla.

1. The Commission's rules [§ 87.251 (a)] provide that only one aeronautical advisory station may be authorized to operate at a landing area. The above-captioned applications are for Commission authority to operate an aeronautical advisory station to serve Boca Raton Airport, Boca Raton, Fla., and, therefore, are mutually exclusive. Accordingly, it is necessary to designate the applications for comparative hearing in order to determine which application should be granted. Except for the issues specified herein, each applicant is otherwise qualified.

2. In view of the foregoing, *it is ordered,* That, pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, and § 0.331(b)(21) of the Commission's rules, the above-captioned applications are hereby designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order on the following issues:

(a) To determine which applicant would provide the public with better aeronautical advisory service based on the following considerations:

1. Location of the fixed-base operation and proposed radio station in relation to the landing area and traffic patterns;

2. Hours of operation;

3. Personnel available to provide advisory service;

4. Experience of applicant and employees in aviation and aviation communications;

5. Ability to provide information pertaining to primary and secondary communications as specified in § 87.257 of the Commission's rules;

6. Proposed radio system including control and dispatch points; and

7. The availability of the radio facilities to other fixed-base operators;

(b) To determine whether Florida Airmotive of Boca Raton, Inc. has operated an aeronautical advisory station at Boca Raton Airport in violation of Commission rules and, if so, the effect of such violations on Florida Airmotive's qualifications to be a Commission licensee; and

(c) To determine in light of the evidence adduced on the foregoing issues which, if either, of the applications should be granted.

3. *It is further ordered,* That to avail themselves of an opportunity to be heard, Florida Airmotive of Boca Raton, Inc. and Tomlee Corp., pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this order. Failure to file a written appearance within the time specified may result in dismissal of the application with prejudice. The Chief, Safety and Special Radio Services Bureau is a party to this proceeding and shall be served with filings in this proceeding.

4. *It is further ordered,* That the burden of proceeding with the introduction of evidence under issue (b) shall be on Tomlee Corp., doing business as Boca Flite Center and the burden of proof shall be on Florida Airmotive.

By the Chief, Safety and Special Radio Services Bureau.

Adopted June 8, 1973.

Released June 12, 1973.

[SEAL] JAMES E. BARR,
Chief, Safety and Special Radio Services Bureau.

[FR Doc.73-12062 Filed 6-15-73;8:45 am]

[Dockets Nos. 18906, 18907; FCC 73R-214]

SOUTHERN BROADCASTING CO., AND FURNITURE CITY TELEVISION CO., INC.

Memorandum Opinion and Order

In regards to applications of Southern Broadcasting Co. (WGHP-TV), High Point, N.C., docket No. 18906, file No. BRCT-574. For renewal of broadcast license, Furniture City Television Co., Inc., High Point, N.C., docket No. 18907, file No. BPCT-4302. For construction permit for new television broadcast station.

1. Before the review board is a petition to modify issues, filed April 12, 1973, by Furniture City Television Co., Inc. (Furniture City), requesting modification of the rule 1.65 issue which the review board added against Southern Broadcasting Co. (Southern) in a memorandum opinion and order (38 FR 13054), 38 FCC 2d 461, 25 RR 2d 1138, released December 8, 1972.[1] [2]

2. Furniture City bases its request for modification of the rule 1.65 issue specified against Southern on information supplied to the Commission by Southern in a petition for leave to amend filed on April 3, 1973.[3] In that amendment, Southern informed the Commission that Mr. Kenneth F. Mountcastle, a 1.94 percent stockholder of Southern, is a director and vice-president of Reynolds Securities, Inc., a New York brokerage firm, which is a party defendant in seven separate antitrust suits.[4] Furniture City notes that the Commission is particularly concerned with individual principals of an applicant who have participated directly in making decisions which violate antitrust laws.[5] Petitioner contends that since Mr. Mountcastle is an officer and director of the corporation which has been named as a party defendant in the antitrust actions, the matter is therefore of decisional significance and bears directly on Southern's qualifications to remain a Commission licensee. Therefore, petitioner maintains that Southern's failure to timely notify the Commission of the involvement of its principal in these antitrust suits, even though these complaints have been pending in some cases for 2 years, warrants further inquiry under the existing 1.65 issue. Furthermore, petitioner alleges that Southern was aware of the pending actions since it has conducted quarterly and more recently monthly surveys of its directors to insure that all business interests are reported within the 30-day period authorized by § 1.65 of the rules.[6] Finally, petitioner argues that the existing rule 1.65 issue against Southern (see note 1, *supra*) is fraud in language broad enough to include inquiry into the additional facts and circumstances recited herein. The Broadcast Bureau supports Furniture City's request, noting that it is clear from the Board's December 8, 1972, ruling, *supra*, that a renewal applicant is required to amend its application pursuant to § 1.65 of the rules to report the pendency of civil antitrust suits against companies in which one or more of the applicant's stockholders have a substantial interest. The Bureau also notes that Southern delayed 4 months, after addition of the issue, in reporting those antitrust suits predating the Board's ruling and did not report the two most recent suits in a timely manner.

3. In opposition, Southern asserts that, prior to the review board's December 8, 1972, order, it believed that it was not required, as a renewal applicant, to report nonbroadcast antitrust suits. Southern claims that it was only after the review board stated in the above mentioned order that all applicants, whether new or renewal, must notify the Commission of the existence of all antitrust suits involving applicants or parties to an application, that Southern diligently sought out such information from all of its stockholders, not just its officers and directors. As soon as it became aware of the existence of the suits, Southern maintains, it reported them to the Commission.

4. The review board will grant the request for modification of the existing rule 1.65 issue against Southern. The Commission has long been concerned about an applicant's involvement with anticompetitive conduct and the effect such involvement may have upon the applicant's character qualifications. See *Report on Uniform Policy as to Violation by Applicants of Laws of the United States*, vol. 1, part III, RR 91:495 (1951); *NBC v. U.S.*, 319 U.S. 190 (1943); and *Patroon Broadcasting Co., Inc.*, 2 FCC 2d 431, 6 RR 2d 939 (1966). Southern's argument that it believed that it was not required as a renewal applicant to report nonbroadcast antitrust suits prior to the Board's December 8 order, must be rejected for the same reasons advanced by the Board in that order, wherein it stated: "* * * the Commission's policy of requiring the reporting of antitrust suits by renewal applicants has been clear for several years. See *Westinghouse Broadcasting Co.*, 22 RR 1023 (1962); *General Electric Co.*, 2 RR 2d 1033 (1964)." Southern's further contention that it was not aware of the requirement of reporting the business interests of all its stockholders, not just its directors and officers, is also unpersuasive in light of the Board's prior ruling in this very proceeding.[7] Moreover, as noted by petitioner, Southern's contentions fail to explain the delay of 4 months until April 3, 1973, between the issuance of the board's December order and the filing of Southern's amendment advising the Commission of the antitrust actions in question. In light of the foregoing, the board is of the opinion that the existing rule 1.65 issue against Southern should be modified to encompass the alleged failure of Southern to report the involvement of one of its principals in the Reynolds Securities, Inc. antitrust suits.

5. Accordingly, *it is ordered*, That the petition to modify issues, filed April 12, 1973, by Furniture City Television Co., Inc., is granted: and

6. *It is further ordered*, That the rule 1.65 issue against Southern Broadcasting Co., added by the Review Board by Memorandum Opinion and Order (38 FCC 2d 461, 25 RR. 2d 1138, released December 8, 1972) is modified to include the matters indicated herein.

By the Review Board.

Adopted June 8, 1973.

Released June 12, 1973.

FEDERAL COMMUNICATIONS COMMISSION [8]

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-12061 Filed 6-15-73;8:45 am]

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[1] The review board added the following rule 1.65 issue against Southern because of that applicant's alleged failure to advise the Commission that two of its stockholders were involved in anti-trust suits brought against the Wachovia Corp.: To determine whether Southern Broadcasting Co. (WGHP-TV) has complied with the provisions of section 1.65 of the Commission's rules by keeping the Commission advised of substantial required changes in its application and, if not, the effect of such noncompliance on the basic and/or comparative qualifications of the applicant to be a broadcast licensee.

[2] Also before the review board are the following related pleadings: (a) opposition, filed April 23, 1973, by Southern; (b) Broadcast Bureau's comments, filed April 23, 1973; and (c) reply, filed May 3, 1973, by Furniture City.

[3] This petition for leave to amend was granted and the amendment was accepted by the presiding administrative law judge in an order, FCC 73M-466, released April 17, 1973.

[4] Furniture City attaches to its petition the pages of the Southern amendment of April 3, 1973, containing the information regarding the antitrust suits filed against the Reynolds Co. The attachment reveals that the first suit was filed on April 14, 1971, and the latest complaint was filed on February 28, 1973.

[5] Petitioner cites *Mansfield Journal v. FCC*, 86 U.S. App. D.C. 102, 180 F. 2d 28, 5 RR 2074(e) (1950).

[6] To support this allegation, Furniture City submits the petition for leave to amend, filed February 23, 1973, by Southern, wherein it recited those procedures.

[7] See *Southern Broadcasting Co. (WGHP-TV)*, 33 FCC 2d 1044, 23 RR 2d 1197 (1972), where the review board added a rule 1.65 issue against Furniture City for failing to notify the Commission that a 3.3% stockholder of Furniture City who was neither an officer nor director of that corporation was a vice president, director and 15% stockholder of a corporation accused of anticompetitive conduct in a nonbroadcast field.

[8] Board member Kessler dissenting with statement; Board member Nelson absent. Dissenting statement filed as part of the original document.

FEDERAL POWER COMMISSION

[Project No. 82]

ALABAMA POWER CO.

Notice of Issuance of Annual License

JUNE 11, 1973.

On February 4, 1970, Alabama Power Co., Licensee for Mitchell project No. 82 located on the Coosa River in Coosa and Chilton Counties, Ala., filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6).

The license for project No. 82 was issued effective June 27, 1921, for a period ending June 26, 1971. The project has been operated under annual license since its expiration date. In order to authorize the continued operation of the project pursuant to section 15 of the act pending completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Alabama Power Co. for continued operation and maintenance of Mitchell project No. 82.

Take notice that an annual license is issued to Alabama Power Co. (Licensee) under section 15 of the Federal Power Act for the period June 27, 1973, to June 26, 1974, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Mitchell project No. 82, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12064 Filed 6-15-73;8:45 am]

[Project No. 2205]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Notice of Application for Approval of Exhibit R

JUNE 7, 1973.

Public notice is hereby given that application for approval of exhibit R was filed October 2, 1972, and supplemented March 19, 1973, under the Federal Power Act (16 U.S.C. 791a–825r) by Central Vermont Public Service Corp. (correspondence to: Mr. Donald L. Rushford, General Counsel, Central Vermont Public Service Corporation, 77 Grove Street, Rutland, Vt. 05701) for constructed project No. 2205, known as the Lamoille River project, located on the Lamoille River, a navigable waterway of the United States, in the towns of East Georgia, Fairfax, and Milton in Franklin and Chittenden Counties, Vt.

Applicant seeks Commission approval of its exhibit R for Lamoille River project as required by article 33 of its major license which was issued December 22, 1969.

The proposed recreational facilities within the project area concerns approximately 30 acres of land on Arrowhead Mountain Lake which is impounded by the Clark Falls development of the project. The area presently has a limited use for fishing and hunting, and occasionally by local civic groups during the summer. Applicant plans to develop this 30-acre recreation site in stages, essentially as follows:

STAGE A

(1) Improve access road surface and grade.
(2) Construct parking lot (four to six car and trailer capacity).
(3) Construct boat launching site.

STAGE B

(1) Develop day-use area for picnics.
(2) Improve existing pathways around the area.

STAGE C

(1) Enlarge parking lot.
(2) Construct adequate sanitary facilities.

STAGE D

(1) Construct boat dock.
(2) Create waterfowl refuge area.

Applicant plans to have stage A completed by October 30, 1974. The remaining stages would be developed either by the applicant or in conjunction with other interested parties, as future recreational needs and demands dictate.

Minimal planning for recreational use of the project area has resulted from the abundance of recreational facilities within close proximity to the project. Within a 20-mile radius of the project area there are 8 public recreation areas, 6 public golf courses, 17 public fishing access areas, and 20 rest or picnic areas without sanitary facilities. The primary regional recreational development for this area has been focused on the Lake Champlain waterway due to its size and easy accessibility.

Any person desiring to be heard or to make protest with reference to said application should on or before July 18, 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 is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12065 Filed 6-15-73;8:45 am]

[Project No. 2728]

THE CITIES OF BREESE AND CARLYLE, ILL.

Notice of Application for Preliminary Permit in Connection With Government Dam

JUNE 11, 1973.

Public notice is hereby given that application for a preliminary permit was filed February 12, 1973, and supplemented May 2, 1973, under the Federal Power Act (16 U.S.C. 791a–825r) by the cities of Breese and Carlyle, Ill. (Correspondence to: Mr. Charles F. Wheatley, Jr., Esq., suite 1112, Watergate Office Building, 2600 Virginia Avenue NW., Washington, D.C. 20037; Hon. Wilfred Hilmes, mayor, City Hall, Breese, Ill. 62230; Hon. J. Leo Davis, mayor, City Hall, Carlyle, Ill. 62231) for proposed project No. 2728, to be known as the Carlyle project. The proposed project is on the Kaskaskia River, a navigable water of the United States in Clinton County, Ill., and it would benefit from the U.S. Carlyle Dam.

Applicants seek Commission approval for a preliminary permit to conduct engineering work primarily concerned with financing plans, further hydrologic analysis, design of a powerplant, and economic feasibility studies. The proposed project would consist of a powerhouse having either one or two generating units with a total nameplate rating of 8,000 kW, to be constructed adjacent to the spillway channel immediately downstream of the existing Carlyle Dam, which is operated by the U.S. Corps of Engineers and all other facilities and interests appurtenant to operation of the project. No construction is authorized under a preliminary permit.

Any person desiring to be heard or to make protest with reference to said application should on or before August 13, 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 is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12066 Filed 6-15-73;8:45 am]

CITIES SERVICE GAS CO.

Notice of Contract Cancellation and New Service Agreement

JUNE 11, 1973.

Take notice that Cities Service Gas Co. (Cities) on May 10, 1973, gave notice that effective March 15, 1973, the contract with Northern Natural Gas Co., operating as Peoples Natural Gas Division (Peoples), dated January 2, 1968, and relating to service under rate schedule IRG–1, second revised volume No. 1 of Cities' FPC gas tariff, was canceled. The company states that the contract covered gas deliveries in Texas County, Okla., and gives the reasons for cancellation as People's sale of its irrigation systems located in Oklahoma to Southern Union

Gas Co. Cities has filed, additionally, copies of a service agreement dated March 14, 1973, between Cities and Southern Union Gas Co. covering the sale of gas for irrigation and other incidental farm purposes in Texas County, Okla. Cities requests waiver of the 30-day notice provision so as to allow for an effective date for the contract of March 15, 1973.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 19, 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.73-12118 Filed 6-15-73;8:45 am]

[Project No. 2720]

CITY OF NORWAY, MICH.

Notice of Application for License for Constructed Project

JUNE 7, 1973.

Public notice is hereby given that application for approval of major license was filed October 19, 1971, under the Federal Power Act (16 U.S.C. 791a–825r) by the city of Norway, Mich. (Correspondence to: Mr. Clayton H. Schmitt, city manager of Norway, P.O. Box 194, Norway, Mich. 49870) located near Niagara and Pembine in Marinette County, Wis., and near Vulcan and Norway in Dickinson County, Mich., on the Menominee River, a navigable water of the United States.

The existing Sturgeon Falls project consists of: (1) A 270-ft-long concrete dam having two overflow sections surmounted by flashboards and separated from the powerhouse by a small island; (2) a 260-ft-long concrete powerhouse having two horizontal generators with a total rated capacity of 3,500 kW; (3) a 120-ft-long concrete guard lock structure equipped with 14 lift gates to control the inflow to the powerhouse forebay; (4) a 200-acre reservoir; (5) a 5.5-mile-long 13.8-kV transmission line; and (6) appurtenant facilities.

The recreational features of the project include: two boat launching ramps, a canoe trail; camping and picnic facilities; two fishing areas; and waterfowl hunting area. In addition, all company-owned lands are open to the public for big game, small game, and bird hunting during the appropriate season.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 6, 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, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12046 Filed 6-15-73;8:45 am]

[Docket No. E-8198]

CONNECTICUT LIGHT & POWER CO.

Notice of Transmission Agreement

JUNE 11, 1973.

Take notice that on May 14, 1973, Connecticut Light & Power Co. (Applicant) filed with the Federal Power Commission, pursuant to § 35.12 of the regulations under the Federal Power Act, a transmission agreement between the Applicant and Hartford Electric Light Co. (Helco), Western Massachusetts Electric Co. (Wmeco), and Vermont Electric Power Co. (Vepco). The parties to this agreement request May 1, 1973, as the effective date of the proposed rate schedule.

The transmission agreement provides for transmission service for Velco for the period from May 1, 1973, through October 31, 1973. Velco has executed contracts with Consolidated Edison Co. of New York, Inc. (ConEd) for the sale of power from its entitlement in (i) Vermont Yankee nuclear electric generating unit located in Vernon, Vt., in the amount of 150 MW for the period May 1, 1973, through May 31, 1973, and (ii) Public Service Co. of New Hampshire's Merrimack No. 2 fossil-fired base load type electric unit located in Bow, N.H., in the amount of 91 MW for the period June 1, 1973, through October 31, 1973. The system of Velco is not contiguous to the sysem of ConEd, but is interconnected with ConEd through the system of the other parties to the transmission agreement and through the system of Public Service Co. of New Hampshire.

Applicant requests that, pursuant to § 35.11 of the regulations under the Federal Power Act, that the Commission waive the 30-day-notice period and permit the rate schedule herein filed to become effective May 1, 1973.

Any person desiring to be heard or to make any protest with reference to said application should, on or before July 6, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12067 Filed 6-15-73;8:45 am]

[Docket No. CP73-313]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Application

JUNE 11, 1973.

Take notice that on May 21, 1973, Consolidated Gas Supply Corp. (Applicant), 445 West Main Street, Clarksburg, W. Va. 26301, filed in docket No. CP73-313 an application pursuant to sections 7 (b) and (c) of the Natural Gas Act for permission and approval to abandon the sale of natural gas to Carnegie Natural Gas Co. (Carnegie) and for a certificate of public convenience and necessity authorizing the continued operation of certain natural gas transmission facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks permission for the proposed abandonment of natural gas sales to Carnegie because, Applicant states, Carnegie is able to supply all of its own requirements for the Mount Morris area from its own sources of natural gas. Applicant proposes to maintain its measuring and regulating facilities installed at the sales delivery point to Carnegie near the village of Mount Morris, Pa., at Carnegie's request as an emergency connection. Applicant also states that it must maintain the connection in order to maintain its pipeline system in this area to meet its obligation to sell natural gas to the Peoples Gas Co. at Point Marion, Pa.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 29, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject

to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12068 Filed 6-15-73;8:45 am]

[Docket No. E-8196]

CONSUMERS POWER CO.

Notice of Electric Coordination Agreement

JUNE 11, 1973.

Take notice that on May 14, 1973, Consumers Power Co. (Applicant) filed with the Federal Power Commission, pursuant to section 35 of the regulations under the Federal Power Act, an electric coordination agreement between itself and Detroit Edison Co. This agreement cancels and supersedes an electric power pooling agreement between Applicant and Detroit Edison, dated December 22, 1962, designated in Applicant's rate schedule FPC No. 26 and in Detroit Edison Co. Rate Schedule FPC No. 15.

Applicant requests, pursuant to § 35.11 of the regulations under the Federal Power Act, that the Commission waive its 30-day notice requirement and allow this agreement to become effective on May 1, 1973.

Any person desiring to be heard or to make any protest with reference to said application should, on or before July 6, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12069 Filed 6-15-73;8:45 am]

[Docket No. CP73-322]

CROWN ZELLERBACH CORP.

Notice of Application

JUNE 11, 1973.

Take notice that on June 1, 1973, Crown Zellerbach Corp. (Applicant), 1 Bush Street, San Francisco, Calif. 94119, filed in docket No. CP73-322 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued operation of Applicant's existing facilities for the transportation of natural gas from various points in Mississippi to Applicant's pulp mill in Bogalusa, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant makes application pursuant to the Commission's order of April 6, 1973, in docket No. CP73-261 to show cause why Applicant's transportation of natural gas should not be subject to the Commission's jurisdiction under section 1(b) of the Natural Gas Act, and why it should not be required to apply for and obtain a certificate of public convenience and necessity to operate its interstate natural gas transmission line.

It is stated that Applicant owns and operates a pipeline system consisting of 92.3 miles of pipe, ranging in size from 2⅜ to 12¾ inches outside diameter, with a design capacity of 46,000 M ft³/d. Segments of pipeline extend from Forrest, Pearl River, Lamar, Marion, and Wathal Counties, Miss., into the State of Louisiana and thence to Bogalusa. In addition, the Applicant owns a short-cycle dry-bed hydrocarbon recovery unit located at Angie, La., with a capacity of 48,000 M ft³/d, and a 0.10195005 interest in a hydrocarbon recovery unit at Pistol Ridge, Miss., operated by Sun Oil Co. Applicant also owns three compressors which pick up small volumes of gas at three gas fields adjacent to Applicant's pipeline system. The original cost of Applicant's pipeline facilities was $1,444,753.

Applicant states that its natural gas supply is furnished under contracts with several producers, with estimated reserves of 29,708,646 M ft³ as of January 1, 1973. Applicant states that the present gas deliveries are critical to the continued operations of Applicant's mill since natural gas is the primary source of fuel the mill is capable of using. Applicant's present annual usage rate is said to be 11,637,767 M ft³ of gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 2, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the 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.73-12070 Filed 6-15-73;8:45 am]

[Docket No. RP73-109]

EL PASO NATURAL GAS CO.

Notice of Change in Rates

JUNE 8, 1973.

Take notice that El Paso Natural Gas Co. (El Paso) on May 25, 1973, tendered for filing copies of 12th revised sheet No. 10 as part of its FPC gas tariff, first revised volume No. 3. El Paso states that this filing constitutes a change in rates for natural gas service rendered by its northwest division system to customers served under first revised volume No. 3 of its FPC gas tariff. According to the company, the proposed effective date for the increase in rates is June 25, 1973.

El Paso maintains that the principal reason for the proposed rate change is to compensate it for increases in all items of cost of capital, labor, materials, supplies, and taxes.

The company states that its current northwest division system jurisdictional rates which became effective as of April 1, 1973, are deficient by some $3,427,112 annually, based upon test period sales volumes set forth in the filing. El Paso states that the increase in rates proposed under all rate schedules affected hereby and necessary to recover such deficiency is 0.071 cent per therm (except for rate schedule PL-1, and where the increase proposed is 0.74 cent per thousand cubic feet). El Paso further states that such increased rates provide for an overall rate of return of 9.15 percent on invested capital.

The company says that statement P, consisting of El Paso's prepared testimony, will, in accordance with § 154.63

(b) (3) of the Commission's regulations, be furnished on or before July 3, 1973.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 18, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12071 Filed 6-15-73;8:45 am]

[Docket No. CP73-321]

EQUITABLE GAS CO.

Notice of Application

JUNE 12, 1973.

Take notice that on May 30, 1973, Equitable Gas Co. (Applicant), 420 Boulevard of the Allies, Pittsburgh, Pa. 15219, filed in docket No. CP73-321 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval for the abandonment and a certificate of public convenience and necessity authorizing the replacement of certain gas transmission facilities located in Lewis, Harrison, Marion, and Monongalia Counties, W. Va., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to replace approximately 47.6 miles of 16-inch gas transmission pipeline No. H508 and No. H509 with 20-inch transmission pipeline and to abandon:

Approximately 31.2 miles of 10-inch transmission pipeline No. H524.

Approximately 16.6 miles of 12-inch transmission pipeline No. H524.

Approximately 1 mile of 16-inch transmission pipeline Nos. H524, H520.

Applicant proposes to schedule the renewals and abandonments on a multi-year basis with expected installation of 6.1 miles in 1973, 5.8 miles in 1974, 11.8 miles in 1975, and 23.9 miles in 1976. Applicant states its total gas supply will not be affected by the construction, operation, and abandonment of facilities proposed herein.

The stated purpose of the proposed construction and abandonment is to reduce maintenance costs on 47.6 miles of existing pipeline by replacing an older, mechanical jointed pipeline with a modern welded jointed pipeline and to eliminate operation and maintenance costs on 31 miles of an older mechanical jointed pipeline and 17.8 miles of screwed-type pipelines.

The total estimated cost of the proposed facilities is $6,900,000, which will be expended over a 4-year period and will be financed from general available funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 2, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the 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 and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12072 Filed 6-15-73;8:45 am]

[Project No. 2524]

GRAND RIVER DAM AUTHORITY

Notice of Application for Amendment of License for Partially Constructed Project

JUNE 7, 1973.

Public notice is hereby given that application has been filed July 18, 1972, supplemented October 30, 1972, and March 21, 1973, under the Federal Power Act (16 U.S.C. 791a-825r) by the Grand River Dam Authority (Correspondence to: Mr. Richard W. Lock, general manager, Grand River Dam Authority, P.O. Drawer G., Vinita, Okla. 74301), for amendment of license for partially constructed project No. 2524, known as the Salina Pumped Storage project, located on Chimney Rock Hollow and Little Sabine Creeks, tributaries to the Grand River, near Pryor, Salina, and Locust Grove, in Mayes and Wagoner Counties, Okla.

The applicant seeks Commission approval of its plans to commence construction of stages 3 and 4 of project No. 2524. Article 31 of the license granted January 3, 1966, requires Commission approval of the plans for each stage prior to commencement of construction. Approval was previously granted for stages 1 and 2. The applicant now desires approval for construction of stages 3 and 4.

According to the application, stages 3 and 4 will consist of: (1) A 4,500-ft-long and 210-ft-high earth and random-fill dam across Little Saline Creek; (2) Little Saline Creek Reservoir with about 30,600 acre-feet of usable storage capacity between elevations 850 and 865 ft m.s.l.; (3) a 3,700-ft-long canal to connect Little Saline Creek Reservoir with the existing Chimney Rock Reservoir; (4) an extension of the existing powerhouse; (5) installation of six reversible pump-turbine units with aggregate generating capacity rated at 260,000 kW; (6) six penstocks, identical to those already installed, to connect the new units to the existing forebay; (7) two transmission lines, one a 161-kV-double-circuit line, the other a 345-kV-single-circuit line; (8) a 345/161-kV substation; (9) a 300-ft-long ungated emergency spillway located adjacent to the south abutment of the dam with crest elevation at 871-ft m.s.l.; and (10) appurtenant facilities.

Any person desiring to be heard or to make protest with reference to said application should on or before July 13, 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, 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 is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12044 Filed 6-15-73;8:45 am]

[Docket No. CP73-147]

MICHIGAN WISCONSIN PIPE LINE CO., ET AL.

Notice of Petition To Amend

JUNE 11, 1973.

Take notice that on May 23, 1973, Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin), 1 Woodward Avenue, Detroit, Mich. 48226, Trunkline Gas Co. (Trunkline), P.O. Box 1642, Houston, Tex. 77001, and Panhandle Eastern Pipeline Co. (Panhandle), P.O. Box 1348, Kansas City, Mo. 64141 (Petitioners),

filed in docket No. CP73–147 a petition to amend the order issued in said docket on April 6, 1973 (49 FPC ——), pursuant to section 7(c) of the Natural Gas Act to authorize Petitioners to operate an additional delivery point, in Elkhart County, Ind., all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By Commission order in docket No. CP73–147, Petitioners were authorized, among other things, to perform a November 14, 1972, transportation agreement in which Michigan Wisconsin was to deliver natural gas to Trunkline in St. Mary Parish, La., and in turn Trunkline and Panhandle were to transport the gas for redelivery by Panhandle for the account of Michigan Wisconsin. Petitioners state that it is unlikely that Michigan Wisconsin will benefit from such an agreement during the summer months of 1973, because Panhandle's regular deliveries are greater in the summer on its system's eastern end due to sales and deliveries for storage. Petitioners allege that the addition of a delivery point to the herein-above-mentioned agreement will make this agreement useful to Michigan Wisconsin in storing off peak gas for the 1973–74 heating season. Petitioners state that this delivery point already exists at the interconnection of the facilities of Michigan Wisconsin and Trunkline in Elkhart County, Ind., and that heretofore, no new construction is proposed by petitioners.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 29, 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.73–12073 Filed 6–15–73;8:45 am]

[Docket No. CP72–226]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Petition To Amend

JUNE 11, 1973.

Take notice that on May 16, 1973, Natural Gas Pipeline Co. of America (Petitioner), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in docket No. CP72–226 a petition to amend the order issued in said docket on April 25, 1972 (47 FPC 1105), as amended October 16, 1972 (48 FPC ——), pursuant to section 7(c) of the Natural Gas Act by authorizing Petitioner to increase the volumes of natural gas to be exchanged and the addition of additional redelivery points, 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, among other things, to receive from Phillips Petroleum Co. (Phillips) at an existing interconnection in Brazoria County, Tex., up to 10,000 M ft³ of natural gas daily, but no more than 3 million M ft³ of gas during any 12-month period, and to redeliver thermally equivalent volumes at the same delivery point for a period of 3 years from the date of initial delivery and so long thereafter as is mutually beneficial to the parties. Petitioner states that it has entered into an amendatory agreement with Phillips to increase the total exchange volumes to 10 million M ft³ during any 12-month period at daily rates mutually agreeable to both parties, with such exchange volumes to be returned to Phillips at mutually agreeable times. Petitioner further states that additional redelivery points may be designated from time to time at existing interconections in the parties' systems.

Petitioner alleges that this proposal will increase the flexibility of operations on its system.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 2, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the 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.73–12074 Filed 6–15–73;8:45 am]

[Docket No. CP73–317]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Application

JUNE 8, 1973.

Take notice that on May 25, 1973, Natural Gas Pipeline Co. of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in docket No. CP73–317 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity with pregranted abandonment authorization, authorizing Applicant to reschedule deliveries of natural gas between two of its customers, Northern Illinois Gas Co. (NI-Gas) and Iowa-Illinois Gas & Electric Co. (Iowa-Illinois), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to deliver up to 3 million M ft³ of natural gas during the period ending October 1, 1973, to NI-Gas, such gas to be released by Iowa-Illinois, and Applicant will deliver equivalent volumes during the period April 1974 to October 1976 to Iowa-Illinois to be provided by release of gas by NI-Gas.

The application indicates that the three companies have entered into a Letter of Intent, dated May 8, 1973, providing for rescheduling Applicant's deliveries of gas to Iowa-Illinois and NI-Gas in order to aid the latter two companies in meeting the firm heating season requirements of their respective customers. Pursuant to said Letter of Intent, the three companies have agreed to use their best efforts to develop, no later than November 1, 1973, a long-term agreement providing for a mutually beneficial rescheduling of deliveries from and satisfactory to Natural. The instant application is concerned solely with the arrangements provided for in said Letter of Intent in the event that a long-term agreement is not reached. Applicant states that in the event a satisfactory definitive agreement is executed prior to November 1, 1973, it will file a further application for such authorization as may be necessary to effectuate the agreement insofar as operations by Applicant are concerned.

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 June 22, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12076 Filed 6-15-73;8:45 am]

[Docket No. CP73-319]

NORTHERN NATURAL GAS CO.

Notice of Application

JUNE 12, 1973.

Take notice that on May 29, 1973, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in docket No. CP73-319 an application pursuant to section 7 of the Natural Gas Act and section 157.7(g) of the regulations thereunder (18 CFR 157.7 (g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval for the abandonment, for a 12-month period commencing on the date of authorization, of field 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.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment will not exceed $3 million, and the cost for any single project will not exceed $500,000. These costs will be financed from funds on hand and funds generated through operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 2, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the 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 and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12075 Filed 6-15-73;8:45 am]

[Docket No. E-8152]

OTTER TAIL POWER CO. AND VILLAGE OF ELBOW LAKE, MINN.

Notice of Extension of Time

JUNE 7, 1973.

On May 31, 1973, the village of Elbow Lake, Minn., filed a motion for an extension of time to respond to complaint and petition filed by Otter Tail Power Co., on April 23, 1973. The motion states that Otter Tail Power Co. has no objection to this request.

Upon consideration, notice is hereby given that the time is extended to and including June 29, 1973, within which the village of Elbow Lake may respond to the complaint and petition filed in the above-designated matter.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12077 Filed 6-15-73;8:45 am]

[Project No. 2180]

OWENS-ILLINOIS, INC.

Notice of Issuance of Annual License

JUNE 11, 1973.

On June 26, 1970, Owens-Illinois, Inc., Licensee for project No. 2180 located on the Wisconsin River in Lincoln County near the town of Tomahawk, Wis., filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6).

The license for project No. 2180 was issued effective January 1, 1938, for a period ending June 30, 1973. In order to authorize the continued operation of the project pursuant to section 15 of the act pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Owens-Illinois, Inc., for continued operation and maintenance of project No. 2180.

Take notice that an annual license is issued to Owens-Illinois, Inc. (Licensee) under section 15 of the Federal Power Act for the period July 1, 1973, to June 30, 1974, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of project No. 2180 subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12078 Filed 6-15-73;8:45 am]

[Project No. 2082]

PACIFIC POWER & LIGHT CO.

Notice of Application for Change in Land Rights

JUNE 7, 1973.

Public notice is hereby given that application was filed February 5, 1973, under the Federal Power Act (16 U.S.C. 791a-825r) by the Pacific Power & Light Co. (correspondence to: Mr. G. L. Beard, senior vice president, Pacific Power & Light Co., Public Service Building, Portland, Oreg. 97204) for change in land rights for constructed project No. 2082, known as the Klamath River project, located on the Klamath River in Siskiyou County, Calif., and Jackson and Klamath Counties, Oreg.

Pacific Power & Light Co., applicant for change in land rights for the Klamath River project No. 2082, requests Commission approval for a lease of project lands to the county of Siskiyou, Calif. The county has constructed a road on the leased property from an existing project road to a summer home recreational development. The road proceeds 250 feet across project land east of Iron Gate Dam and has a right-of-way of 60 feet.

Any person desiring to be heard or to make protest with reference to said application should on or before July 19, 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, 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 is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12043 Filed 6-15-73;8:45 am]

[Docket No. CI72-552]

PHILLIPS PETROLEUM CO.

Notice of Petition To Amend

JUNE 11, 1973.

Take notice that on May 18, 1973, Phillips Petroleum Co. (Phillips), Bartlesville, Okla. 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 up to 10 million M ft³ of natural

gas during any 12-month period, to Natural Gas Pipeline Co. of America (Natural) at an existing interconnection in Brazoria County, Tex., and to have redelivered to it by Natural equivalent volumes, for a period of 3 years from the date of initial delivery and so long thereafter as mutually beneficial to the parties, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner, which is authorized to exchange volumes to 10 million M ft³ during a 12-month period, states that it has entered into an amendatory agreement with Natural to increase the total exchange volumes to 10 million M ft³ during any 13-month period at daily rates mutually agreeable to both parties, with such exchange volumes to be returned to petitioner mutually agreeable times.

Petitioner alleges that this proposal will increase the flexibility of operations on its system.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 29, 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.73-12079 Filed 6-15-73;8:45 am]

[Docket No. E-7937]

PUBLIC SERVICE CO. OF INDIANA

Notice of Further Extension of Time

JUNE 7, 1973.

On May 16, 1973, Public Service Co. of Indiana, Inc., Indianapolis Power & Light Co., and Kentucky Utilities Co. requested a further extension in which to answer the motion filed on February 6, 1973, by the Electric and Water Plant Board of the city of Frankfort, Ky., requesting leave to file a petition to intervene out of time and the protest and request for hearing and for other appropriate relief. By notice issued March 8, 1973, the time was extended to and including May 22, 1973, to answer the above filing.

Upon consideration, notice is hereby given that the time is extended to and including August 20, 1973, within which answers may be filed to the motion for leave to file petition to intervene out of time and the protest and petition filed in the above-designated matter.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12042 Filed 6-15-73;8:45 am]

[Project No. 372]

SOUTHERN CALIFORNIA EDISON CO.

Notice of Issuance of Annual License

JUNE 11, 1973.

On June 16, 1969, Southern California Edison Co., licensee for Tule project No. 372 located on the Tule River in Tulare County, Calif., filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 9, 1970.

The license for project No. 372 was issued effective December 31, 1941, for a period ending June 15, 1970. Since the original date of expiration the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the act pending Commission action thereon it is appropriate and in the public interest to issue an annual license to Southern California Edison Co. for continued operation and maintenance of project No. 372.

Take notice that an annual license is issued to Southern California Edison Co. (Licensee) under section 15 of the Federal Power Act for the period June 16, 1973, to June 15, 1974, or until Federal takeover or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Lower Tule project No. 372, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12080 Filed 6-15-73;8:45 am]

[Docket No. CP73-318]

SOUTHERN NATURAL GAS CO.

Notice of Application

JUNE 11, 1973.

Take notice that on May 25, 1971, Southern Natural Gas Co. (Applicant), P.O. Box 2563, Birmingham, Ala. 35202, filed in docket No. CP73-318 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction, during the 12-month period commencing August 7, 1973, and to operate facilities to take into its certificated pipeline system additional natural gas supplies to be purchased from fields in the general area of its existing system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the 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 the various producing areas generally coextensive with said system.

The total cost of the facilities proposed herein is not to exceed $10 million, with no single project costing in excess of $2,500,000. Applicant proposes to finance the facilities from cash on hand or from current operations. Applicant requests a waiver of the requirements of § 157.7(b)(1) of the regulations under the Natural Gas Act because of high cost of natural gas facilities in offshore locations.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 2, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the 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.73-12081 Filed 6-15-73;8:45 am]

[Docket No. CP73-306]

TEXAS GAS TRANSMISSION CORP. AND FLORIDA GAS TRANSMISSION CO.

Notice of Application

JUNE 11, 1973.

Take notice that on May 16, 1973, Texas Gas Transmission Corp. (Texas Gas), P.O. Box 1160, Owensboro, Ky. 42301, and Florida Gas Transmission Co. (Florida Gas), P.O. Box 44, Winter Park, Fla. 32789, filed in docket No. CP73-306 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing an exchange of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Texas Gas and Florida Gas propose pursuant to a gas exchange agreement of April 3, 1973, to establish a permanent point of delivery at an interconnection of their facilities in Acadia Parish, near Eunice, La., as well as other points they

mutually agree upon from time to time. The facilities proposed to be retained in place by Texas Gas and Florida Gas were installed on a temporary basis to permit an emergency exchange of natural gas at the point of interconnection hereinbefore mentioned. Texas Gas and Florida Gas propose to continue to use these facilities to meet emergencies within their systems whenever required. The estimated cost of making these facilities permanent is $115,200 to be financed by Texas Gas and Florida Gas jointly with cash on hand with Florida Gas operating the facilities at its expense.

The proposed exchange provides that within 60 days following an emergency delivery, the receiving party shall deliver to the other a like quantity of gas as the operating conditions reasonably permit.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 29, 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 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.73-12082 Filed 6-15-73;8:45 am]

[Docket No. CP73-312]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

JUNE 11, 1973.

Take notice that on May 21, 1973, Transcontinental Gas Pipe Line Corp. (Applicant), P.O. Box 1396, Houston, Tex. 77001, filed in docket No. CP73-312 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of two additional points of delivery from Consolidated Gas Supply Corp. (Consolidated) to Applicant under their September 12, 1972, transportation agreement, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Consolidated owns an undivided interest in gas in the Vermilion Block 16 Field and the Ship Shoal Block 186 Field, offshore Louisiana, but has no transmission facilities extended to these areas. Applicant is purchasing or is contracting to purchase natural gas from other interest owners in these two fields and can perform the transportation service for Consolidated without duplication of facilities. Applicant indicates that the addition of the proposed delivery points will assist Consolidated by making additional volumes available to utilize the firm capacity committed to it under the September 12, 1972, transportation agreement. The gas which will be transported from the Vermilion Block 16 Field area, according to Applicant, will be produced from a field extension which is not dedicated to Applicant under its existing contract with Consolidated. The gas which will be transported from the Ship Shoal Block 186 Field is likewise not to be dedicated to Applicant.

Applicant seeks authorization for the operation of two additional delivery points, already existing in the Vermilion Block 16 Field and the Ship Shoal Block 185 Field. Applicant indicates that it will be necessary for it to construct and operate measuring facilities on Consolidated's production platform in the Block 186 Field to serve the Block 185 tap. Applicant states that Consolidated will construct and operate the facilities required to bring the volumes to be transported from the measurement point in Block 186 to the delivery point in Block 185.

The estimated cost of the facilities that Applicant proposes to construct is $39,000 to be financed with available company funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 29, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12083 Filed 6-15-73;8:45 am]

[Project No. 459]

UNION ELECTRIC CO.

Notice of Application for Change in Land Rights

JUNE 11, 1973.

Public notice is hereby given that application was filed September 29, 1972, under the Federal Power Act (16 U.S.C. 791a-825r) by Union Electric Co. (correspondence to: Mr. Carl H. Hendrickson, attorney, Union Electric Co., P.O. Box 149, St. Louis, Mo. 63166), for change of land rights for constructed project No. 459, known as the Osage project, located on the Osage River, a navigable water of the United States, in Benton, Camden, Henry, Miller, Morgan, and St. Clair Counties, Mo. The land affected is located in Camden County, Mo.

Applicant requests Commission approval of a lease to Dredging Inc. who would be permitted to dredge gravel from the project reservoir. The lease would permit lessee to remove approximately 20,000 cubic yards of gravel per year from 8 to 10 acres of the reservoir. A settling pond would be used to separate the gravel and silt, with the silt later to be used as landfill in adjoining areas. Only submerged lands of the project would be affected.

The lease further contains a condition for the protection of recreational use and is subject to the project license. Applicant has secured a water quality certificate from the Missouri Clean Water Commission for the proposed dredging operation.

Any person desiring to be heard or to make protest with reference to said application should on or before July 19, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Com-

mission'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 is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12084 Filed 6-15-73;8:45 am]

[Project No. 1940]

WISCONSIN PUBLIC SERVICE CORP.

Notice of Application for Change in Land Rights

JUNE 11, 1973.

Public notice is hereby given that application was filed December 11, 1972, and supplemented April 5, 1973, under the Federal Power Act (16 U.S.C. 791a-825r) by the Wisconsin Public Service Corp. (correspondence to: Mr. D. A. Bollom, controller, Wisconsin Public Service Corp., P.O. Box 700, Green Bay, Wis. 54305), for change in land rights for constructed project No. 1940, known as the Tomahawk Hydro Development located on the Wisconsin River, a navigable water of the United States, in Lincoln County, Wis., near the cities and towns of Tomahawk, Bradley, and Wilson, Wis.

The applicant requests Commission approval for its granting of an easement to Owens-Illinois, Inc., for the purposes of allowing Owens-Illinois to construct and maintain an effluent outflow structure and discharge pipeline. The easement consists of: (1) The construction of an effluent outfall structure and discharge pipeline (450 ft long) through the south-retaining dike into and beneath the waters of Lake Mohawksin, the project headwater pond; (2) the construction of an access road about 1,062 feet long with a 50-foot right-of-way on top of the dike; (3) the installation and maintenance of electric power poles; and (4) the construction of a sampling house with suitable equipment to measure the quantity and quality of effluent.

The effluent outfall structure, discharge pipeline, outfall weir, and sampling house have been constructed.

Any person desiring to be heard or to make protest with reference to said application should on or before July 23, 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 is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12085 Filed 6-15-73;8:45 am]

NATIONAL POWER SURVEY; COORDINATING COMMITTEE

Agenda and Notice of Meeting

Meeting of the Coordinating Committee to be held at the Federal Power Commission offices, 825 North Capitol Street NE., Washington, D.C., June 26, 1973, 1:30 p.m., room 9001.

1. Call to order by FPC Coordinating Representative.

2. Objectives and purposes of meeting.

A. Introductory remarks—Mr. Shearon Harris.

B. Progress statements by Technical Advisory Committee Chairmen.

TAC on Power Supply—Mr. M. F. Hebb, Jr.
TAC on Fuels—Mr. Paul Martinka.
TAC on Finance—Mr. Gordon R. Corey.
TAC on Research and Development—Dr. H. Guyford Stever.
TAC on Conservation of Energy—Dr. Bruce Netschert.

C. Discussion of report completion schedule.

3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12116 Filed 6-15-73;8:45 am]

NATIONAL POWER SURVEY; EXECUTIVE ADVISORY COMMITTEE

Agenda and Notice of Meeting

Meeting of the Executive Advisory Committee to be held at the Federal Power Commission offices, 825 North Capitol Street NE., Washington, D.C., June 27, 1973, 9:30 a.m., hearing room A, 2d floor.

1. Call to order and opening remarks by FPC Chairman John N. Nassikas.

2. Objectives and purposes of meeting.

A. Comments by EAC Chairman Shearon Harris.

B. Progress reports by Chairmen of Technical Advisory Committees:

Power Supply—Mr. M. F. Hebb, Jr.
Fuels—Mr. Paul Martinka.
Finance—Mr. Gordon R. Corey.
Research and Development—Dr. H. Guyford Stever.
Conservation of Energy—Dr. Bruce Netschert.

C. Summary and discussion of selected Task Force Reports:

TAC on Power Supply Task Force on Forecast Review—Mr. B. L. Lloyd, Chairman.
TAC on Conservation of Energy Task Force on Practices and Standards—Dr. Charles A. Berg, Chairman.

D. Other business.

3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12117 Filed 6-15-73;8:45 am]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF THE AIR FORCE

Delegation of Authority

Purpose.—Temporary Regulation E-22 dated March 3, 1972, and published at 37 FR 5147, March 10, 1972, delegated authority to the Secretary of the Air Force to operate a Federal Data Processing Center for ADP simulation. This supplement designates a specific name for this Center in order to prevent confusion regarding its mission.

Effective date.—This supplement is effective on June 18, 1973.

Name.—The Federal Data Processing Center for ADP simulation is hereby named the Federal Computer Performance Evaluation and Simulation Center.

ARTHUR F. SAMPSON,
Acting Administrator of General Services.

JUNE 8, 1973.

[FR Doc.73-12039 Filed 6-15-73;8:45 am]

OFFICE OF EMERGENCY PREPAREDNESS

ARKANSAS

Amendment to Notice of Major Disaster

Notice of major disaster for the State of Arkansas, dated May 31, 1973, and published June 6, 1973 (38 FR 14888), is hereby amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 29, 1973:

The county of Crittenden.

Dated June 12, 1973.

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

ELMER F. BENNETT,
Acting Director, Office of Emergency Preparedness.

[FR Doc.73-12037 Filed 6-15-73;8:45 am]

FEDERAL RESERVE SYSTEM

AMERICAN FLETCHER CORP.

Order Approving Acquisition of Chapple Loan Co.

American Fletcher Corp., Indianapolis, Ind., 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 substantially all the assets of Chapple Loan Co. (Chapple), Muskegon, Mich., a company engaged in the activities of making and acquiring consumer loans or other extensions of credit and acting as agent in the sale of credit life insurance in connection with such loans. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1) and (9)(ii)(a)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors has been duly published (38 FR 9186). The time for filing comments has expired, and none has been timely received.

Applicant controls American Fletcher National Bank & Trust Co., Indianapolis, Ind., which has deposits of $1 billion, representing 8.9 percent of total deposits in commercial banks in Indiana. Applicant's nonbanking subsidiaries engage, among other things, in consumer financing in the States of Indiana, Michigan, and Tennessee.

Chapple operates one office which is located in the city of Muskegon, Mich. As of December 31, 1972, Chapple held $0.5 million in total outstandings. Applicant's nonbanking subsidiaries are not engaged in any activities in the Muskegon market (approximated by southwestern Muskegon County) where Chapple's office is located in Michigan. Local Finance Corp., Marion, Ind. (Local), a subsidiary of applicant, operates 64 offices, 19 of which are located in Michigan. Local's closest office to Muskegon was opened de novo in 1972 in Grand Rapids, 32 miles distant from Muskegon. As of December 31, 1971, Local held 2.6 percent of total consumer finance company loan receivables in Michigan. Seventeen consumer finance companies operate 20 offices in the Muskegon market. $11.2 million in outstandings were held by these companies, and Chapple accounted for 4.5 percent of such outstandings. If commercial bank consumer loan receivables are included, Chapple's market share drops to 1 percent.

Local has demonstrated its ability to expand de novo into new geographic markets and is capable of de novo entry into the Muskegon market. However, the Muskegon consumer finance market does not appear attractive for de novo entry at this time in view of the fact that both the population-per-consumer finance company office ratio in that market is roughly 20 percent lower than that of several other markets of similar size; the majority of consumer finance companies in the Muskegon market are nationwide competitors. In any case, the proposed acquisition represents a foothold entry into the market. The Board concludes that consummation of the proposed acquisition would have no significant adverse effects on existing or potential competition in any relevant area.

It is anticipated that Chapple's affiliation with applicant, by providing access to the greater financial resources of applicant, will enable Chapple to compete more effectively with other consumer finance lenders in the areas in which it operates. Further, applicant has expressed its intention to expand Chapple's loan services to include the making of auto, farm equipment, home improvement, education, and mobile home loans. The seriousness of that intention may be gleaned from the similar expansion of the loan services of Local that has occurred since its acquisition by applicant in July 1972. There is no evidence in the record indicating that consummation of the proposed acquisition would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects.

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.

By order of the Board of Governors,[1] effective June 8, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-12015 Filed 6-15-73;8:45 am]

BANCORPORATION OF MONTANA

Order Approving Acquisition of Bank

Bancorporation of Montana, Great Falls, Mont., 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 of the voting shares of First Security Bank of Glasgow, N.A., Glasgow, Mont.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

Applicant controls 11 banks in Montana with total deposits of $82 million representing 4.3 percent of State deposits and is the fifth largest banking organization in the State. (All deposit data are as of June 30, 1972.) Bank, with total deposits of $18.5 million, is the second largest of three organizations in Valley County (which approximates the relevant banking market) and is the 10th largest banking organization in the State. Acquisition of bank will increase applicant's share of State deposits to 5.3 percent and applicant will thereby become the fourth largest banking organization in Montana. Applicant is not a dominant banking organization in the State, however, and the proposed acquisition will not enable applicant to gain a position of dominance. Further, bank is not dominant in its market and acquisition of bank by applicant should not tend to foreclose the market from other holding company activity. Applicant's nearest banking subsidiary is located nearly 140 miles from bank and no significant amount of business is derived from each other's market. Accordingly, the proposed acquisition would not eliminate any significant existing competition. In addition, it appears unlikely that any significant future competition would be eliminated, in view of the great distance between the two banking organizations and Montana's law prohibiting branch banking. Furthermore, de novo entrance by applicant is not likely because of the partial closing of a nearby Air Force base and the concomitant population decrease. Consequently, in view of all the above competitive factors, approval will not result in adverse competitive effects.

The financial condition and managerial resources of applicant's subsidiary banks have improved notably through the concerted efforts of management to improve their asset condition and inject capital. There is reason to believe that the favorable trends will continue. Bank's condition in this regard is also satisfactory. Hence, financial and managerial considerations of applicant and bank are consistent with approval. Future prospects also appear favorable. Consummation of the acquisition should allow bank to continuously provide broad banking services in an area experiencing diminishing population and to this extent, convenience and needs of the community would be favorably enhanced. It is the Board's judgment that the proposed 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 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, or by the Federal Reserve Bank of Minneapolis pursuant to delegated authority.

[1] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, and Bucher. Absent and not voting: Governors Mitchell and Daane.

By order of the Board of Governors,[3] effective June 8, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-12016 Filed 6-15-73;8:45 am]

BANKERS TRUST NEW YORK CORP.

Order Approving Acquisition of Bank

Bankers Trust New York Corp., New York, N.Y., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the successor by merger to The Farmers National Bank of Malone, Malone, N.Y. (Bank). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

Applicant, the fifth largest banking organization in New York, controls eight banks with aggregate deposits totaling some $7 billion,[1] representing 7.4 percent of the commercial bank deposits in the State. Applicant's position in relation to the State's other banking organizations and holding companies would remain unchanged and applicant's share of deposits in the State would not increase significantly, upon consummation of the acquisition.

Bank (approximately $34 million in deposits), the second largest of eight banks operating in the Franklin County-St. Lawrence County banking market (which is the relevant banking market and is approximated by Franklin County and northern St. Lawrence County), controls 26 percent of the commercial bank deposits in the market. The largest bank in the market (affiliated with the State's sixth largest bank holding company) controls over 29 percent of the deposits in the market. No subsidiary bank of Applicant is located in the Franklin County-St. Lawrence County market nor in the fifth banking district of New York. Applicant's acquisition of Bank would not result in Applicant's gaining a dominant share of Franklin County-St. Lawrence County banking resources. Applicant's subsidiary closest to Bank is located 80 miles away in Hamilton County, in the fourth banking district, and there is no meaningful competition between any of Applicant's subsidiary banks and Bank. New York's branching law prohibits any subsidiary of Applicant from branching into the Franklin County-St. Lawrence County market until 1976, and de novo entry into the market does not appear attractive, particularly in view of the market's declining population and stagnant economy Apparently no commercial bank has been chartered in the fifth district in the past 38 years. It does not appear likely that meaningful competition between Bank and Applicant would develop in the future. Also, it appears that several banks in the market would be available for entry by other bank holding companies. The Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Bank, and of Applicant and its present subsidiaries, are regarded as generally satisfactory; and, upon consummation of the acquisition, Applicant proposes to increase Bank's capital accounts. Considerations relating to the banking factors are consistent with approval of the application. Although Applicant intends to introduce services at Bank which are presently available in the community, considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated: (a) Before the 30th calendar day following the effective date of this order, or (b) later than 3 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 pursuant to delegated authority.

By order of the Board of Governors,[2] effective June 8, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-12019 Filed 6-15-73;8:45 am]

FIRST UNION, INC.

Order Approving Acquisition of Bank

First Union, Inc., St. Louis, Mo., 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 91.2 percent or more of the voting shares of Chesterfield Bank, Chesterfield, Mo. (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 second largest bank holding company in Missouri, controls 14 banks with aggregate deposits of $1,059 million, representing 8.4 percent of total deposits of commercial banks in the State. (All banking data are as of June 30, 1972, and reflect holding company formations and acquisitions approved through March 30, 1973.) Consummation of the proposed acquisition of Bank ($14.7 million of deposits) would increase applicant's share of deposits of commercial banks in the State by only 0.1 percentage point and would not significantly increase concentration of banking resources in Missouri.

Bank is the third largest of five banks in the Chesterfield area and controls approximately 0.3 percent of total deposits of commercial banks in the St. Louis banking market. Bank is located in the western portion of the St. Louis banking market approximately 21 miles west of applicant's lead bank (First National Bank in St. Louis, $795 million of deposits), which is located in downtown St. Louis. The closest of applicant's other subsidiary banks is located approximately 25 miles south of Bank. Although some overlap exists in the areas served by Applicant's lead bank, Applicant's closest other subsidiary bank, and Bank, it appears that no significant degree of competition exists between Bank and applicant's subsidiary banks.[1] In view of the large number of banks in the St. Louis banking market, the existence of numerous banking alternatives located in the area between Bank and applicant's lead bank, and the lack of convenient highway access between Bank and applicant's closest other subsidiary bank, it appears unlikely that significant competition would develop in the future between Bank and applicant's closest subsidiary banks.

In addition to the commercial banks already competing with Bank (three of which are, or have been granted approval to become, members of bank holding company organizations) four groups have applied for charters to establish new banks in Bank's service area. In view of the high rate of population growth and economic development taking place in Bank's service area, it is likely that one or more new banks will be established in this area in the near future. On the basis of the record before it, the

[3] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan and Bucher. Absent and not voting: Governors Mitchell and Daane.

[1] All banking data are as of June 30, 1972, and reflect holding company formations and acquisitions approved through Mar. 31, 1973.

[2] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, and Bucher. Absent and not voting: Governors Mitchell and Daane.

[1] Applicant's lead bank derives less than 3 percent of its total individual partnership and corporation deposits from Bank's primary service area. Upon consummation of this proposal, applicant's share of total deposits of commercial banks in the St. Louis banking market would increase by only 0.3 percentage points to 13.4 percent and it would remain the second largest banking organization in this market.

Board concludes that consummation of the proposed acquisition would not have an adverse effect on existing or potential competition in any relevant area.

The financial condition and managerial resources of applicant, its subsidiaries and Bank appear satisfactory and future prospects of all seem favorable. Although most of the banking needs of the residents of Bank's market are being met by Bank and other financial institutions in that market, affiliation with applicant should enable Bank more readily to meet expanding demand from its customers for commercial and mortgage loans and to initiate or expand a wider range of banking services, such as trust and automatic teller services. These factors, as they relate to the convenience and needs of the community to be served, lend some weight for approval of the application. It is the Board's judgment that the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated: (a) Before the 30th calendar day following the effective date of this order, or (b) later than 3 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 St. Louis pursuant to delegated authority.

By order of the Board of Governors,[2] effective June 8, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-12018 Filed 6-15-73;8:45 am]

MICHIGAN FINANCIAL CORP.

Order Approving Formation of Bank Holding Company

Michigan Financial Corp., Marquette, Mich., 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)) of formation of a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successors by merger to the first three banks listed below and through acquisition of 90 percent or more of the voting shares of the latter three banks, all located in Michigan: (1) The First National Bank & Trust Co., Marquette (Marquette Bank); (2) The Miners' First National Bank & Trust Co. of Ishpeming, Ishpeming (Ishpeming Bank); (3) The First National Bank & Trust Co., Escanaba (Escanaba Bank); (4) The Gwinn State Savings Bank, Gwinn (Gwinn Bank); (5) The First National Bank of Hermansville, Hermansville (Hermansville Bank); and (6) Trenary State Bank (Trenary Bank). The banks into which Marquette Bank, Ishpeming Bank, and Escanaba Bank are to be merged have no significance except as a means to facilitate the acquisition of the voting shares of Marquette Bank, Ishpeming Bank, and Escanaba Bank. Accordingly, the proposed acquisitions of shares of the successor organizations are treated herein as the proposed acquisitions of the shares of Marquette Bank, Ishpeming Bank, and Escanaba 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, a newly formed corporation with no operating history, was organized by the principal stockholder of the six banks which are the subjects of this application for the purpose of bringing them within a holding company structure. The banks have aggregate deposits of $115.8 million, representing 0.5 percent of total commercial bank deposits in Michigan.[1] Applicant would become the smallest of six multibank holding companies operating in the State but would be the largest banking organization located in Michigan's upper peninsula, with 18.6 percent of total commercial deposits in that area.

The banks to be acquired are located in four adjacent counties of the upper peninsula. This northern region of the State is generally regarded as an economically depressed area with declining population. The population in the five relevant markets is clustered in a few locations with the remainder of the area comprised of State and national forests and very sparsely populated.[2] The relative self-containment of communities and the lack of intervening population tend to isolate the relevant banking markets. As a result, there is no significant competition among any of the proposed subsidiary banks.

Marquette Bank (deposits of $50.8 million), located in the largest city (population of 20,000) in the upper peninsula, operates two branches and a facility at K. I. Sawyer AFB. It is the larger of two banks in the Marquette banking market, controlling 62 percent of total commercial bank deposits therein.

Ishpeming Bank (deposits of $23.1 million) operates two offices in the city of Ishpeming (population of 8,000) approximately 16 miles west of Marquette Bank and is the largest bank of three in the Ishpeming banking market, with 44 percent of market deposits. (The second largest controls 35 percent and the smallest 21 percent.) It appears that there is a minimal overlap between the service areas of Ishpeming and Marquette banks and that they serve essentially separate banking markets.

Escanaba Bank (deposits of $29.2 million) operates two branches in the largest city (population of 15,000) on the Lake Michigan side of the upper peninsula and is the largest of six banks in the Escanaba banking market, with aproximately 32 percent of market deposits. Hermansville Bank (deposits of $3.3 million), the only bank in the city of Hermansville (population 1,200), is located 26 miles[3] west of Escanaba Bank and is the smallest bank in the Escanaba banking market with only 3.5 percent of total commercial bank deposits. There appears to be a small amount of business which each bank derives from the service area of the other, however, it is not significant in view of an intervening office of a competing bank, the existence of four other banking alternatives located in the relevant market, and a differing emphasis of banking services offered by each bank. (Hermansville Bank concentrates on mortgage loans while Escanaba Bank engages to a relatively greater extent in commercial and installment loans.)

Gwinn Bank (deposits of $6.5 million), the only bank in the city of Gwinn (population of 1,000), is located 25 miles south of Marquette Bank and is the smallest of six banks operating in Marquette County, with 4.7 percent of county deposits. Because it is completely surrounded by a very sparsely populated area of State forests, Gwinn Bank does not appear to compete with the five other banks in the county but rather operates in a separate banking market.

Trenary Bank (deposits of $2.8 million), situated approximately 30 miles east of Gwinn Bank and the only bank in the city of Trenary (population of 300), is the smallest of three banks located in Alger County, with 22 percent of total commercial bank deposits in the county. The other two banks therein are 29 miles to the northeast of Trenary Bank with the intervening area very sparsely populated.

As indicated in the record, there is no significant existing competition between any of the six proposed subsidiary banks due, in part, to the present common shareholder control. There is minimal overlap of service area among some of the proposed subsidiary banks; however, because of the common control of the banks and in view of the relative isolation of the respective banking markets in the upper peninsula, the effects of consummation of this proposal on existing competition will not be significant. Further, it appears unlikely that any substantial amount of competition will develop in the future. Finally, the Board notes that other bank holding companies based in lower Michigan are becoming active in the upper peninsula. Consequently, it seems unlikely that applicant or any other bank holding company will

[2] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, and Bucher. Absent and not voting: Governors Mitchell and Daane.

[1] All banking data are as of June 30, 1972, and reflect bank holding company formations and acquisitions approved by the Board through Dec. 31, 1972.

[2] According to 1970 census figures, population per square mile is 9.5 in Alger County, 30.5 in Delta County, 35.4 in Marquette County, and 23.7 in Menominee County, compared to a State density of 156.2 persons per square mile.

[3] Hermansville Bank also operates a recently opened branch 4 mi east of Hermansville.

be able to achieve a dominant position in the region.

The financial condition of applicant and its proposed subsidiary banks are generally satisfactory. Management of all banks is generally considered good. Prospects for all are generally favorable in view of applicant's commitment to inject additional equity capital of $625,000 into the Marquette Bank and $125,000 into the Ishpeming Bank. Accordingly, banking factors are consistent with approval of the application. Considerations relating to the convenience and needs of the communities to be served are also consistent with approval. Upon consummation, there will be an increase in the rate of interest paid on savings deposits to the maximum permitted by law in the Ishpeming Bank and Hermansville Bank, an improvement in the quality of banking services, and—perhaps most significant—the establishment of a regional holding company based in the upper peninsula that could help promote the economic welfare of the area. 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 30th calendar day following the effective date of this order or (*b*) later than 3 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 Minneapolis pursuant to delegated authority.

By order of the Board of Governors,[4] effective June 8, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-12017 Filed 6-15-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[812-3080]

ST. JOHN D'EL REY MINING CO., LTD.

Notice of Filing of Application for an Order Determining an Affiliated Company of Applicant Not To Be Controlled by Applicant

Notice is hereby given that St. John d'el Rey Mining Co., Ltd., 100 Erieview Plaza, Cleveland, Ohio 44114 (Applicant), a corporation organized under the laws of England, has filed an application for an order of the Commission pursuant to section 7(d) of the Investment Company Act of 1940 (Act) permitting Applicant to register as an investment company under the Act and to make a public offering of its securities in the United States, and for an order pursuant to section 2(a)(9) of the Act determining that Applicant does not control its affiliated Brazilian company, Mineracoes Brasileiras Reunidas S.A.—MBR (MBR). All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicant is a majority-owned subsidiary of Hanna Mines Co., a Delaware corporation which, in turn, is a wholly owned subsidiary of Hanna Mining Co., also a Delaware corporation.

Applicant has been, since 1960, a U.S. resident company for all purposes except such formal purposes as are incident to its status as a company incorporated under the laws of England. Its seat of management and control has been transferred to the United States, and its principal office, where its accounts, books, and records are kept, is located in Cleveland, Ohio, at the home of its parent. Applicant's securities are registered under the Securities Exchange Act of 1934, and, in connection with Applicant's having qualified to do business in Ohio, it has filed an irrevocable consent to service of process.

Until recently, Applicant was engaged principally in the production and sale of iron ore through wholly-owned Brazilian subsidiaries. In January 1971, in order to satisfy a Brazilian governmental policy requiring that Brazilian nationals control mining companies in that country, Applicant entered into an agreement with Companhia Auxiliar de Empresas de Mineracao — CAEMI (CAEMI), a Brazilian company. Pursuant to this agreement, the iron ore mining properties and facilities of the two parties were combined and transferred to MBR which was formed for this purpose. Applicant received in exchange for its assets a 49 percent stock interest in MBR. This interest is Applicant's principal asset. The remaining 51 percent of the stock of MBR is held by a Brazilian holding company, a majority of the stock of which is owned by CAEMI.

In order to finance MBR's proposed iron ore mining activities, MBR has entered into agreements with various lending institutions which provide for approximately $170 million in financing. In addition, Applicant and the holding company controlled by CAEMI, have made equity contributions, of approximately $30 million to MBR in the proportion of 49 percent and 51 percent, respectively. Applicant borrowed its portion of such equity contributions from its parent company, and, in order to make repayment, Applicant proposes to make a rights offering of its ordinary stock to its shareholders, including approximately 297 shareholders in the United States and approximately 227 residents of the United Kingdom.

Section 7(d) of the Act: Applicant is an investment company within the meaning of section 3(a)(3) of the Act because investment securities in the form of its 49 percent interest in MBR comprise more than 40 percent of Applicant's total assets (exclusive of Government securities and cash items). As such, it is subject to the provisions of section 7(d) of the Act which, in pertinent part, prohibit a foreign investment company from using the mails or any means or instrumentalities of interstate commerce in connection with a public offering of its securities in the United States unless permitted to do so by the Commission upon a finding that, by reason of special circumstances or arrangements, it is both legally and practically feasible effectively to enforce the provisions of the Act against such company and that such public offering is otherwise consistent with the public interest and the protection of investors. Rule 7d-1 under the Act specifies conditions and arrangements under which Canadian investment companies may be permitted to register and also provides that conditions and arrangements proposed by investment companies organized under the laws of other countries will be considered by the Commission in light of the special circumstances and local laws involved in each case.

Applicant maintains that special circumstances and arrangements exist which make appropriate the entry of the requested order pursuant to section 7(d) of the Act. Applicant submits that the English Companies Acts of 1948 and 1967, as amended, taken together with the common law and Applicant's memorandum and articles of association provide fair protection for shareholders in a manner reasonably comparable to that provided in the United States. Applicant has agreed to substantially all the conditions and arrangements provided by rule 7d-1 for Canadian companies and has made certain other undertakings for the protection of investors and to insure enforceability of the Act against Applicant.

Many of the conditions agreed to by Applicant are designed to establish jurisdiction on the part of the Commission and appropriate courts in the United States and England over Applicant, its assets, and its officers and directors. Specifically, Applicant has agreed to comply with the following provisions of rule 7d-1 indicating consent to jurisdiction:

(1) That Applicant will cause its present and future officers and directors and its custodian to enter into an agreement to comply with the Act and rules thereunder, Applicant's memorandum and articles of association, and the undertakings and agreements contained in the application herein, and such agreement shall also provide that Applicant's shareholders will be parties thereto with the right to sue in the United States and England for violation thereof;

(2) That every agreement and undertaking of Applicant, its officers, directors, and custodian is a condition to the continuance in effect of any order issued herein and constitutes a contract among Applicant and its shareholders with the same intent set forth in (1) above, and that failure to comply therewith shall constitute a violation of any order entered herein;

(3) That any shareholder of Applicant or the Commission on its own motion or at the request of shareholders shall have the right to initiate a proceeding (a) before the Commission for revocation of such order or (b) before the

[4] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, and Bucher. Absent and not voting: Governors Mitchell and Daane.

U.S. district court for the district in which Applicant's assets are maintained for liquidation of Applicant and distribution of its assets to its shareholders;

(4) That any shareholder of Applicant shall be able to sue and enforce compliance with the Act and rules thereunder, Applicant's memorandum and articles of association, and the undertakings and agreements in this application, in any court of the United States or England having jurisdiction over Applicant, its assets, or its officers and directors; and

(5) That Applicant will file and will cause its officers and directors to file with the Commission irrevocable designation of Applicant's custodian as agent for process.

In connection with these undertakings designed to insure jurisdiction, Applicant has also agreed that the Commission may revoke any order granted herein for violation thereof and that Applicant will assist its custodian in the distribution of Applicant's assets should such be ordered by the Commission or a court of competent jurisdiction.

In addition to consenting to jurisdiction, Applicant has also agreed to certain other measures, as indicated below, which are intended to provide additional assurances of jurisdiction and otherwise to facilitate enforcement of the Act against Applicant:

(1) Applicant will appoint a bank to maintain in its sole custody in the United States all of Applicant's securities and cash (other than cash necessary to meet current administrative expenses);

(2) Applicant will maintain a copy of its books and records within the United States;

(3) At least a majority of Applicant's directors will be U.S. citizens and a majority of these will be residents of the United States;

(4) Applicant will retain an independent public accountant with a permanent office in the United States;

(5) Applicant's charter and bylaws will not be changed in any manner inconsistent with the Act and rules thereunder or the undertakings and agreements contained in the instant application unless authorized by the Commission;

(6) Contracts of Applicant, other than those consummated on an established securities exchange which do not involve affiliated persons, shall provide (a) that such contracts, wherever executed, shall be performed in conformity with the U.S. Federal securities laws and (b) that in effecting the purchase or sale of assets the parties thereto will use the U.S. mails or means of interstate commerce; and

(7) Applicant will furnish the Commission with updated lists of its affiliated persons.

In addition to complying with these provisions of rule 7d–1, Applicant has made the further undertakings in the interest of protection of investors (1) that it will provide its custodian with updated lists of its affiliated persons and that such custodian will not consummate any otherwise prohibited transactions with such persons without prior Commission approval; (2) that it will immediately inform the Commission of any changes in English law inconsistent with the provisions of the Act or detrimental to the protection of investors; and (3) that it will not, without prior Commission consent, take any action to transfer its seat of management from the United States or other action which would otherwise affect its status as an essentially U.S. company.

Applicant represents that the above-cited special circumstances make it both legally and practically feasible to enforce the provisions of the Act against Applicant and its management and that an order granting this application and permitting Applicant to register as a foreign investment company and to make the proposed offering would be consistent with the public interest and the protection of investors. Applicant, therefore, requests such an order of the Commission pursuant to section 7(d) of the Act.

Section 2(a)(9) of the Act defines "control" as the power to exercise a controlling influence over the management or policies of a company. It further provides, in pertinent part, that any person who owns beneficially more than 25 percent of the voting securities of a company shall be presumed to control such company and that any such presumption may be rebutted by evidence but otherwise shall continue until a determination to the contrary is made by the Commission by order either on its own motion or on application by an interested person. Because Applicant owns 49 percent of the stock of MBR, MBR is presumptively a controlled company of Applicant.

Nevertheless, Applicant asserts that it does not control MBR because of CAEMI's ownership of the controlling block of 51 percent of MBR shares and because of the policy of the Brazilian Government which requires MBR to be controlled by Brazilian nationals.

Applicant submits that it is entitled to elect only two of the six members of the administrative council which is the governing body of MBR. It also states that its power to prevent certain corporate actions of MBR, specifically: (1) modification of the voting rights of common shares, (2) issuance of preferred shares; (3) mergers; (4) liquidation; (5) engaging in an unrelated business; (6) incurring indebtedness beyond certain limits; (7) transfer of a substantial portion of MBR's assets; and (8) any modification of the bylaws which would affect the foregoing veto powers, does not give it the power to control MBR. Furthermore, Applicant states that all of MBR's officers are Brazilian nationals who were formerly associated with CAEMI, and that none of such officers is an officer or director of Applicant. Applicant, therefore, requests an order of the Commission finding that it does not control MBR.

Notice is further given that any interested person may, not later than June 28, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–12038 Filed 6–15–73;8:45 am]

[70–5358]

WEST TEXAS UTILITIES CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

Notice is hereby given that West Texas Utilities Co. (West Texas), 1062 North Third Street, Abilene, Tex. 79604, a public-utility subsidiary company of Central and South West Corp., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act and rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

West Texas proposes to issue and sell, pursuant to the competitive bidding requirements of rule 50, $23 million principal amount of First Mortgage Bonds, series H, due July 1, 2003. The interest rate (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest to be added to such price, to be paid to West Texas for the bonds (which shall be not less than 99 percent nor more than 102¾ percent of the principal amount of the

bonds) will be determined by the competitive bidding. The bonds will be issued under and secured by the First Mortgage dated August 1, 1943, between West Texas and Harris Trust & Savings Bank, as trustee, as heretofore amended and as to be further amended by a seventh supplemental indenture to be dated July 1, 1973. Such indenture includes a prohibition until July 1, 1978, against refunding the issue with funds borrowed at a lower effective interest cost.

The net proceeds from the sale of the bonds will be used by the company (*i*) to retire at maturity its series A bonds, 3⅛ percent, due August 1, 1973, in the principal amount of $15,840,000, and (*ii*) to finance a part of the costs of additions, extensions, betterments, and improvements made and to be made to its electric utility properties, including the payment of approximately $6,250,000 in short-term notes payable to banks incurred or expected to be incurred for interim construction financing. The proposed construction expenditures of the company for the last three quarters of 1973 and for the calendar year 1974 are presently estimated at $10,793,000 and $3,580,000 respectively.

It is stated that the fees and expenses to be incurred in connection with the issue and sale of the bonds are estimated at $75,000, including accountants' fees of $5,000 and counsel fees of $16,000. The fee of counsel for the underwriters, to be paid by the successful bidders, is estimated at $10,500. It is further stated that no State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than July 6, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-12026 Filed 6-15-73;8:45 am]

DISCLOSURE OF SELF-REGULATORY ORGANIZATIONS' DISCIPLINARY ACTIONS

Notice of Commission Action

The Commission has sent letters to each of the registered national securities exchanges and to the National Association of Securities Dealers, Inc., requesting that they take steps to provide for full disclosure of their formal disciplinary actions to their members, other self-regulatory organizations, and the public.

On June 1, 1972 the Commission's Advisory Committee on Enforcement Policies and Practices issued a report (the Wells Committee Report) which concluded that the absence of adequate publicity concerning disciplinary proceedings conducted by the self-regulatory organizations tended to diminish public and investor confidence in the efficacy of self-regulation and lessen the value of these proceedings as a means of establishing guidelines for members' conduct. The report recommended that the Commission request the self-regulatory organizations to reconsider their policies governing the publicity given to disciplinary proceedings so that their procedures and the bases of their decisions would be open to public scrutiny.

By letters of October 3, 1972, to each of the self-regulatory organizations, the Commission solicited their comments on the Wells Committee Report's findings. After reviewing the comments received on this subject, the Commission concluded that the report's recommendations should be implemented by the self-regulatory organizations by appropriate amendment of their constitutions and/or rules or by the adoption of a policy to provide for full disclosure of formal disciplinary actions.

The Commission believes that, at a minimum, such disclosure should consist of the identification of the person or persons involved in the proceeding, the nature of the violation, the sanction imposed (whether a censure, fine, suspension, or expulsion, or any other action considered by the organization to be a disciplinary sanction), and the basis of the disciplinary decision. In the case of a disciplinary action against an employee of a member firm, the identity of the firm which employed the person at the time of the alleged offense should be disclosed. In such cases, however, the organization's announcement should indicate, where appropriate, that the firm was exonerated of any wrongdoing, or was not named as a respondent in the proceeding.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-12025 Filed 6-15-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Notice of Disaster Loan Area 991]

ALABAMA

Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Alabama as a major disaster area following severe storms and flooding beginning on or about May 27, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following counties: Bibb, Hale, Jefferson, and Shelby.

Applications may be filed at the:

Small Business Administration, District Office, 908 South 20th Street, Birmingham, Ala. 35205.

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 93-24.

Applications for disaster loans under this announcement must be filed not later than July 31, 1973.

Dated June 6, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-12022 Filed 6-15-73;8:45 am]

[Notice of Disaster Loan Area 969; Amdt. 2]

MICHIGAN

Amendment to Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Michigan as a major disaster area following severe storms and flooding beginning on or about March 16, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following additional counties: Menominee and Van Buren. (See 38 FR 10140 and 38 FR 11379.)

Applications may be filed at the:

Small Business Administration, District Office, 1249 Washington Boulevard, Detroit, Mich. 48226.

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 92-385.

Applications for disaster loans under this announcement must be filed not later than August 3, 1973.

Dated June 6, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-12023 Filed 6-15-73;8:45 am]

[Notice of Disaster Loan Area 993]

OHIO

Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Ohio as a major disaster area following mudslides beginning

on or about February 1, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from mudslide victims in the following counties: Hamilton and Washington.

Applications may be filed at the:

Small Business Administration, Branch Office, Federal Building, room 5524, Cincinnati, Ohio 45202.

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 92–385.

Applications for disaster loans under this announcement must be filed not later than August 6, 1973.

Dated June 6, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73–12020 Filed 6–15–73;8:45 am]

[License No. 03/03–5115]

EQUAL OPPORTUNITY CORP. OF PENNSYLVANIA

Notice of Issuance of License To Operate as a Small Business Investment Company

On April 13, 1973, a notice was published in the FEDERAL REGISTER (38 FR 9359) stating that Equal Opportunity Corp. of Pennsylvania, 370 Market Street, Lemoyne, Pa. 17070, had filed an application with the Small Business Administration, pursuant to 13 CFR 107.102 (1973) for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended.

Interested parties were given to the close of business April 28, 1973, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 03/03–5115 to Equal Opportunity Corp. of Pennsylvania, pursuant to section 301(d) of the Small Business Investment Act of 1958, as amended.

Dated June 8, 1973.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.73–12021 Filed 6–15–73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 275]

ASSIGNMENT OF HEARINGS

JUNE 13, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC–124174 sub 91, Momsen Trucking Co., is continued to July 24, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

AB–1 sub 6, Chicago & North Western Transportation Co. Company abandonment between Tekamah and Lyons, Bert County, Nebr., is continued to July 30, 1973 (1 week), at Omaha, Nebr., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–12086 Filed 6–15–73;8:45 am]

[Notice 276]

ASSIGNMENT OF HEARINGS

JUNE 13, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

Correction

AB–1 sub 9, Chicago & North Western Transportation Co. Abandonment between Wren, Iowa, and Iroquois, S. Dak., in Sioux and Plymouth Counties, Iowa, and Union, Lincoln, Turner, McCook, Miner, and Kingsbury Counties, S. Dak., is continued to July 17, 1973 (1 day), in the courtroom, McCook County circuit, Salem, S. Dak., July 18, 1973 (1 day), at the City Library, Hawarden, Iowa, and July 19, 1973 (2 days), at the VFW legion meeting room, Beresford, S. Dak. Instead of Hawarden, S. Dak.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–12087 Filed 6–15–73;8:45 am]

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