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PART I

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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.

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Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Agriculture

Correction

In F.R. Doc. 73-13518, appearing at page 17827 in the issue of Thursday, July 5, 1973, in the first line of the second paragraph the letter "(e)" in parenthesis in the section designation should read "(c)."

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3110 is amended to show that 154 positions of Special Agent for undercover work in the Bureau of Narcotics and Dangerous Drugs, excepted under Schedule A, are absorbed by the Drug Enforcement Administration.

Effective on July 18, 1973, the headnote of § 213.3110(c) is amended as set out below.

§ 213.3110 Department of Justice.

* * * * *

(c) *Drug Enforcement Administration.* * * *

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-14651 Filed 7-17-73;8:45 am]

PART 213—EXCEPTED SERVICE

Executive Office of the President

Section 213.3303 is amended to reflect the following title change: from Private Secretary to an Assistant Director, Office of Management and Budget, to Private Secretary to an Associate Director, Office of Management and Budget.

Effective on July 18, 1973, paragraphs (a) (6) and (8) of § 213.3303 are amended as set out below.

§ 213.3303 Executive Office of the President.

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

* * * * *

(6) One Secretary to each of four Associate Directors.

* * * * *

(8) One Private Secretary to each of three Assistant Directors.

* * * * *

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-14652 Filed 7-17-73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that three positions of Confidential Assistant to the Administrator, Rural Development Service, are excepted under Schedule C.

Effective on July 18, 1973, § 213.3313 (t) (1) is added as set out below.

§ 213.3313 Department of Agriculture.

* * * * *

(t) *Rural Development Administration.* (1) Three Confidential Assistants to the Administrator.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-14650 Filed 7-17-73;8:45 am]

Title 7—Agriculture

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

SUBCHAPER G—DETERMINATION OF PROPORTIONATE SHARES

[Docket No. SH-313]

PART 855—MAINLAND CANE SUGAR AREA

Proportionate Shares for Farms for 1974-Crop Sugarcane Not Required

The Sugar Act of 1948, as amended, requires the Secretary of Agriculture to determine for each crop year whether the production of sugar from any crop of sugarcane or sugarbeets will, in the absence of proportionate shares (acreage allotments), be greater than the quantity needed to enable the area to meet its quota and provide a normal carryover inventory for the calendar year during which the larger part of the sugar from such crop will be marketed. Such determination shall be made only after investigation and opportunity for interested persons to testify regarding the need for proportionate shares. A public hearing was held in Atlanta, Georgia, on April 13, 1973. The following determination is issued pursuant to section 302 of the Sugar Act of 1948, as amended.

§ 855.99 Proportionate shares for the 1974 crop of Mainland sugarcane not required.

It is determined for the 1974 crop of sugarcane in the Mainland Cane Sugar Area that, in the absence of proportionate shares, the production of sugar from such crop will not be greater than the quantity needed to enable the area to meet its quota for 1975, the calendar year during which the larger part of the sugar from such crop normally will be marketed, and provide a normal carryover inventory. Consequently, proportionate shares will not be in effect in the Mainland Cane Sugar Producing Area for the 1974 crop.

(Sec. 301, 302, 403, 61 Stat. 929, 930, as amended, 932; 7 U.S.C. 1131, 1132, 1153).

STATEMENT OF BASES AND CONSIDERATIONS

Sugar Act requirements. Section 302 of the Sugar Act of 1948, as amended (7 U.S.C. 1132), provides, in part, that the Secretary shall determine for each crop year whether the production of sugar from any crop of sugarcane will, in the absence of proportionate shares, be greater than the quantity needed to enable the area to meet its quota and provide a normal carryover inventory, as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar from such crop normally would be marketed. Such determination may be made only after due notice and opportunity for an informal public hearing.

General. Acreage restrictions have been in effect in the Mainland Cane Sugar Area each year since the 1965 crop, and are presently in effect for the 1973 crop. The desire of farmers to produce sugarcane up through the 1971 crop was so strong as to require acreage controls to prevent over-production. The 1971 amendments to the Sugar Act increased the quota of the Mainland Cane Sugar Area by 300,000 tons beginning in 1972, and the demand for cane acreage has largely been satisfied, especially in Louisiana where producers failed to plant all of the acreage available to them for the 1972 crop, and where 1973 acreage allotments have been underplanted by at least 60,000 acres. Indications are that Florida growers planted all of their 1972 and 1973 shares.

Production from the just-completed 1972 harvest was considerably improved over the disappointing 1971 crop. About 1,620,000 tons of raw sugar were produced. Florida produced 960,562 tons of raw sugar (a record), as compared to 659,713 tons in Louisiana where the crop was plagued with heavy rains and power shortages. The processing season in Florida was extended two months to achieve its record production. As a result of the excellent Florida crop, output from the 1972 harvest will approximately equal the area's calendar 1973 quota, thus preventing a further draw down of stocks which are already at a low level. Effective inventory on January 1, 1973 was estimated at 860,000 tons or 54 percent of the area's 1973 marketing opportunity, thus requiring the Area to fill almost half its 1973 annual quota from new crop production in the last two months of the year.

Despite a 15 percent increase in proportionate shares for the year, the 1973 crop is growing on only about 6.7 percent more acreage and can be expected to produce about 1,650,000 tons of sugar based on 5-year average yields. If that estimate is achieved, production would again be roughly equal to the Area's probable 1974 marketing opportunity, again preventing any appreciable increase in working stocks.

Public hearing. An informal public hearing was held in Atlanta, Georgia on April 13 to obtain the views and recommendations of interested persons on matters relating to the establishment of 1974-crop proportionate shares. A spokesman, representing the American Sugar Cane League, the Florida Sugar Cane League, the Louisiana Farm Bureau Federation, the Florida Farm Bureal Federation, the Talisman Sugar Corporation, and the Glades Association of Independent Sugar Cane Growers, recommended that acreage controls remain in effect and that proportionate shares be increased about five percent over the shares presently in effect for the 1973 crop. His testimony and recommendations were supported and endorsed by all who appeared. The witnesses took the position that the appropriate level of effective inventory as indicated by legislative history in connection with the 1965 amendments to the Sugar Act—60 to 70 percent of the annual quota—is no longer appropriate or applicable; and that in the absence of acreage controls there would be serious over-production, resulting ultimately in hardship on both growers and processors if shares are reinstated for a subsequent crop. The witness acknowledged that actual plantings in Louisiana would be about 72,000 acres less than the total of shares resulting from his recommendation. The industry witness estimated that 1,683,000 tons of sugar would be produced from the 1973 crop of sugarcane. He further estimated that the Area would have an effective inventory on January 1, 1974 of 942,000 tons of sugar, or 57.9 percent of the Area's 1974 marketing opportunity. With respect to the 1974 crop, the witness estimated production (based on a five percent increase in proportionate shares) of 1,751,000 tons of sugar and effective inventory on January 1, 1975 of 1,076,000 tons of sugar, or 63 percent of the Area's likely marketing opportunity.

Determination. Legislative history of the Sugar Act in connection with the 1965 amendments indicates that an effective inventory (sugar on hand on January 1 plus sugar to be produced after that date from the prior year's crop) of 60 to 70 percent of the area's annual quota is desirable. The Mainland Cane Sugar Area's calendar 1974 quota will be on the order of 1,626,000 tons, raw value. If the Department's estimate of 1973-crop production is achieved—1,650,000 tons based on 5-year average yields—effective inventory on January 1, 1974 will be about 919,000 tons, or only 56.5 percent of the likely 1974 marketing opportunity. While the industry contends that the 60 to 70 percent standard no longer applies, more than 40 percent of the annual quota would have to be marketed during the last two months of the year (new crop sugar won't be available in Louisiana until about December 1), which could have the effect of depressing prices. The Department does not believe that such a situation is either a good business practice or in the best interest of sugarcane producers and processors. It would take 1973-crop production of nearly 1,710,000 tons in order to raise the Area's effective inventory on January 1, 1974 to 60 percent of their marketing opportunity, and a crop of 1,870,000 tons to raise the effective inventory to 70 percent. Production of 1,710,000 tons in 1973 is possible but unlikely; production of 1,870,000 tons is improbable.

In the absence of restrictions, acreage in Florida is likely to increase by about 10 percent to upwards of 300,000 acres. However, before this can take place existing processing facilities will have to be enlarged. Because of the very limited capacities of existing factories and a lack of suitable land, acreage in Louisiana will not likely increase to any significant degree (probably not more than 370,000 acres will be planted). A crop of that size would be expected to produce a combined total of about 1,740,000 tons of raw sugar, based on 5-year average yields, or only about 40,000 tons more than the Area's estimated marketing opportunity for 1975 (assuming no increase in quota under new legislation), keeping effective inventory as of January 1, 1975 at just over the 50 percent level. Therefore, in the absence of proportionate shares production of sugar from the 1974 crop of sugarcane in the Mainland Cane Sugar Area is not likely to exceed the Area's quota plus a normal carryover inventory.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the applicable provisions of the Sugar Act of 1948, as amended.

Effective date: July 18, 1973.

Signed in Washington, D.C. on July 10, 1973.

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

[FR Doc.73-14655 Filed 7-17-73;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 73-954]

PART 545—OPERATIONS

Loans on Other Dwelling Units; Correction

JULY 11, 1973.

The Federal Home Loan Bank Board hereby corrects FEDERAL REGISTER Document No. 73-812, which amended § 545.6-1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6-1), published in the issue dated June 20, 1973, at 38 FR 16029-16030, by changing the phrase "issuing or guaranteeing agency" in paragraph (b)(2)(i) of said § 545.6-1 to read "insuring or guaranteeing agency".

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.73-14691 Filed 7-17-73;8:45 am]

SUBCHAPTER F—REGULATIONS FOR SAVINGS AND LOAN HOLDING COMPANIES

[No. 73-952]

PART 584—REGULATED ACTIVITIES

Excepted Acquisitions

JULY 11, 1973.

The Federal Home Loan Bank Board, by Document No. 73-436, dated March 20, 1973, proposed to amend Part 584 of the Regulations for Savings and Loan Holding Companies (12 CFR Part 584) governing acquisitions of insured institutions under section 408(e)(1)(B)(ii) of the National Housing Act. Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on March 27, 1973, with an invitation for interested persons to submit written comments by April 30, 1973.

On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board hereby amends said Part 584 by adding, immediately after § 584.4 thereof, a new section, § 584.4-1, to read as set forth below, effective August 17, 1973.

Under the amendment set forth below a company which proposes to acquire an insured institution without the prior written approval generally required under section 408(e) of the National Housing Act, because the company considers its acquisition to fall within the exception of section 408(e)(1)(B)(ii), is

required prior to such acquisition to submit, on a form specified by the Corporation, satisfactory information pertaining to the acquisition. The acquisition may go forward without the prior written approval of the Corporation 60 days after receipt by the Director of the initial filing under § 584.4–1 unless the Corporation issues a ruling that the company has not shown that the acquisition falls within the exception. During this 60-day period the Corporation may find that a satisfactory showing has been made by an applicant or the Director or Supervisory Agent may request additional information. In this latter case the Corporation need not consider information received more than 45 days after the initial filing.

§ 584.4–1 Information filing required prior to excepted acquisition.

Any company, other than a savings and loan holding company, which proposes to acquire an insured institution without the prior written approval of the Corporation pursuant to paragraph (b) (2) of § 584.4 may do so only upon a showing as provided in this section that the acquisition falls within the exception to such prior written approval contained in that paragraph. This showing shall be made by satisfactory filing of information on a form prescribed by the Corporation. One original and one copy of all filings under this section shall be made with the Director, Holding Companies Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, and concurrently two copies of all such filings shall be sent to the Supervisory Agent. The acquisition may be effected without the prior written approval of the Corporation pursuant to said exception, unless within 60 days after receipt by the Director of the initial filing the Corporation issues a ruling that the company has not shown that the acquisition falls within said exception. The Director or Supervisory Agent may request additional information from the company after receipt of the initial filing, but the Corporation need not consider additional information received by the Director more than 45 days after the initial filing.

(Sec. 402, 48 Stat. 1256, as amended, § 408, 48 Stat. 1261, as added by 73 Stat. 691, as amended. 12 U.S.C. 1725, 1730a, Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] HENRY A. CARRINGTON,
Secretary.

[FR Doc.73–14692 Filed 7–17–73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73–EA–48; Amdt. 39–1689]

PART 39—AIRWORTHINESS DIRECTIVES

Lycoming Aircraft Engines

The Federal Aviation Administration is amending section 39.13 of Part 39 of the Federal Aviation regulations so as to issue an airworthiness directive applicable to Lycoming HIO–360–D1A type aircraft engines installed on Hughes type 269C and 300C helicopters.

There have been reports that a component of the cushioned drive coupling for Bendix magneto part number 10349235–3 and –4 has, from service experience, a limited life of 300 hours. The loss of the component, the rubber drive plate grommet, could result in failure of the magneto. Since the foregoing deficiency can exist or develop in all engines of similar type design, an airworthiness directive is being issued which will require replacement of the grommet.

In view of the foregoing, a situation exists which requires expeditious adoption of this amendment. Thus notice and public procedure hereon are impractical and cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 [31 FR 13697] § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

AVCO LYCOMING. Applies to HIO–360–D1A model engines installed on Hughes Models 269C and 300C helicopters.

Compliance required within 300 hours time in service after the effective date of this AD and every 300 hours in service thereafter.

To prevent possible failures of the Bendix part numbers 10–349235–3 and 10–349235–4 magnetos, replace the part number 10–391315 rubber drive plate grommet in accordance with Lycoming Service Bulletin No. 364 or equivalent procedure approved by Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

This amendment is effective July 23, 1973.

(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 Jamaica, N.Y., on July 11, 1973.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.73–14606 Filed 7–17–73;8:45 am]

[Airspace Docket No. 73–SO–27]

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

Designation of Transition Area

On May 25, 1973, a notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 13748), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation regulations that would designate the Dickson, Tenn., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 13, 1973, as hereinafter set forth.

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

DICKSON, TENN.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Dickson Municipal Airport (Lat. 36°07'47" N, Long. 87°25'48" W).

(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 East Point, Ga., on July 6, 1973.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.73–14609 Filed 7–17–73;8:45 am]

[Airspace Docket No. 73–SO–50]

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

Redesignation and Revocation of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation regulations is to redesignate and revoke the Aguadilla, Puerto Rico, control zone.

The Aguadilla control zone is described in § 71.171 (38 FR 351) and is currently designated 24 hours daily. The USAF has reduced the hours of operation of the airport traffic control tower from 0600 to 2200 hours, local time, daily, and will decommission the control tower and discontinue weather observation and reporting service, effective July 31, 1973. It is necessary to alter the description to reflect the effective hours of the control zone to July 31, 1973, and to amend Federal Aviation Regulations Part 71 by revoking the Aguadilla control zone, effective July 31, 1973. Since these amendments lessen the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended as hereinafter set forth.

Effective immediately, the Aguadilla, Puerto Rico, control zone, described in § 71.171 (38 FR 351) is amended as follows: "This control zone is effective from 0600 to 2200 hours, local time, daily." is added to the description.

Effective 0901 G.m.t., July 31, 1973, the Aguadilla, Puerto Rico control zone, described in § 71.171 (38 FR 351) is revoked.

(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 East Point, Ga., on July 10, 1973.

PHILIP M. SWATEK,
Director, Southern Region.

[FR Doc.73–14610 Filed 7–17–73;8:45 am]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 12989; Amdt. 95-235]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 FR 5662), Part 95 of The Federal Aviation Regulations is amended, effective August 16, 1973 as follows:

1. By amending Subpart C as follows:

§95.48 GREEN FEDERAL AIRWAY 8
Is amended to read in part:

FROM	TO	MEA
Shemya, Alas. LF/RBN	Adak, Alas. LF/RBN	8000

§95.51 GREEN FEDERAL AIRWAY 11
Is amended to delete:

FROM	TO	MEA
Shemya, Alas. LF/RBN	Amchitka, Alas. LF/RBN	6000
Amchitka, Alas. LF/RBN	Adak, Alas. LF/RBN	*8000
*7900—MOCA		
Adak, Alas. LF/RBN	Nikolski, Alas. LF/RBN	*9000
*8900—MOCA		
Nikolski, Alas. LF/RBN	Driftwood Bay, Alas. LF/RBN	*9000
*8900—MOCA		
Driftwood Bay, Alas. LF/RBN	Mordvinoff INT, Alas.	*9000
*8700—MOCA		
Mordvinoff INT, Alas.	*Cold Bay, Alas. LFR	6000
*5300—MCA Cold Bay LFR, SW-bound (VHF/UHF Communications available 8000 FT and above, HF only below 8000 FT)		
Cold Bay, Alas. LFR	Merlin INT, Alas.	4500

§95.115 AMBER FEDERAL AIRWAY 15
Is amended to read in part:

FROM	TO	MEA
Burwash, Y.T. LFR	Northway, Alas. LFR	#9600
#For that airspace over U.S. territory		

§95.239 RED FEDERAL AIRWAY 39
Is amended to read in part:

FROM	TO	MEA
Nenana, Alas. LFR	Fairbanks, Alas. LFR	*4000
*2600—MOCA		

§95.1001 DIRECT ROUTES—U.S.
Is amended by adding:

FROM	TO	MEA
Morganton INT, Ga.	Hinch Mountain, Tenn. VOR	*6000
Via HCH 148/HRS 271		
*5300—MOCA		

§95.1001 DIRECT ROUTES—U.S.
Is amended to read in part:

FROM	TO	MEA
Bakersfield, Calif. VOR	Pelican INT, Calif.	*3000
Via BFL R296		MAA—29000
*2500—MOCA		

DIRECT ROUTES—U.S.—cont'd.

FROM	TO	MEA
Pelican INT, Calif.	Los Banos, Calif. VOR	5500
Via BFL R296/LSN R116	COP 40NM LSN	MAA—29000
Ventura, Calif. VOR	*Int. 310 M rad Ventura VOR & 153 M rad Los Banos VOR	25000 MAA—29000
*25000—MCA Int 310 M rad Ventura VOR & 153 M rad Los Banos VOR		
Int. 310 M rad Ventura VOR & 153 M rad Los Banos VOR	Los Banos, Calif. VOR	18000 MAA—29000

§95.1001 DIRECT ROUTES—U.S.
Is amended to delete:

FROM	TO	MEA
Gorman, Calif. VORTAC	Los Banos, Calif. VOR	18000 MAA—31000

Bahama Routes

§95.1001 DIRECT ROUTES—U.S.
1 Line is amended to read in part:

FROM	TO	MEA
Satellite, Fla. NDB	Grand Bahama, Bh. NDB	*2000
*1400—MOCA		
Grand Bahama, Bh. NDB	**Deep Water INT, Bg.	16000
*16000—MCA Grand Bahama NDB, SE-bound		
**15000—MCA Deep Water INT, NW-bound		
Deep Water INT, Bh.	Malcolm INT, Bh.	*2000
*1300—MOCA		
Malcolm INT, Bh.	Eleuthera, Bh. NDB	*2000
*1400—MOCA		

20 Line is amended to read in part:

Freeport, Bh. NDB	Satellite, Fla. NDB	*2000
*1400—MOCA		

Panama Routes

§95.1001 DIRECT ROUTES—U.S.
Amber 13 is amended to read in part:

FROM	TO	MEA
Mala INT, R.P.	Tobago Island, R.P. NDB	*3000
*2100—MOCA		
Tobago Island, R.P. NDB	Chilibre INT, R.P.	*3000
*2500—MOCA		
Chilibre INT, R.P.	Marlin INT, R.P.	*5000
*4200—MOCA		

§95.5000 HIGH ALTITUDE RNAV ROUTES

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION		TRACK ANGLE	MEA	MAA
J805R is amended to read in part:						
Lima, Mont. W/P	150	75	Lima	071/251 to COP	20000	45000
Big Horn, Mont. W/P				075/255 to Big Horn		
Ash Creek, S.D. W/P	224	112	Ash Creek	086/266 to COP	18000	45000
Sioux Falls, S.D. W/P				093/273 to Sioux Falls		
Sioux Falls, S.D. W/P	224	112	Sioux Falls	090/270 to COP	18000	45000
West Union, Iowa W/P				099/279 to West Union		
West Union, Iowa W/P	153	77	West Union	099/279 to COP	18000	45000
Woodstock, Ill. W/P				103/283 to Woodstock		
J806R is amended to read in part:						
Furnace, Pa. W/P	204	102	Furnace	284/104 to COP	18000	45000
Shilah, Ohio W/P				276/096 to Shilah		
Plant, Ind. W/P	115	57	Plant	279/099 to COP	18000	45000
Morrison, Ill. W/P				275/095 to Morrison		
Elberan, Iowa W/P	70	35	Elberon	288/108 to COP	18000	45000
Kamrar, Iowa W/P				283/103 to Kamrar		
Big Horn, Mont. W/P	150	75	Big Horn	255/075 to COP	20000	45000
Lima, Mont. W/P				251/071 to Lima		
J819R is amended to read in part:						
Vermontville, Mich. W/P	132	50	Vermontville	265/085 to COP	18000	45000
Papi, Ill. W/P				261/081 to Papi		
J820R is amended to read in part:						
O'Hare, Ill. W/P	176	88	O'Hare	082/262 to COP	18000	45000
Wolverine, Mich. W/P				090/270 to Wolverine		
J838R is amended to read in part:						
Crest, Ga. W/P	67				18000	45000
Vienna, Ga. W/P				136/316 to Vienna		
J855R is amended to read:						
Wichita Falls, Tex. VORTAC	59				18000	45000
Crowell, Tex. W/P				269/089 to Crowell		
Crowell, Tex. W/P	154	48	Crowell	269/089 to COP	18000	45000
Texico, N.M. VORTAC				266/086 to Texico		

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION		TRACK ANGLE	MEA	MAA
Texico, N.M. VORTAC Polmo, N.M. W/P	125	30	Texico	272/092 to COP 268/088 to Polmo	18000	45000
Polmo, N.M. W/P Volcano, N.M. W/P	68	34	Polmo	268/088 to COP 267/087 to Volcano	18000	45000
Volcano, N.M. W/P Defiance, N.M. W/P	125	62	Volcano	267/087 to COP 265/085 to Defiance	18000	45000
Defiance, N.M. W/P Peak, Ariz. W/P	108	54	Defiance	265/085 to COP 262/082 to Peak	18000	45000
Peak, Ariz. W/P Boulder City, Nev. VORTAC	173	86	Peak	262/082 to COP 260/080 to Boulder City	18000	45000
Boulder City, Nev. VORTAC Lucky, Nev. W/P	47	24	Boulder City	258/078 to COP 256/076 to Lucky	18000	45000
Lucky, Nev. W/P Modesto, Calif. W/P	264	111	Lucky	276/096 to COP 273/093 to Modesto	18000	45000
J864R is amended to read in part:						
Front Royal, Vo. W/P Herndon, Vo. W/P	35			103/283 to Herndon	18000	45000
J866R is amended to read in part:						
North Stor, Neb. W/P Shipley, Iowa W/P	209	83	North Stor	067/247 to COP 073/253 to Shipley	18000	45000
Scales Mound, Ill. W/P Woodstock, Ill. W/P	89	45	Scales Mound	085/265 to COP 090/270 to Woodstock	18000	45000
J881R is amended to read in part:						
Rosewood, Ohio VORTAC Minerva, Ky. W/P	95	47	Rosewood	177/357 to COP 174/354 to Minerva	18000	45000
J882R is amended to read in part:						
Dayton, Ohio W/P Milon, Mich. W/P	125			013/193 to Milon	18000	45000
J886R is amended to read in part:						
Morrison, Ill. W/P Elberon, Iowa W/P	111	56	Morrison	270/090 to COP 269/089 to Elberon	18000	45000
Donbury, Iowa W/P Dry Creek, Neb. W/P	124	62	Donbury	266/086 to COP 262/082 to Dry Creek	18000	45000
J887R is amended to read in part:						
Dry Creek, Neb. W/P Kamrar, Iowa W/P	209	104	Dry Creek	077/257 to COP 083/263 to Kamrar	18000	45000
Kamrar, Iowa W/P Scales Mound, Ill. W/P	148	74	Kamrar	083/263 to COP 086/266 to Scales Mound	18000	45000
Scales Mound, Ill. W/P Woodstock, Ill. W/P	89	45	Scales Mound	085/265 to COP 090/270 to Woodstock	18000	45000

§95.5500 HIGH ALTITUDE RNAV ROUTES

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION		TRACK ANGLE	MEA	MAA
J936R is amended to read in part:						
Phoenix, Ariz. VORTAC Fence, N.M. W/P	184	92	Phoenix	054/234 to COP 055/235 to Fence	18000	45000
J937R is amended to read in part:						
Dry Creek, Neb. W/P Kamrar, Iowa W/P	209	104	Dry Creek	077/257 to COP 083/263 to Kamrar	18000	45000
Kamrar, Iowa W/P Scales Mound, Ill. W/P	148	74	Kamrar	083/263 to COP 086/266 to Scales Mound	18000	45000
Scales Mound, Ill. W/P Woodstock, Ill. W/P	89	45	Scales Mound	085/265 to COP 090/270 to Woodstock	18000	45000
J940R is amended to read in part:						
Revo, S. D. W/P Turtle Creek, S.D. W/P	201	101	Revo	091/271 to COP 098/278 to Turtle Creek	18000	45000
Turtle Creek, S.D. W/P Heidy, Minn. W/P	121	61	Turtle Creek	098/278 to COP 100/280 to Heidy	18000	45000
J941R is amended to read:						
Greater Southwest, Tex. VORTAC Bridgeport, Tex. W/P	44	22	Greater Southwest	296/116 to COP 296/116 to Bridgeport	18000	45000
Bridgeport, Tex. W/P Crowell, Tex. W/P	114	33	Bridgeport	290/110 to COP 289/109 to Crowell	18000	45000

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION		TRACK ANGLE	MEA	MAA
Crowell, Tex. W/P Texico, N.M. VORTAC	154	48	Crowell	269/089 to COP 266/086 to Texico	18000	45000
Texico, N.M. VORTAC Palma, N.M. W/P	125	30	Texico	272/092 to COP 268/088 to Palma	18000	45000
Palma, N.M. W/P Volcano, N.M. W/P	68	34	Palma	268/088 to COP 267/087 to Volcano	18000	45000
Volcano, N.M. W/P Defiance, N.M. W/P	125	62	Volcano	267/087 to COP 265/085 to Defiance	18000	45000
Defiance, N.M. W/P Peak, Ariz. W/P	108	54	Defiance	265/085 to COP 262/082 to Peak	18000	45000
Peak, Ariz. W/P Boulder City, Nev. VORTAC	173	86	Peak	262/082 to COP 260/080 to Boulder City	18000	45000
J951R is amended to read: Front Royal, Va. W/P Hendersan, W. Va. W/P	180	88	Front Royal	271/091 to COP 266/086 to Hendersan	18000	45000
Hendersan, W. Va. W/P Minerva, Ky. W/P	88	44	Hendersan	272/092 to COP 266/086 to Minerva	18000	45000
Minerva, Ky. W/P Borden, Ind. W/P	100	70	Minerva	266/086 to COP 262/082 to Borden	18000	45000
Borden, Ind. W/P Centralia, Ill. W/P	148	113	Borden	262/082 to COP 260/080 to Centralia	18000	45000
Centralia, Ill. W/P Mounds, Ill. W/P	42			279/099 to Mounds	18000	45000
J958R is amended to read in part: Ritter, S.C. W/P Chester, Ga. W/P	122	61	Ritter	203/023 to COP 201/021 to Chester	18000	45000
J959R is amended to read in part: Andy, Fla. W/P Ponte Vedra, Fla. W/P	249	175	Andy	347/167 to COP 346/166 to Ponte Vedra	18000	45000
Ponte Vedra, Fla. W/P Augusta, Ga. W/P	204	150	Ponte Vedra	349/169 to COP 351/171 to Augusta	18000	45000
Augusta, Ga. W/P Rader, Tenn. W/P	160	80	Augusta	348/168 to COP 345/165 to Rader	18000	45000
Rader, Tenn. W/P Minerva, Ky. W/P	162	81	Rader	345/165 to COP 342/162 to Minerva	18000	45000
Minerva, Ky. W/P Daytan, Ohio W/P	82	41	Minerva	342/162 to COP 343/163 to Daytan	18000	45000
J974R is amended to read: Front Royal, Va. W/P Hendersan, W. Va. W/P	180	80	Front Royal	271/091 to COP 266/086 to Hendersan	18000	45000
Hendersan, W. Va. W/P Minerva, Ky. W/P	88	44	Hendersan	272/092 to COP 266/086 to Minerva	18000	45000
Minerva, Ky. W/P Marine, Ill. W/P	280	172	Minerva	270/090 to COP 265/085 to Marine	18000	45000
Marine, Ill. W/P Hawk, Mo. W/P	50	25	Marine	264/084 to COP 264/084 to Hawk	18000	45000
Hawk, Mo. W/P Tightwad, Mo. W/P	126	63	Hawk	257/077 to COP 253/073 to Tightwad	18000	45000
Tightwad, Mo. W/P Wichita, Kans. W/P	188	94	Tightwad	253/073 to COP 248/068 to Wichita	18000	45000
Wichita, Kans. W/P Larrabee, Kans. W/P	149	70	Wichita	249/069 to COP 245/065 to Larrabee	18000	45000
Larrabee, Kans. W/P Safia, N.M. W/P	176	98	Larrabee	245/065 to COP 243/063 to Safia	18000	45000
Safia, N.M. W/P Springer, N.M. W/P	38	19	Safia	243/063 to COP 241/061 to Springer	18000	45000
Springer, N.M. W/P Defiance, N.M. W/P	219	109	Springer	245/064 to COP 242/062 to Defiance	22000	45000
Defiance, N.M. W/P Drake, Ariz. W/P	168	84	Defiance	247/067 to COP 246/066 to Drake	18000	45000
Drake, Ariz. W/P Chubbuck, Calif. W/P	114	57	Drake	244/064 to COP 242/062 to Chubbuck	18000	45000
Chubbuck, Calif. W/P Marrow, Calif. W/P	125	90	Chubbuck	242/062 to COP 241/061 to Morraw	18000	45000
J976R is amended to read in part: Coulee, Wash. W/P Mullan Pass, Ida. VORTAC	152	72	Coulee	072/252 to COP 076/256 to Mullan Pass	18000	45000

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION		TRACK ANGLE	MEA	MAA
J981R is amended to read:						
Parker, Calif. W/P	115	95	Parker	056/236 to COP	18000	45000
Prescott, Ariz. W/P				059/239 to Prescott		
Prescott, Ariz. W/P	184	50	Prescott	065/245 to COP	18000	45000
Two Wells, N.M. W/P				067/247 to Two Wells		
Two Wells, N.M. W/P	175	87	Two Wells	062/242 to COP	22000	45000
Mora, N.M. W/P				065/245 to Mora		
Mora, N.M. W/P	173	86	Mora	067/247 to COP	18000	45000
Canadian, Tex. W/P				071/251 to Canadian		
Canadian, Tex. W/P	91	66	Canadian	072/252 to COP	18000	45000
Tangier, Okla. W/P				074/254 to Tangier		
Tangier, Okla. W/P	277	177	Tangier	068/248 to COP	18000	45000
Irwin, Mo. W/P				073/253 to Irwin		
Irwin, Mo. W/P	194	97	Irwin	074/254 to COP	18000	45000
Spratt, Mo. W/P				079/259 to Spratt		
Sprott, Mo. W/P	222	111	Sprott	079/259 to COP	18000	45000
Canter, Ky. W/P				085/265 to Canter		
Canter, Ky. W/P	198	99	Canter	085/265 to COP	18000	45000
Rensford, W.Va. W/P				092/272 to Rensford		
Rensford, W.Va. W/P	57				18000	45000
Diane, W.Va. W/P				087/267 to Diane		
J982R is amended to read:						
Parker, Calif. W/P	115	95	Parker	056/236 to COP	18000	45000
Prescott, Ariz. W/P				059/239 to Prescott		
Prescott, Ariz. W/P	184	50	Prescott	065/245 to COP	18000	45000
Two Wells, N.M. W/P				067/247 to Two Wells		
Two Wells, N.M. W/P	175	87	Two Wells	062/242 to COP	22000	45000
Mora, N.M. W/P				065/245 to Mora		
Mora, N.M. W/P	173	86	Mora	067/247 to COP	18000	45000
Canadian, Tex. W/P				071/251 to Canadian		
Canadian, Tex. W/P	91	66	Canadian	072/252 to COP	18000	45000
Tangier, Okla. W/P				074/254 to Tangier		
Tangier, Okla. W/P	139	70	Tangier	051/231 to COP	18000	45000
Wichita, Kans. W/P				051/231 to Wichita		
Wichita, Kans. W/P	134	60	Wichita	047/227 to COP	18000	45000
Factory, Kans. W/P				050/230 to Factory		
J989R is amended to read in part:						
Wixam, Mich. W/P	50	25	Wixom	278/098 to COP	18000	45000
Vermontville, Mich. W/P				277/097 to Vermontville		
J993R is amended to read in part:						
Rescue, Va. W/P	179	55	Rescue	212/032 to COP	18000	45000
Surf City, N.C. W/P				209/029 to Surf City		
Surf City, N.C. W/P	104	20	Surf City	191/011 to COP	24000	45000
Azalea, S.C. W/P				188/008 to Azalea		
J994R is amended to read in part:						
Ritter, S.C. W/P	122	61	Ritter	203/023 to COP	18000	45000
Chester, Ga. W/P				201/021 to Chester		
Chester, Ga. W/P	26				18000	45000
Jacksanville, Fla. VORTAC				190/010 to Jacksanville		
J995R is amended to read in part:						
Azalea, S.C. W/P	104	84	Azalea	008/188 to COP	24000	45000
Surf City, N.C. W/P				011/191 to Surf City		
Surf City, N.C. W/P	206	161	Surf City	006/186 to COP	18000	45000
Flat Rock, Va. W/P				008/188 to Flat Rock		

§95.6003 VOR FEDERAL AIRWAY 3
Is amended to read in parts

FROM	TO	MEA
Paose, N.H. VOR *5000–MCA Parsons INT, NE-bound **2100–MOCA	*Parsons INT, Me.	**3500

§95.6008 VOR FEDERAL AIRWAY 8
Is amended to read in parts

FROM	TO	MEA
Chicago Heights, Ill. VOR *2100–MOCA	North Liberty INT, Ind.	*2600
North Liberty INT, Ind. *2200–MOCA	Goshen, Ind. VOR	*2600

§95.6011 VOR FEDERAL AIRWAY 11
Is amended to read in parts

FROM	TO	MEA
Cataract INT, Ind. *2000–MOCA	Wilbur INT, Ind.	*2700
Wilbur INT, Ind. *2100–MOCA	Indianapolis, Ind. VOR	*2600

§95.6012 VOR FEDERAL AIRWAY 12
Is amended to read in parts

FROM	TO	MEA
Wilbur INT, Ind. *2100–MOCA	Rose INT, Ind.	*2600

§95.6026 VOR FEDERAL AIRWAY 26
Is amended to read in parts

FROM	TO	MEA
*Cadott INT, Wis. *3500–MRA	Edgar INT, Wis.	3000 MAA–14000

§95.6039 VOR FEDERAL AIRWAY 39
Is amended to read in parts

FROM	TO	MEA
Concord, N.H. VOR *5000–MCA Parsons INT, NE-bound **2100–MOCA	*Parsons INT, Me.	**3500

§95.6071 VOR FEDERAL AIRWAY 71
Is amended to read in part:

FROM	TO	MEA
Pawnee City, Neb. VOR *2600–MOCA	Panama INT, Neb.	*3000
Panama INT, Neb. *2600–MOCA	Lincoln, Neb. VOR	*2900

§95.6092 VOR FEDERAL AIRWAY 92
Is amended to read in parts

FROM	TO	MEA
Chicago Heights, Ill. VOR *2100–MOCA	North Liberty INT, Ind.	*2600
North Liberty INT, Ind. *2200–MOCA	Goshen, Ind. VOR	*2600

§95.6097 VOR FEDERAL AIRWAY 97
Is amended to read in parts

FROM	TO	MEA
Atlanta, Ga. VOR *3000–MOCA	Crabapple INT, Ga.	*5000
Woodstock INT, Ill. *2300–MOCA	Janesville, Wis. VOR	*2900

§95.6126 VOR FEDERAL AIRWAY 126
Is amended to read in parts

FROM	TO	MEA
Chicago Heights, Ill. VOR *2100–MOCA	North Liberty INT, Ind.	*2600
North Liberty INT, Ind. *2200–MOCA	Goshen, Ind. VOR	*2600

§95.6159 VOR FEDERAL AIRWAY 159
Is amended by adding:

FROM	TO	MEA
Ocala, Fla. VOR *1300–MOCA	Cross City, Fla. VOR	*2000
Cross City, Fla. VOR *1500–MOCA	Greenville, Fla. VOR	*2000
Ocala, Fla. VOR Via E alter. *1400–MOCA	Gainesville, Fla. VOR Via E alter.	*1700
Gainesville, Fla. VOR Via E alter. *1500–MOCA	Greenville, Fla. VOR Via E alter.	*1700

§95.6159 VOR FEDERAL AIRWAY 159
Is amended to delete:

FROM	TO	MEA
Ocala, Fla. VOR *1400 – MOCA	Gainesville, Fla. VOR	*1700
Gainesville, Fla. VOR *1500 – MOCA	Greenville, Fla. VOR	*1700
Ocala, Fla. VOR Via W alter. *1300–MOCA	Cross City, Fla. VOR Via W alter.	*2000
Cross City, Fla. VOR Via W alter. *1500 – MOCA	Greenville, Fla. VOR Via W alter.	*2000

§95.6171 VOR FEDERAL AIRWAY 171
Is amended by adding:

FROM	TO	MEA
Grand Forks, N.D. VOR *2500–MOCA	Roseau, Minn. VOR	*2900

§95.6214 VOR FEDERAL AIRWAY 214
Is amended by adding:

FROM	TO	MEA
Kokomo, Ind. VOR *2200–MOCA	Marion, Ind. VOR	*2600
Marion, Ind. VOR *2200–MOCA	Muncie, Ind. VOR	*2700
Muncie, Ind. VOR *2500–MOCA	Richmond, Ind. VOR	*2700

§95.6228 VOR FEDERAL AIRWAY 228
Is amended by adding:

FROM	TO	MEA
Bible Grove, Ill. VOR *1800–MOCA	Carlisle INT, Ind.	*3700
Carlisle INT, Ind. *2100–MOCA	Bloomington, Ind. VOR	*2700
Bloomington, Ind. VOR	Shelbyville, Ind. VOR	3100
Shelbyville, Ind. VOR *2500–MOCA	Muncie, Ind. VOR	*2800
Muncie, Ind. VOR *2200–MOCA	Ft. Wayne, Ind. VOR	*2700

§95.6229 VOR FEDERAL AIRWAY 229
Is amended to read in parts

FROM	TO	MEA
Millbury INT, Mass. *2700–MOCA	Gardner, Mass. VOR	*3300

§95.6256 VOR FEDERAL AIRWAY 256
Is added to read:

FROM	TO	MEA
Bemidji, Minn. VOR *2500–MOCA	Roseau, Minn. VOR	*3100

§95.6292 VOR FEDERAL AIRWAY 292
Is amended to read in parts

FROM	TO	MEA
Hartford, Conn. VOR *2100–MOCA	Putnam, Conn. VOR	*2600

§95.6307 VOR FEDERAL AIRWAY 307
Is amended to read in parts

FROM	TO	MEA
Biorka Island, Alas. VOR	Sister Island, Alas. VOR	7000

§95.6438 VOR FEDERAL AIRWAY 438
Is amended to read in parts

FROM	TO	MEA
*Gold INT, Alas. *4800–MCA Gold INT, S-bound	Fairbanks, Alas. VOR	2600

§95.6456 VOR FEDERAL AIRWAY 456
Is amended to read in parts

FROM	TO	MEA
Anchorage, Alas. VOR *5000–MCA Big Lake VOR, NE-bound **1300–MOCA	*Big Lake, Alas. VOR	**2000

§95.6469 VOR FEDERAL AIRWAY 469
Is amended by adding:

FROM	TO	MEA
Lynchburg, Va. VOR	Int. 352M rad Lynchburg VOR & 255M rad Montebello VOR	6000
INT. 352M rad Lynchburg VOR & 255M rad Montebello VOR *5400–MOCA	Int. 352M rad Lynchburg VOR & 146M rad Elkins VOR	*8000
Int. 352 M rad Lynchburg VOR & 146M rad Elkins VOR	Elkins, W. Va. VOR	8000

§95.6477 VOR FEDERAL AIRWAY 477
Is amended to read in parts

FROM	TO	MEA
Decus INT, Tex.	Leona, Tex. VOR	2000

§95.6481 VOR FEDERAL AIRWAY 481
Is amended to read in parts

FROM	TO	MEA
Gulkana, Alas. VOR *4900–MOCA	Ewan DME Fix, Alas.	*6000
Ewan DME Fix, Alas. *10000–MCA Donnelly DME Fix, S-bound **11500–MOCA	*Donnelly DME Fix, Alas.	**12000

§95.7055 JET ROUTE NO. 55 is amended to read in part:

FROM	TO	MEA	MAA
Flat Rock, Va. VORTAC	Int. 065 M rad Gordonsville VORTAC & 031 M rad Flat Rock VORTAC	18000	45000
Int. 065 M rad Gordonsville VORTAC & 031 M rad Flat Rock VORTAC	Int. 065 M rad Gordonsville VORTAC & 266 M rad Sea Isle VORTAC	18000	41000
Int. 065 M rad Gordonsville VORTAC & 266 M rad Sea Isle VORTAC	Sea Isle, N.J. VORTAC	18000	45000

2. By amending Sub-part D as follows:

§95.8003 VOR FEDERAL AIRWAY CHANGEOVER POINTS

FROM	TO	CHANGEOVER POINT DISTANCE FROM	
V-39 is amended to delete:			
Augusta, Me. VOR	Millinocket, Me. VOR	47	Augusta
V-221 is amended by adding:			
Bloomington, Ind. VOR	Shelbyville, Ind. VOR	15	Bloomington

§95.8005 JET ROUTES CHANGEOVER POINTS

J-35 is amended by adding:			
Jackson, Miss. VORTAC	Memphis, Tenn. VORTAC	106	Jackson

(Secs. 307, 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348, 1510)

Issued in Washington, D.C., on July 10, 1973.

JAMES M. VINES,
Chief, Aircraft Programs Division.

[FR Doc.73-14507 Filed 7-17-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 8737]

PART 13—PROHIBITED TRADE PRACTICES

Golden Grain Macaroni Co. and Paskey DeDominico

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets;* 13.5–20 Federal Trade Commission Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Modified cease and desist order, Golden Grain Macaroni Company, et al., San Leandro, Calif., Docket No. 8737, June 26, 1973]

In the matter of Golden Grain Macaroni Company, a Corporation, and Paskey DeDominico, Individually and as an Officer of said Corporation.

Order modifying an earlier order dated January 18, 1971, 36 F.R. 5212, 78 F.T.C. 63, pursuant to order of December 20, 1972, of the United States Court of Appeals for the Ninth Circuit (Cert. denied on May 29, 1973), by deleting that part of the order requiring divestiture of Oregon Macaroni Company.

The modified order is as follows:

Modified order. Respondent Golden Grain Macaroni Company having filed in the United States Court of Appeals for the Ninth Circuit a petition to review and set aside the order issued herein on January 18, 1971; and the court on December 20, 1972, having rendered its decision and entered its judgment affirming and enforcing said order except for that part of the order requiring divestiture of Oregon Macaroni Company; and the United States Supreme Court having denied a petition filed by respondent for writ of certiorari to the court of appeals for review of said decision and judgment.

Now therefore, it is hereby ordered, That the order of January 18, 1971, be, and it hereby is, modified in accordance with the judgment of the court to read as follows:

It is ordered, That respondent, Golden Grain Macaroni Company, a corporation, and its officers, directors, agents, representatives, employees, subsidiaries, affiliates, successors and assigns, within one (1) year from the date this order becomes final, divest, absolutely and in good faith, subject to the approval of the Federal Trade Commission, all stock, assets, or other interests acquired by Golden Grain Macaroni Company, or its subsidiaries, in Porter-Scarpelli Macaroni Company, as a result of Golden Grain Macaroni Company's acquisition of Mission Macaroni Company.

It is further ordered, That respondent Golden Grain Macaroni Company, a corporation, and its officers, directors, agents, representatives, employees, subsidiaries, affiliates, successors and assigns, within one (1) year from the date this order becomes final, divest, absolutely and in good faith, subject to the approval of the Federal Trade Commission, all stock, assets, or other interests, including the option to purchase additional stock or other interests, in Major Italian Foods Company, Inc., as a result of Golden Grain Macaroni Company's acquisition of stock of Major Italian Foods Company, Inc.

It is further ordered, That none of the stock, assets, properties, rights or privileges to be divested be sold or transferred, directly or indirectly, to any person who is at the time of the divestiture an officer, director, employee or agent of, or under the control or direction of, Golden Grain Macaroni Company or any of its subsidiaries or affiliates, or who owns or controls, directly or indirectly, more than one (1) percent of the outstanding shares of voting stock of Golden Grain Macaroni Company, or any of its subsidiaries or affiliates.

It is further ordered, That for a period of ten (10) years respondent Golden Grain Macaroni Company shall cease and desist from acquiring, directly or indirectly, without prior approval of the Federal Trade Commission, the whole or any part of the share capital or other assets of any corporation engaged in the manufacture of dry paste products within the Pacific Northwest.

It is further ordered, That respondents shall, within sixty (60) days from the date of service of this order and every sixty (60) days thereafter until divestiture is fully effected, submit to the Commission a detailed report of their actions, plans, and progress in complying with the divestiture provisions of this order, and fulfilling their objectives. All reports shall include, among other things that will be from time to time required, a summary of all contacts and negotiations with potential purchasers of the stock, assets, properties, rights or privileges to be divested under this order, the identity of all such potential purchasers, and copies of all written communications to and from such potential purchasers.

By the Commission.

Issued: June 26, 1973.

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

[FR Doc.73-14617 Filed 7-17-73;8:45 am]

[Docket No. C-2419]

PART 13—PROHIBITED TRADE PRACTICES

Radioear Corp.

Subpart—Dealing on exclusive and tying basis: § 13.670 *Dealing on exclusive and tying basis;* 13.670–20 Federal Trade Commission Act; Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 *Delaying or withholding corrections, adjustments or action owed;* § 13.677 *Delaying or failing to deliver goods; Subpart*—Enforcing dealings or payments wrongfully; § 13.1045 Enforcing dealings or payments wrongfully; Subpart—Maintaining resale prices: § 13.1130 *Contracts and agreements;* § 13.115 *Price schedules and announcements;* § 13.1160 *Refusal to sell.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies Sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Ceased and desist order, Radioear Corporation, Canonsburg, Penn., Docket C-2419, June 26, 1973]

In the Matter of Radioear Corporation, a Corporation.

Consent order requiring a Canonsburg, Penn., manufacturer, distributor and repairer of hearing aids, among other things to cease imposing customer and territorial restrictions and exclusive dealing requirements on its dealers; price-fixing activities; requiring its dealers to furnish names and addresses of customers; and failing to include and deliver any express product warranty.

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

It is ordered, That respondent Radioear Corporation, and its subsidiaries, divisions, affiliates, successors, assigns, officers, directors, agents, representatives and employees, directly or indirectly, or through any corporate or other device, in connection with the manufacturing, distribution, advertising, offering for sale, sale or repair of its own brand name or trademark hearing aids, or related products, in commerce as "commerce" is defined in the Federal Trade Commission Act, shall forthwith cease and desist from:

1. Entering into, maintaining, preserving, or enforcing, by refusal to sell or repair, setting of sales quota or equivalent thereof, termination or threat thereof, communicated expectation or request, or in any other manner, any arrangement or method of doing business with a dealer of hearing aids and/or accessories which has the purpose or effect of precluding or preventing a dealer from selling the product of one or more other hearing aid manufacturers;

2. Refusing to make available promptly upon request:

(a) a hearing aid, accessory or any written materials necessary to fit and sell such hearing aid or accessory, to any dealer engaged in the sale of hearing aids, if respondent makes such products available to any other dealer located within 100 miles of the requesting dealer, or

(b) a repair or replacement part or any written materials necessary to repair or replace such hearing aid, to any person engaged in the repair of hearing aids when requested for such purpose, if respondent makes repair or replacement parts available to any dealer for such purpose; *provided, however,* That if no other provision of this Order is violated thereby:

(1) respondent may require as a condition to the availability directly from it of any of its products that the dealer or person referred to in 2(a) or (b) above has received instruction or met standards necessary for the fitting, servicing

and/or repairing of respondent's hearing aids which are required at that time of all then existing dealers of respondent's products or all persons then engaged in the repair of respondent's products, so long as such instruction, if made available to any dealer or person, is made available by respondent on reasonable terms and conditions to all dealers or persons wanting to deal in or repair respondent's product,

(2) respondent may refuse to make available directly from it any of its products to any dealer or person if such requesting dealer or person is able promptly to obtain the product from another dealer or distributor at respondent's price to dealers for a single unit plus a reasonable handling charge, and

(3) respondent may refuse to make available directly from it any of its products to any dealer or person on other grounds related to that dealer's or person's professional competence or ethical conduct, so long as such refusals are uniformly made where such grounds exist;

3. Entering into, maintaining, preserving, or enforcing, by refusal to sell or repair, setting of sales quota or equivalent thereof, termination or threat thereof, communicated expectation or request, report of sale, warranty limitation, use of names or addresses of a dealer's customers, or in any other manner, any arrangement or method of doing business which has the purpose or effect of restricting or limiting.

(a) the territory or area in which a dealer of respondent's hearing aids advertises, offers for sale, sells or repairs such products, or

(b) the persons with whom a dealer of respondent's hearing aids deals;

4. Failing to return any hearing aid submitted to respondent for repair directly to the person who submitted such product for repair, unless otherwise instructed in writing by such person;

5. Fixing, establishing, stabilizing, maintaining or suggesting the prices at which a dealer of respondent's hearing aids may or shall advertise, offer for sale, or sell to the public, or a person repairing respondent's hearing aid may repair, such products; *provided, however,* That nothing in this Order shall prohibit respondent after ten years from the date of entry of this Order from exercising any lawful rights it may then have under the Miller-Tydings Act, 50 Stat.. 693 (1937) and the McGuire Act, 66 Stat. 632 (1952) with respect to hearing aids;

6. Requiring that a dealer participating in respondent's cooperative advertising program must not state or imply, in such cooperative adveristments, that the dealer also deals in other brands of hearing aids; *provided, however,* That respondent may continue to prohibit in such cooperative advertisement the stating of other brand names of hearing aids;

7. Requiring that a dealer of the respondent's hearing aids submit to respondent any name or address of any customer of such dealer, or maintaining, using, publishing or disseminating for any purpose any name or address of any customer of a dealer of the respondent's hearing aids obtained from such dealer after the date of this Order without securing a prior written consent of such dealer for such purpose;

8. Preventing any dealer from using respondent's product (brand) name in connection with the advertising, offering for sale, sale or repair of any of respondent's products, except that respondent may protect its rights in such name recognized at law;

9. Failing to include and deliver with any of respondent's hearing aids sold by respondent any express product warranty for such product provided by respondent to the user.

II.

It is further ordered, That respondent shall:

(a) Forthwith distribute a copy of this Order to each of its operating divisions, to its present corporate officers and to its present sales and repair personnel, and shall secure from each such officer, employee or other person, a signed statement acknowledging receipt of said Order;

(b) Within thirty (30) days after service upon it of this Order, distribute a copy of the letter appended to this Order and made a part hereof as Appendix A to each of its existing hearing aid dealers and to every person known to be engaged in the repair of respondent's products;

(c) Within sixty (60) days after service upon it of this Order, place a full-page advertisement in a trade journal or publication with circulation among hearing aid dealers, which advertisement shall clearly and conspicuously disclose the provisions of Part I of this Order;

(d) Within one hundred and twenty (120) days after service upon it of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order, including a list of all dealers and other persons on whom it has served a copy of Appendix A, and a copy of the publication which includes respondent's advertisement required by this Order;

(e) For a period of ten (10) years from the date hereof establish and maintain a file of all records referring or relating to respondent's refusal to sell to any hearing aid dealer, or person engaged in the business of repairing hearing aids, which file must contain a record of a communication to such dealers or persons explaining respondent's refusal to sell, and which file will be made available for Commission inspection on reasonable notice and annually, for a period of five (5) years from the date hereof, submit a report to the Commission listing the names of all dealers or persons with whom respondent has refused to deal over the preceding year, a description of the reason for the refusal, and the date of the refusal;

(f) Notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this Order.

Issued: June 26, 1973.

By the Commission.

[SEAL] VIRGINIA M. HARDING,
Acting Secretary.

APPENDIX A—LETTER TO HEARING AID DEALERS

(OFFICIAL STATIONERY OF RADIOEAR CORPORATION)

Dear ----------

Radioear Corporation has entered into a consent order agreement with the Federal Trade Commission which obligates the company not to impose various restrictions upon dealers or to engage in certain other practices. This agreement is for settlement purposes only and does not constitute an admission by the company that it has engaged in any unlawful conduct.

A copy of the pertinent provisions of the consent order is enclosed for your careful examination. If in the future you believe that any of its terms have been violated, the details may be reported in writing to:

Federal Trade Commission,
Bureau of Competition,
Washington, D.C. 20580

The entry of this consent order does not affect Radioear's method of consignment selling, so long as no provision of this order is violated, and we may continue to rely on our group of existing dealers as primarily responsible for the effective distribution and service of Radioear products. We look forward to continuing such an association with you consistent with the letter and spirit of our consent order agreement.

Sincerely yours,

(Name),
President,
Radioear Corporation.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act (Title 15, U.S.C. Section 41, et seq.) and by virtue of the authority vested in it by said Act, the Federal Trade Commission, having reason to believe that the party identified in the caption hereof, and more particularly described and referred to hereinafter as respondent, has violated the provisions of Section 5 of the Federal Trade Commission Act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the interest of the public, hereby issues its complaint stating its charges as follows:

Paragraph one. Respondent Radioear Corporation (hereinafter sometimes referred to as "Radioear") is a corporation organized under the laws of the State of Delaware, with its principal office and place of business at 375 Valley Brook Road, Canonsburg, Pennsylvania 15317. Radioear Corporation is a subsidiary of the Esterline Corporation, New York, New York.

Paragraph two. Respondent is engaged in the business of manufacturing, distributing, selling and repairing of Radioear brand hearing aids. It distributes and sells to selected retail dealers located throughout the United States, who then resell to the general public.

Paragraph three. In the course and conduct of its business, respondent ships or causes to be shipped hearing aids from its

facilities in the State of Pennsylvania to selected retail dealers throughout the United States. There is now and has been for several years a constant and substantial flow of respondent's hearing aids in commerce, as "commerce" is defined in the Federal Trade Commission Act.

Paragraph four. Except to the extent that competition has been restrained by reason of the practices hereinafter alleged, respondent's selected retail dealers, in the course and conduct of their business of offering for sale and selling Radioear hearing aids, are in substantial competition in commerce with one another and with dealers engaged in the offering for sale and selling of other brands of hearing aids; and respondent is in substantial competition in commerce with others engaged in the manufacturing, distributing, selling and repairing of hearing aids.

Paragraph five. Trade and commerce in the United States in hearing aids is substantial. In 1970, the total value of shipments amounted to $50 million at the manufacturers' prices, and is estimated to have exceeded $175 million at retail prices. In 1970, about fifty domestic manufacturers, domestic subsidiaries of foreign manufacturers and domestic distributors of foreign manufacturers sold approximately 510,000 hearing aids through 5,000 retail dealers who employed over 10,000 salesmen.

Paragraph six. In 1970, the top four companies in the hearing aid industry accounted for approximately 50% of the dollar value of shipments; the top eight companies, including respondent Radioear, accounted for approximately 70% of such shipments; and the top twenty companies accounted for over 90% of the industry's shipments.

Paragraph seven. In 1970, respondent Radioear, which has manufactured hearing aids since 1924, had sales in excess of two million dollars, making it the seventh largest hearing aid manufacturer in the United States market.

Paragraph eight. Hearing aids are sold by the manufacturers directly to the retail dealers, who resell the hearing aids to members of the general public. Wholesalers are rarely used in the distribution process. The success of the established manufacturers in selling their products has been based primarily on their ability to secure the services of retaile dealers to sell their products to the hearing handicapped. Similarly, to be successful, new entrants into the market must secure distribution through established dealers.

Approximately 60% of the retail sales of hearing aids occur as a result of initial, direct contact between the hearing aid dealer and the hearing handicapped, while most of the remaining sales are made after the hearing handicapped are referred to dealers by medical doctors or hearing clinics. It is the practice among medical doctors and hearing clinics, after having determined that an individual may benefit from use of a hearing aid, to recommend a hearing aid to the patient by the brand name and model, rather than by its general performance characteristics. This is done on the basis of actual tests with hearing aids which have been placed with such doctors or clinics by either the manufacturers or dealers. Then, because the doctors and clinics do not sell hearing aids, the patient is referred to the hearing aid dealer in his locale who deals in the brand of hearing aid recommended. While the average price of a hearing aid to a dealer is about $100, the average retail price to the hearing handicapped is about $350. More than 50% of the persons with hearing impairment who purchase hearing aids are over 65 years of age.

Paragraph nine. In the distribution and sale of their hearing aids, a number of the manufacturers of hearing aids for many years have used and pursued parallel courses of business behavior.

Among such courses of business behavior are the following:

(1) distributing and selling their hearing aids directly to selected retail dealers, refusing to deal with all other dealers;

(2) entering into agreements or understandings with their dealers, which agreements:

(a) establish territories within which the dealers may advertise and sell their products;

(b) require exclusive dealing in the manufacturers' products;

(c) assign sale or purchase quotas to be met by their dealers;

(d) encourage or require the use of the manufacturers' brand name in the dealers' trade styles;

(e) restrict the classes of customers with whom their dealers may deal;

(f) require their dealers to submit the names and addresses of their customers to the manufacturers;

(g) permit the manufacturer to terminate such agreements without cause upon thirty days notice; and

(h) in the event of such termination permit the manufacturers to repurchase the terminated dealers' products purchased from such manufacturers;

(3) refusing to issue the express product warranties to consumers unless and until their dealers have reported the names and addresses of their customers to the manufacturers;

(4) encouraging or requiring their dealers to participate in cooperative advertising programs which preclude mention that the dealers offer competing brands of hearing aids for sale;

(5) engaging in extensive national brand advertising of their hearing aids;

(6) suggesting to their dealers retail prices for hearing aids which are often more than 300% above the manufacturers' prices to the dealers, with such dealers generally selling at such suggested retail prices; and

(7) selling repair parts and offering repair service only to their selected dealers, refusing to sell such parts to all others, including independent repairmen or repair centers, and refusing to offer repair service to all other dealers.

The effect of the aforesaid parallel courses of business behavior has been to eliminate intra-brand and to hinder or suppress inter-brand competition in the hearing aid industry, and, further, to aggravate the unfair and anticompetitive effect of the acts and practices of the respondent as alleged in paragraphs ten and eleven.

Paragraph ten. In the course and conduct of its business of manufacturing, distributing, selling and repairing Radioear hearing aids in commence, respondent Radioear pursues the following course of action:

A. It requires its selected dealers to sell Radioear hearing aids within assigned geographic territories;

B. It requires its selected dealers to deal exclusively in Radioear hearing aids;

C. It fixes, establishes, controls and maintains the retail prices at which its dealers sell Radioear hearing aids;

D. It prohibits its dealers from dealing with certain potential customers;

E. It prohibits others, not its dealers, from dealing in, or repairing Radioear hearing aids; and

F. It appropriates and uses for its own purposes the names and addresses of its dealers' customers.

Paragraph eleven. In furtherance of this course of action, respondent has been and now is engaged in the following acts and practices, among others:

(1) Respondent uses agreements or understandings which

(a) require a dealer to sell Radioear hearing aids within an assigned territory on penalty of forfeiting his sales profit to another Radioear dealer in whose territory sales would be made;

(b) require a dealer to deal exclusively in Radioear hearing aids within that assigned territory upon penalty of appointment of additional dealers in such territory;

(c) require a dealer to sell Radioear hearing aids only to customers found within the assigned territory;

(d) require a dealer to sell Radioear hearing aids at prices established by respondent;

(e) require a dealer to submit to the respondent the names and addresses of each customer who purchases Radioear hearing aids;

(f) condition the express product warranty on the submission of the names and addresses of each such customer to the respondent;

(g) prohibit a dealer from dealing with the United States Government, State Governments or agencies thereof; and

(h) allow for immediate termination of contract upon dealer's violation of any provision thereof;

(2) Respondent encourages or permits its dealers to use the Radioear brand name, in conjunction with a geographic identification of the dealers' locations, or otherwise, in the dealers' trade styles;

(3) Respondent issues to its dealers price lists in which the retail prices for Radioear hearing aids are set forth;

(4) Respondent offers to its dealers a cooperative advertising plan which provides that Radioear will not share the cost of any dealer advertisement which mentions in any way that the dealer also offers for sale other brands of hearing aids;

(5) Respondent refuses to ship additional merchandise to a dealer unless or until the dealer submits to Radioear the names and addresses of the purchasers of hearings aids previously shipped to the dealer;

(6) Respondent refuses to sell to all but a few dealers, selected in such a manner that each of such selected dealers enjoys territorial exclusivity so that he is not in competition with any other dealer selling Radioear hearing aids;

(7) Respondent refuses to sell Radioear repair parts or to provide schematics to all dealers, or to persons engaged in the business of repairing or servicing hearing aids;

(8) Respondent refuses to supply Radioear promotional and advertising materials, price lists, hearing aid specifications or performance information to all dealers;

(9) Respondent prohibits its selected dealers from selling Radioear hearing aids to other dealers of hearing aids;

(10) Respondent provides in its standard-form contract that Radioear has the right to terminate the contract, at any time, upon thirty days notice to the dealer; and

(11) Respondent provides in said contract that in the event of termination:

(a) a dealer is required to discontinue the use of Radioear brand name in his name, sign or advertising in connection with hearing aid business;

(b) a dealer is prohibited from receiving any mail addressed to him in a manner including the name Radioear in it, and he is to instruct the postmaster to forward such mail either to the respondent or to a person of respondent's choice;

(c) a dealer is prohibited from using Radioear advertising material and must either destroy it or return it to respondent; and

(d) Radioear has the right to reacquire the terminated dealer's inventory of Radioear hearing aids.

Paragraph twelve. The acts and practices of respondent enumerated hereinabove in paragraphs ten and eleven, taken either individually or collectively, are oppressive, coercive, unfair and anticompetitive, and have the tendency and capacity of hindering, suppressing or eliminating competition, or constitute unfair methods of competition, or unfair acts or practices, with the following effects, among others:

(1) Competition between respondent and other manufacturers of hearing aids has been hindered and suppressed;

(2) Competition among dealers dealing in Radioear hearing aids has been eliminated;

(3) Such dealers have been deprived of their freedom to select their customers and otherwise to function as free and independent businessmen;

(4) Such dealers have been deprived of their ownership of, and freedom to maintain, confidential lists of their customers;

(5) Competiton among dealers dealing in Radioear hearing aids and dealers dealing in other brands of hearing aids has been hindered and suppressed;

(6) Retail dealers of hearing aids have been deprived of their freedom to act in the best interests of the hearing-impaired public;

(7) Consumers have been deprived of their right to fair and impartial recommendations from dealers in the selection of hearing aids for the alleviation of their hearing impairment;

(8) Consumers have been deprived of the benefits of free competition; and

(9) Those engaged in the repairing or servicing of hearing aids in competition with respondent have been deprived of their right to repair or service Radioear hearing aids.

Paragraph thirteen. The aforesaid acts and practices of respondent have the tendency unduly to restrict and restrain competition and have injured, hindered, suppressed, lessened or eliminated actual or potential competition, are to the prejudice and injury of the public, and constitute unfair methods of competition in commerce and unfair acts and practices in commerce, in violation of Section 5 of the Federal Trade Commission Act.

Wherefore, the premises considered, the Federal Trade Commission on this 26th day of June; A.D. 1973, issues this, its complaint, against said respondent.

By the Commission.

[SEAL] VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.73-14616 Filed 7-17-73;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

BOILER WATER ADDITIVES

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 2A2743) filed by Betz Laboratories, Inc., Somerton Road, Trevose, PA 19047, and other relevant material, concludes that the food additive regulations should be amended, as set forth below, to provide for the safe use of sodium carboxymethylcellulose in the preparation of steam that will contact food. The additive is a grade of sodium carboxymethylcellulose which does not comply with food grade specifications. It is not violatile but minor amounts may be carried over with steam by entrainment in boiler operations and come in contact with steam-treated food.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1088(c) is amended by alphabetically inserting a new item in the list of substances as follows:

§ 121.1088 Boiler water additives.

* * * * *

(c) List of substances:

	Limitations
* * *	* * *
Sodium carboxymethylcellulose	Contains not less than 95 percent sodium carboxymethylcellulose on a dry-weight basis, with maximum substitution of 0.9 carboxymethyl groups per anhydroglucose unit, and with a minimum viscosity of 15 centipoises for 2 percent by weight aqueous solution at 25° C.; such determinations to be made by methods prescribed in Food Chemicals Codex (Second Edition)[1] monograph for sodium carboxymethylcellulose.
* * *	* * *

[1] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Avenue, NW., Washington, D.C. 20037.

Any person who will be adversely affected by the foregoing order may at any time on or before August 17, 1973 file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on July 18, 1973.

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

Dated: July 11, 1973.

NOTE: Incorporation by reference provisions approved by the Director of the Federal Register July 10, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-14603 Filed 7-17-73;8:45 am]

Title 24—Housing and Urban Development

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

[Docket No. R-73-232]

DEBENTURE INTEREST RATES

The following amendments have been made to this chapter to change the debenture interest rate. The Secretary has determined that advance publication and notice and public procedure are unnecessary since the debenture interest rate is set by the Secretary of the Treasury in accordance with a procedure established by statute and that said cause exists for making this amendment effective July 1, 1973.

Accordingly, Chapter II is amended as follows:

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart B—Contract Rights and Obligations

1. Section 203.405 is amended to read as follows:

§ 203.405 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued or as of the date the mortgage was endorsed for insurance, whichever rate is higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
5⅞	July 1, 1971	January 1, 1972.
5⅞	January 1, 1972	July 1, 1972.
5½	July 1, 1972	January 1, 1973.
5¼	January 1, 1973	July 1, 1973.
6	July 1, 1973	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

2. Section 203.479 is amended to read as follows:

§ 203.479 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
5⅞	July 1, 1971	January 1, 1972
5⅞	January 1, 1972	July 1, 1972
5½	July 1, 1972	January 1, 1973
5¼	January 1, 1973	July 1, 1973
6	July 1, 1973	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies to sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

SUBCHAPTER D—RENTAL HOUSING INSURANCE

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart B—Contract Rights and Obligations

In 207.259 paragraph (e)(6) is amended to read as follows:,

§ 207.259 Insurance benefits.

* * * * *

(e) *Issuance of debentures.* * * *

(6) Bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date of initial insurance endorsement of the mortgage, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
5⅞	July 1, 1971	January 1, 1972.
5⅞	January 1, 1972	July 1, 1972.
5½	July 1, 1972	January 1, 1973.
5¼	January 1, 1973	July 1, 1973.
6	July 1, 1973	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED IMPROVEMENT LOANS

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart D—Contract Rights and Obligations—Projects

Section 220.830 is amended to read as follows:

§ 220.830 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semi-annually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued or as of the date the loan was endorsed for insurance, whichever rate is higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
5⅞	July 1, 1971	January 1, 1972
5⅞	January 1, 1972	July 1, 1972
5½	July 1, 1972	January 1, 1973
5¼	January 1, 1973	July 1, 1973
6	July 1, 1973	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

Effective date. These amendments are effective as of July 1, 1973.

WOODWARD KINGMAN,
Acting Assistant Secretary-Commissioner for Housing Production and Mortgage Credit.

VINCENT HEARING,
Acting Assistant Secretary for Administration.

[FR Doc.73-14511 Filed 7-17-73;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

PART 50—STATEMENTS OF POLICY

[Order No. 530-73]

Policies With Regard to the Defense of Civil Actions Under the Freedom of Information Act and the Functions of the Freedom of Information Committee

Under and by virtue of the authority vested in me by section 509 of Title 28 of the United States Code, Part 50 of Title 28 of the Code of Federal Regulations is amended by adding at the end thereof the following new section:

§ 50.9 Policies with regard to the defense of civil actions under the Freedom of Information Act and the functions of the Freedom of Information Committee.

(a) No civil action against a federal agency under the Freedom of Information Act, 5 U.S.C. 552, shall be defended by the Civil Division, the Tax Division or any other part of the Department of Justice unless the Department's Freedom of Information Committee has been consulted by the agency. This does not preclude the defense of a premature suit, brought before the agency's final denial of the materials at issue, provided that the agency as promptly as possible upon the filing of the suit brings the matter before the Committee.

(b) The Freedom of Information Committee referred to in this section is the committee of lawyers in the Office of Legal Counsel and in the Civil Division which was first established December 8, 1969. The functions and current membership of the Committee are noted in a memorandum from the Attorney General to the heads of all agencies issued at the time of the adoption of this section.

(c) The Committee is instructed to make every possible effort to advance the objective of the fullest responsible disclosure. To this end, in connection with its consultations with agencies that propose to issue final denials under the Act, the Committee shall, in addition to advising the agency with respect to the legal issues, invite the attention of the agency to the range of public policies reflected in the Act, including the central policy of the fullest responsible disclosure. The Committee may also request assistance and make studies and recommendations to carry out the intent of this paragraph.

Dated: July 11, 1973.

ELLIOT L. RICHARDSON,
Attorney General.

[FR Doc.73-14649 Filed 7-17-73;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART 124—MATTER MAILABLE UNDER SPECIAL RULES

Mailing of Switchblade Knives

Regulations dealing with the mailing of switchblade knives are amended to delete a requirement for special markings on the parcels containing such knives. Accordingly, § 124.6 *Switchblade knives* is amended as follows as of July 18, 1973.

1. Paragraph (b) *Marking of Parcels* is deleted from § 124.6.

2. Paragraph (c) *Identification of Addressee* of § 124.6 is redesignated as paragraph (b).

3. Paragraph (d) *Explanation of Mailing* of § 124.6 is redesignated as paragraph (c).

(39 U.S.C. 401, 3001).

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.73-14660 Filed 7-17-73;8:45 am]

PART 232—POSTAL LOSSES AND OFFENSES

Arrest and Subpoena Powers of Postal Inspectors

Regulations regarding arrest and subpoena powers of the Postal Inspectors are amended to conform to the language of 18 U.S.C. 3061, as amended by section 6(j)(38)(A) of the Postal Reorganization Act (P.L. 91-375, 84 Stat. 719). Section 6(j)(38) took effect on July 1, 1971. Inasmuch as the arrest and subpoena powers of the Postal Inspectors are statutory in nature, the current amendment to the Code of Federal Regulations should not be construed as affecting the exercise of such powers before publication of this amendment in the FEDERAL REGISTER.

Accordingly, paragraph (b) of § 232.5 is amended to read as follows:

§ 232.5 Arrest and subpena powers of postal inspectors.

* * * * *

(b) *Limitations.* The powers granted by paragraph (a) of this section shall be exercised only in the enforcement of laws regarding property of the United States in the custody of the Postal Service, including property of the Postal Service, the use of the mails, and other postal offenses.

(39 U.S.C. 401; 18 U.S.C. 3061)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.73-14661 Filed 7-17-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

Products or Services Presented for Procurement Consideration

A new subpart is added which contains applicable detailed procedures governing additions of new items (commodities and nonpersonal services) into Federal procurement programs.

PART 5A-1—GENERAL

Part 5A-1 is amended by the addition of new Subpart 5A-1.54, as follows:

Subpart 5A-1.54—Products or Services Presented for Procurement Consideration

Sec.

Subpart 5A-1.54—Products or Services Presented for Procurement Consideration

§ 5A-1.5401 Policy.

(a) Consistent with the Government's general policy on being responsive to technological advances in industry by adopting, when appropriate, new and improved methods for performing services or new and improved articles into its system, the following policies, responsibilities, and procedures are prescribed.

(b) Generally, a person or concern wishing to present a new or improved article or new method of service to the Federal Supply Service will do so, or should be advised to do so, by presenting his case to any GSA Business Service Center (BSC). The presentation shall be in the form of an application. (See § 5A-1.5403.)

(c) The BSC will transmit the application to the Data Management Branch (FMSD), Standardization Division, Office of Standards and Quality Control, for initial processing. (See §§ 5A-1.5404 and 5A-1.5405.)

(d) If FMS finds the new or improved article or service adaptable for a try-out in the Federal Supply system, it will forward the application to the National Buying Center Division (FPN). (See § 5A-1.5405.)

(e) FPN will then take any one of the following actions, if the item is found suitable for introduction (see § 5A-1.5405 (c)):

(1) Include the item in an existing Federal Supply Schedule;

(2) Include the item in the stock program;

(3) Include the item in a special New Item Introductory Schedule;

(4) Use one or more self-service stores for the test; or

(5) Use any other action to test the suitability of the new improved article or service for introduction into the system.

§ 5A-1.5402 [Reserved]

§ 5A-1.5403 Initial referral of inquiries.

Unsolicited written offers presented for procurement consideration by persons or firms to any Federal Supply Service activity and involving new or improved articles or services shall be transmitted promptly to the Business Service Center (BSC) serving the organizational element which received the offer. The original receiving activity shall acknowledge receipt of the offer and advise that the offer has been referred to the BSC for further action and that any further inquiries should be directed to the BSC (give full address and telephone number). If the presentation is made orally, the person making the presentation shall be referred to the BSC.

§ 5A-1.5404 Processing of inquiries.

(a) Upon receipt of an unsolicited offer for procurement consideration involving new or improved articles or services by the Business Service Center (BSC), the BSC will determine whether or not there is any possibility that the type of article or service would lend itself for procurement by GSA. If it is clear that the article or service would not in any way fit into the GSA procurement program, the BSC will advise the offeror accordingly and provide him with appropriate counseling with respect to the possibility that other agencies may have a procurement interest in the offer.

(b) When there is a possibility that the offered new or improved item or service would fit into the GSA procurement program, the BSC will provide the offeror with a minimum of four copies of GSA Form 1171, Application for Presenting New or Improved Articles, which the offeror is to complete and return to the BSC in triplicate. (For illustration of GSA Form 1171 and the applicable instructions for submitting GSA Form 1171, see § 5A-16.950-1171.) A copy of GSA Form 1171, Instructions for Submitting Applications for Presenting New or Improved Articles, will also be provided to the applicant.

§ 5A-1.5405 Processing of completed application forms.

(a) The Business Service Center (BSC) will (i) when completed GSA Form 1171 is received as a result of the consultation mentioned in § 5A-1.5404 (b), above, review the application for completeness, or (ii) if the GSA Form 1171 is received without the above-mentioned consultation, review the application for completeness and from the aspects of acceptability of the products, as set forth in § 5A-1.5404(a), above, and (iii) promptly forward two copies of the acceptable application to Data Management Branch (FMSD), Standardization Division, Office of Standards and Quality Control. If the application is not acceptable, the BSC will advise the applicant accordingly (i) in accordance with § 5A-1.5404(a), above, or (ii) what corrective actions he needs to take to make the application acceptable.

(b) FMS shall evaluate each application and record its findings on GSA Form 6477, New Item Application Summary. (For illustration of GSA Form 6477, see § 5A-16.950-6477.)

(1) When FMS determines that the products or services presented in the application are not acceptable for inclusion in the GSA system, FMS will notify the applicant accordingly and furnish a copy of this notification to the BSC in (a), above. Procuring activities will normally not be consulted concerning these notifications.

(2) When the FMS evaluation recommends including certain products or services in the GSA system, or when it identifies applicant's products as being similar to GSA-managed items (items already carried in stock or on Federal Supply Schedules), FMSD shall forward one copy of GSA Form 1171, one copy of GSA Form 6477, and any related material to the National Buying Center Division (FPN) which will have final responsibility for edtermining the acceptability of the offered products or services.

(c) The National Buying Center Division (FPN) shall, upon receipt from FMSD of GSA Forms 1171 and 6477 and any related material, if the products are similar to GSA-managed items, advise applicant to apply for a Bidders Mailing List listing (see § 5A-76.306), or in all other cases:

(1) Establish a New Item case file;

(2) Prepare GSA Form 6220, Introductory Contractor's Record (for illustration see § 5A-16.950-6220), and include this form in the case file;

(3) Review the FMS recommendation to determine whether the offered new or improved article or service is still suitable for introduction into the procurement program or whether certain factors were uncovered during this review which indicate that an introduction would not be in the Government's best interest.

(i) If the review calls for rejecting the introduction into the system, FPN should contact FMS to obtain agreement on the rejection. (FPN is not required to make this contact since FPN has final responsibility for determining acceptability of the application, but may wish to do so to corroborate the decision to reject.)

(ii) The rejection shall be recorded on GSA Form 6477, mentioning FMS agreement, when appropriate. The New Item case file shall be closed out after including completed GSA Form 6477 and a copy of a letter from FPN to the applicant explaining why the application was rejected. A copy of this letter to the applicant shall be forwarded to FMSD and to the BSC in (a), above.

(4) If FPN finds the new or improved article or service suitable, a determination shall be made about the most appropriate method of procurement. This determination shall be entered on GSA Form 6477, including the reasons for the selection. The applicant shall be notified in writing (with copy to the BSC) when it has been determined to accept his product or service. Following is a guide for making selections for the method of procurement:

(i) *Use of existing Federal Supply Schedules.* If a new or improved item (commodity or service) is related to and is suitable for inclusion in an existing Schedule, it will be so assigned. If the item is to be procured competitively, a request for specification shall be initiated immediately.

(ii) *Use of stock system.* While, as a general rule, the New Item Introductory Schedule method is preferred for the initial introduction of a new item, there are circumstances which may justify its introduction directly into the stock system, if there is evidence of existing demand. Such demand must be sufficiently large to meet the criteria for inclusion in the stock program. Evidence of existing demand must be filed in the case file and may be in the form of statements from any Federal agency or FSS region. However, before an item can be placed into the stock system a specification must be developed in order to permit competitive procurement.

(iii) *New Item Schedule.* If the item is not suitable to warrant its inclusion in the stock program or in an existing Schedule, it may be considered for assignment to a "New Item Introductory Schedule" as described below.

(A) The New Item Introductory Schedule is to provide an economical and expeditious method for testing the demand for new items for which demand is unknown or uncertain. Procurement of items on the New Item Introductory Schedule will be on a proprietary brand name basis during the period of the testing of demand. (Authority: Section 302(c)(10) Federal Property and Administrative Services Act, as amended.)

(B) Noncompetitive procurement of these items will avoid the delay of preparing specifications and developing a list of bidders for items which may not result in sufficient demand to warrant their inclusion in a regular supply program. The New Item Introductory Schedule has the following characteristics:

(I) Covers all FSC classes;

(II) Mandatory for use by GSA and optional for use by all other Federal agencies;

(III) Remains continuously in effect with items added or deleted by subsequent cumulative issuances, representing a conglomerate of individual annual indefinite quantity negotiated contracts of brand name items with provision for annual renewals not to exceed a total period of 3 years;

(IV) Contains a provision for evaluation by the contracting officer with respect to demand at the end of 1 year to determine whether to (a) drop the item from further consideration, (b) incorporate the item in one of the regular supply programs on a competitive basis, or (c) continue under New Item Introductory Schedule for renewal but not to exceed a total of 3 years to obtain additional data.

(iv) *Pilot testing in self-service store.* As a supplementary method of establishing demand, a new item may be designated for demand testing in the self-service store system. In this event, necessary arrangements will be made with the Chief, Special Programs Branch (FSDP), Office of Supply Distribution, including the provision for a report of sales on the item from the self-service store.

(v) *Other actions.* Other actions may be taken to include an accepted item into the system as necessary. For example, this may be by the use of GSA Form 1303, Request for Federal Cataloging Action, procedure to obtain a Federal Stock Number, by registering the item and assigning an item status code, etc.

(d) For properly monitoring the new item program and as a management tool, organizational elements within the Federal Supply Service which are parties to any actions dealing with this program shall establish periodic monitoring and reporting procedures.

PART 5A–16—PROCUREMENT FORMS

The table of contents for Part 5A–16 is amended to add the following new entries:

5A–16.950–1171	GSA Form 1171, Application for Presenting New or Improved Articles, and Instructions for Submitting the Form.
5A–16.950–6220	GSA Form 6220, Introductory Contractor's Record.
5A–16.950–6477	GSA Form 6477, New Item Application Summary.

NOTE: Copies of the forms illustrated in Part 5A–16 are filed with the original documents.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5–1.101(c))

Effective date. This regulation is effective on August 1, 1973.

Dated: July 2, 1973.

M. J. TIMBERS,
Commissioner,
Federal Supply Service.

[FR Doc.73–14695 Filed 7–17–73;8:45 am]

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION

[Docket No. HM–22; Amdt. No. 171–19]

SUBCHAPTER A—HAZARDOUS MATERIALS REGULATIONS BOARD

PART 171—GENERAL INFORMATION AND REGULATIONS

Matter Incorporated by Reference

The purpose of this amendment to the Hazardous Materials Regulations is to update the reference to the addenda to sections VIII (division I) and IX of the "American Society of Mechanical Engineers Boiler and Pressure Vessel Code."

On April 23, 1973, the Board published a notice of proposed rule making, Docket No. HM–22; Notice No. 73–3 (38 F.R. 10014) proposing to make the above change. One comment was received which was in agreement with the proposal.

In consideration of the foregoing, Title 49, Part 171, is amended as follows:

In § 171.7, paragraph (d)(1) is amended to read as follows:

§ 171.7 Matter incorporated by reference.

* * * * *

(d) * * *

(1) ASME Code means sections VIII (Division I) and IX of the 1971 edition of the "American Society of Mechanical Engineers Boiler and Pressure Vessel Code," and addenda thereto through December 31, 1972.

* * * * *

This amendment is effective Sept. 30, 1973. However, immediate compliance with the regulations, as amended herein, is authorized.

(Sec. 831–835, Title 18, United States Code; sec. 9, Department of Transportation Act, 49 U.S.C. 1657; Title VI, sec. 902(h), Federal Aviation Act of 1958, 49 U.S.C. 1421–1430, 1472, 1655(c))

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

JAMES F. RUDOLPH,
Board Member for the
Federal Aviation Administration.

KENNETH L. PIERSON,
Alternate Board Member for the
Federal Highway Administration.

MAC E. ROGERS,
Board Member for the
Federal Railroad Administration.

W. F. REA, III,
Rear Admiral, Board Member for
the United States Coast Guard.

[FR Doc.73–14680 Filed 7–17–73;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1083; Amdt. 4]

PART 1033—CAR SERVICE

Southern Pacific Transportation Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 12th day of July 1973.

Upon further consideration of Service Order No. 1083 (36 FR 21203, 23803; 37 FR 12726; and 38 FR 876), and good cause appearing therefor:

It is ordered, That:

§ 1033.1083 *Service Order No. 1083* (Southern Pacific Transportation Company authorized to operate over tracks of the Texas and Pacific Railway Company) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., October 31, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

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

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

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

By the Commission, Railroad Service Board.

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

[FR Doc.73-14715 Filed 7-17-73;8:45 am]

[Second Rev. S. O. 1117, Amdt. 1]

PART 1033—CAR SERVICE

Substitution of Hopper Cars for Covered Hopper Cars or Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 12th day of July 1973.

Upon further consideration of Second Revised Service Order No. 1117 (38 FR 7332), and good cause appearing therefor:

It is ordered, That:

§ 1033.117 *Service Order No. 1117* (Substitution of hopper cars for covered hopper cars or boxcars) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

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

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

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

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

By the Commission, Railroad Service Board.

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

[FR Doc.73-14713 Filed 7-17-73;8:45 am]

[S.O. 1125, Amdt. 1]

PART 1033—CAR SERVICE

St. Louis-San Francisco Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 12th day of July 1973.

Upon further consideration of Service Order No. 1125 (38 F.R. 6883), and good cause appearing therefor:

It is ordered, That:

§ 1033.1125 *Service Order No. 1125* (*St. Louis-San Francisco Railway Company authorized to operate over tracks of the Kansas City Southern Railway Company*) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., November 30, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

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

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

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

By the Commission, Railroad Service Board.

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

[FR Doc.73-14714 Filed 7-17-73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Kirwin National Wildlife Refuge, Kans.

The following special regulation is issued and is effective on July 18, 1973.

§ 32.32 **Special regulations; big game; for individual wildlife refuge areas.**

KANSAS

KIRWIN NATIONAL WILDLIFE REFUGE

Public hunting of deer with bow and arrow on the Kirwin National Wildlife Refuge, Kansas, is permitted from October 1, through November 25, 1973, inclusive, and from December 16, through December 31, 1973, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,300 acres, is delineated on maps available at refuge headquarters, 5 miles west of Kirwin, Kansas, and from the office of the Regional Director, Bureau of Sports Fisheries and Wildlife, 10597 W 6th Ave, Denver, Colorado 80215.

Hunting shall be in accordance with all applicable State regulations governing the archery hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1973.

KEITH S. HANSEN,
Refuge Manager, Kirwin National Wildlife Refuge, Kirwin, Kans.

JULY 6, 1973.

[FR Doc.73-14647 Filed 7-17-73;8:45 am]

Proposed Rules

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 29]

NONQUOTA MARYLAND BROADLEAF TOBACCO, U.S. TYPE 32

Identification and Certification

Notice is hereby given that the U.S. Department of Agriculture has under consideration the issuance of regulations governing the identification and certification of nonquota Maryland Broadleaf tobacco, U.S. type 32, produced and marketed in quota areas, pursuant to the authority contained in The Tobacco Inspection Act (49 Stat. 731; 7 U.S.C. 511 et seq.).

Statement of consideration. Historically, Maryland Broadleaf tobacco, U.S. type 32, was generally produced under marketing quotas. This limited its production and sales without penalty to those growers issued acreage allotments under the quota system. Penalty assessments were made for all production outside quota allocation. Referendums are held in tobacco-growing areas to determine whether growers favor or disfavor marketing quotas. Beginning with the 1966 crop, growers of type 32 tobacco have consistently disapproved use of the quota system. The lifting of controls and penalties governing the production of type 32 tobacco resulted in increased production of this tobacco in the burley and flue-cured quota areas.

Official standard grades are in effect for the inspection and grading of all major tobacco types produced in the United States and Puerto Rico. About 95 percent of this production is sold at auction where inspection is mandatory. The tobacco is displayed for sale in warehouses in individual lots, piles, baskets, or sheets for inspection and grading. The remaining percentage is largely cigar leaf, most of which is purchased at the farm and the rest is marketed through tobacco cooperatives. Inspection service is provided upon request on a permissive basis.

Past certifications of nonquota Maryland tobacco produced and marketed in quota areas show the need for establishing procedures to follow in certifying such tobacco as to type. The proposed regulations would establish procedures to accomplish this purpose. They would apply to mandatory and permissive inspection as authorized or required under Sections 5 and 6 of The Tobacco Inspection Act.

All persons who desire to submit written data, views, or arguments in connection with the proposed revision should file the same, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 122 Administration Building, Washington, D.C. 20250, on or before August 17, 1973. All written submissions pursuant to the notice will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27 (b)).

The proposed regulations are as follows:

1. Part 29 is revised by designating §§ 29.9201 through 29.9400 as Subpart F—Policy Statement and Regulations Governing the Identification and Certification of Nonquota Maryland Tobacco, U.S. Type 32, Produced and Marketed in a Quota Area.

2. The proposed Subpart F would read as follows:

Subpart F—Policy Statement and Regulations Governing the Identification and Certification of Nonquota Maryland Broadleaf Tobacco, U.S. Type 32, Produced and Marketed in a Quota Area

DEFINITIONS

Sec.
29.9201 Terms defined.
29.9202 Certification.
29.9203 Crop-lot.
29.9204 Identification number (farm serial number).
29.9205 Inspection.
29.9206 Mandatory inspection.
29.9207 Nonquota tobacco.
29.9208 Permissive inspection.
29.9209 Receiving stations.
29.9210 Symbol "M–32."

POLICY STATEMENT

29.9221 Policy statement.

ADMINISTRATION

29.9231 Administration.
29.9232 Where inspection and certification are available.
29.9233 When certification will be made.
29.9234 Who may obtain inspection and certification.
29.9235 Responsibilities of interested parties.
29.9236 How to make application.
29.9237 Form of application.
29.9238 When application deemed filed.
29.9239 When application may be rejected.
29.9240 When application may be withdrawn.
29.9241 Accessibility of tobacco.

FEES AND CHARGES

29.9251 Fees for inspection and certification services performed under agreement.
29.9252 Fees and charges for inspection and certification services other than under an agreement.

INSPECTING AND CERTIFYING PROCEDURES

Sec.
29.9261 Procedure to be followed.
29.9262 Kinds of certificates.
29.9263 Tobacco classification certificate.
29.9264 Basket ticket.
29.9265 Forms.
29.9266 Disposition of certificate.
29.9267 Disposition of ticket.
29.9268 Changes or alterations.

PRECLUSION

29.9281 Preclusion.

AUTHORITY: Tobacco Inspection Act (49 Stat. 731; 7 U.S.C. 511 et seq.)

DEFINITIONS

§ 29.9201 Terms defined.

As used in this subpart and in all instructions, forms, and documents in connection therewith, the words and phrases hereinafter defined shall have the indicated meanings so assigned.

§ 29.9202 Certification.

The documentation of type, grade, class, weight, or other tobacco characteristics as required in § 29.9263.

§ 29.9203 Crop-lot.

The collective individual lots comprising the season's production of each kind or type of nonquota tobacco produced on an individual farm.

§ 29.9204 Identification number (farm serial number).

The serial number assigned to an individual farm by the appropriate office of the Agricultural Stabilization and Conservation Service.

§ 29.9205 Inspection.

The examination by an inspector of a lot or crop-lot of tobacco to make determinations necessary for proper certification.

§ 29.9206 Mandatory inspection.

Mandatory inspection consists of inspecting and certifying tobacco under the act on designated markets before it is offered for sale at auction.

§ 29.9207 Nonquota tobacco.

Any kind or type of tobacco not subject to production and/or marketing limitations or restrictions under regulations issued by the Agricultural Stabilization and Conservation Service.

§ 29.9208 Permissive inspection.

Permissive inspection consists of inspecting and certificating tobacco, upon the request of an interested party, on a cost basis as set forth in §§ 29.9251 and 29.9252.

§ 29.9209 Receiving stations.

Approved tobacco auction warehouses on designated markets.

§ 29.9210 Symbol "M–32".

The designation used to identify Maryland Broadleaf tobacco, U.S. Type 32.

POLICY STATEMENT

§ 29.9221 Policy statement.

Nonquota Maryland tobacco, U.S. Type 32, is being produced and marketed in the burley and flue-cured areas. Both burley and flue-cured tobaccos are produced under the quota system. The official standard grades developed for all major tobacco types produced in the United States and Puerto Rico are adequate for inspection and grading at the market centers. However, these standards do not provide adequate procedure for certifying nonquota tobacco produced and marketed in quota areas. Accordingly, the regulations in this subpart contain a procedure to follow in the certification of nonquota Maryland tobacco, type 32, grown and marketed outside of the State of Maryland. Certification services shall be made available to an interested party or his authorized agent following receipt of appropriate application. These services will be provided at approved receiving stations during a 90-day period beginning April 15 of each calendar year. This will allow producers of such tobacco in a quota area adequate time to bring the tobacco to the normal stage of cure and moisture content before certification. Determinations with respect to certifications on nonquota type 32 tobacco shall be based on the Official Standard Grades for Maryland Broadleaf Tobacco, U.S. Type 32.

ADMINISTRATION

§ 29.9231 Administration.

The Director, Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, is charged with the supervision of the Division and the performance of all duties assigned thereto in the administration of the act. The conduct of all services and the licensing or employment of inspection/grading/sampling personnel under these regulations shall be accomplished without discrimination as to race, color, creed, sex, or national origin. Information concerning such administration may be obtained from the Director.

§ 29.9232 Where inspection and certification are available.

Nonquota tobacco may be inspected and certified by class or type, upon request of an interested party, when the tobacco is displayed at approved receiving stations under conditions that permit of its proper examination and where there is a sufficient volume of work to justify the stationing of an inspector.

§ 29.9233 When certification will be made.

Certification services for the nonquota tobacco shall be made available during a 90-day period beginning April 15 of each calendar year. This section shall not affect provisions of existing cooperative agreements with the various tobacco producing states or state agencies.

§ 29.9234 Who may obtain inspection and certification.

Inspection and certification of nonquota tobacco may be requested by an interested party, or his authorized agent, by filing an application in accordance with §§ 29.9236 and 29.9237.

§ 29.9235 Responsibilities of interested parties.

Any interested party requesting type certification of nonquota tobacco produced in a quota area, shall obtain from the appropriate county office of the Agricultural Stabilization and Conservation Service a certificate showing the acreage of nonquota tobacco grown on each affected farm and the identification number. It shall also be the responsibility of the person or persons or agents desiring type certification of this tobacco to: (a) Make available to the official inspector any or all information required by the inspector for completion of the Tobacco Classification Certificate, (b) display the tobacco in crop-lot arrangement on an approved tobacco auction floor, and (c) surrender to the inspector at time of certification a copy of the ASCS certificate.

§ 29.9236 How to make application.

Application for inspection and certification by class or type of nonquota tobacco shall be made to the Division the office of inspection, or as the case may be, to an official inspector, not less than 14 days before the date of certification. The application shall be in writing and signed by the applicant or applicants.

§ 29.9237 Form of application.

Application for inspection and certification of class or type of nonquota tobacco shall include the following information: (a) The date of the application; (b) the designation of the tobacco and the crop year of its production; (c) the name and post-office address of the applicant and of the person, if any, making the application as agent; (d) the financial interest of the applicant in the tobacco; (e) the exact nature of the service desired as (1) inspection and grading, and/or (2) inspection and certification by class or type; (f) a statement that the tobacco (1) is in commerce, as defined in the act, or (2) is to be inspected and certified in connection with its entering such commerce; and (g) such other necessary information as the Director may require.

§ 29.9238 When application deemed filed.

An application shall be deemed filed when delivered to the Division, the office of inspection, or according to the nature of the service requested, to an official inspector. When an application is filed, the date and time of filing shall be recorded by the official receiving it.

§ 29.9239 When application may be rejected.

An application may be rejected (a) for noncompliance with the act or the regulations in this subpart, or (b) when it is not practicable to provide the service. All expenses incurred in connection with an application rejected for noncompliance with the act or the regulations in this subpart shall be paid by the applicant as provided in § 29.124 of Subpart B of this part.

§ 29.9240 When application may be withdrawn.

An application may be withdrawn at any time before the requested service is rendered upon payment of expenses incurred in connection therewith as provided in § 29.124 of Subpart B of this part.

§ 29.9241 Accessibility of tobacco.

All tobacco to be inspected and certified by class or type upon application shall be made accessible by the applicant for proper examination, including any necessary display in proper light for determination of grade, class, type, or other characteristics or for drawing of samples. The tobacco shall be displayed on baskets or sheets in crop-lot arrangement at an approved receiving station. The baskets or sheets shall be arranged in rows 18 inches apart with the leaves of adjacent baskets or sheets not touching within the rows. Coverings shall be removed by the applicant in such manner as may be prescribed by the inspector.

FEES AND CHARGES

§ 29.9251 Fees for inspection and certification services performed under agreement.

The fees to be charged and collected for service performed under an agreement shall be those provided for by such agreement.

§ 29.9252 Fees and charges for inspection and certification services other than under an agreement.

Fees and charges for inspection and certification services at receiving points shall comprise the cost of travel expenses, per diem allowances, and salaries. Charges as computed in accordance with this part shall be increased by 8 percent to cover administrative expenses.

INSPECTING AND CERTIFYING PROCEDURES

§ 29.9261 Procedure to be followed.

In permissive or mandatory inspections and certifications of nonquota Maryland tobacco the inspector shall use the Official Standard Grades for Maryland Broadleaf Tobacco, U.S. Type 32, to determine whether the crop-lot can or cannot be classified as and certified to be type 32. When the inspector determines that each individual pile, basket, or sheet in the crop-lot can be graded in one of the standard grades for type 32, he shall certificate the entire crop-lot to be that type. If the inspector determines that each individual pile, basket, or sheet in the crop-lot cannot be graded in one of

the standard grades for type 32, he shall then establish which official standard grades are applicable and certify each pile, basket, or sheet to show the appropriate class and type.

§ 29.9262 Kinds of certificates.

A 'Tobacco Classification Certificate" will be issued upon request of an interested party for the nonquota tobacco certified under mandatory or permissive inspection. The Tobacco Classification Certificate will be supplied by the inspection office. In addition to this certificate a basket ticket shall be provided by the interested party, or his agent or warehouseman, for each individual pile, basket, or sheet of tobacco in the crop-lot.

§ 29.9263 Tobacco Classification Certificate.

Each tobacco classification certificate shall show (a) the caption "Tobacco Classification Certificate"; (b) whether it is an original, first second, or other copy; (c) the number of the certificate; (d) the identification number; (e) the location of the tobacco at the time of inspection and certification; (f) the date of inspection and certification; (g) the class or type of the tobacco; (h) the number of baskets, piles, or sheets in the crop-lot; (i) the weight of the crop-lot; (j) the signature of the official inspector; also such additional information as may be required by the Director.

§ 29.9264 Basket ticket.

A basket ticket shall consist of a Tobacco Inspection Certificate made and issued in combination with an auction warehouse ticket in a form approved by the Director. The commissioned agent or warehouseman shall show (a) the producer's name; (b) the identification number; (c) the weight of the individual lot; also such additional information as may be required by the Director. The tobacco inspector shall then complete the basket ticket by entering the special symbol "M–32" for all tobacco determined to be Maryland Broadleaf, U.S. Type 32. If the inspector determines the lot cannot be graded in one of the official type 32 grades, he shall enter the appropriate grade or type designation, then initial and date.

§ 29.9265 Forms.

Each certificate issued under this regulation shall (a) show that it was issued under The Tobacco Inspection Act; (b) be in a form approved for the purpose by the Director, and (c) embody within its written or printed terms, with respect to the particular kind of service, all applicable information required by § 29.9263. Each certificate may also contain any information, not inconsistent with the act and the regulations in this subpart, as may be approved or required by the Director. The Director may, in his discretion, specify or limit the period in which a certificate shall be valid.

§ 29.9266 Disposition of certificate.

Distribution of the Tobacco Classification Certificate shall be limited to the provisions of this section. The original certificate and one copy shall be delivered or mailed to the applicant or his agent. One copy and the copy of the ASCS certificate shall be forwarded by the inspector to the Division or office of inspection.

§ 29.9267 Disposition of ticket.

One copy of the basket ticket shall be attached to, or placed on, the individual lot and all copies of such ticket shall become null and void when such identifying copy is removed from the lot. When and as requested by the Director, one copy of such ticket, showing (a) the certification of class, type, or grade; (b) the weight and other identification; and (c) the details of the sale at auction, shall be delivered by the interested party, or his agent or warehouseman, to the Division or the head inspector of the market.

§ 29.9268 Changes or alterations.

No change or alteration shall be made, in the weight or other identification of the lot, on a basket ticket or the Tobacco Classification Certificate after the certification of class, type, or grade by an official inspector, and any such change or alteration shall constitute and be construed as a change or alteration in the certificate issued or authorized under the act.

PRECLUSION

§ 29.9281 Preclusion.

The provisions of this subpart shall not preclude the application of other administrative remedies or the institution of criminal proceedings in appropriate cases as provided by the act.

(49 Stat. 734; 7 U.S.C. 511m)

Done at Washington, D.C., this 12th day of July 1973.

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

[FR Doc.73–14700 Filed 7–17–73;8:45 am]

[7 CFR Part 925]

FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREGON

Limitation of Handling

This notice sets forth the proposed grade, size and container requirements on the handling of fresh Idaho-Oregon prunes during the period August 1, 1973, through August 31, 1974. These proposed requirements are that the prunes grade at least U.S. 1, have a minimum size of 1¼ inches and prunes in containers other than the ½ bushel basket weigh less than 20 pounds or over 30 pounds.

Notice is hereby given that the Department is considering the following proposals of the Idaho-Malheur County, Oregon Fresh Prune Marketing Committee, established under the marketing agreement and Order No. 925 (7 CFR Part 925), regulating the handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Idaho-Oregon's 1973 prune crop is estimated at 600 cars. Fresh shipments are expected to start in early August, 1973, and total 565 cars. It is expected that ample supplies of desirable sizes and grades of fresh prunes will be available to fill fresh market needs. Such proposed regulation, with its grade and size requirements is desirable to prevent the handling on and after August 1, 1973, of lower quality and smaller size fresh prunes which do not provide consumer satisfaction and to provide orderly marketing in the interests of consumers and producers, consistant with the objectives of the act. The proposed container requirements would prevent deceptive packing practices.

§ 925.312 Prune Regulation 11.

(a) *Order.* During the period August 1, 1973, through August 31, 1974, no handler shall handle any lot of Italian prunes except Moyer Perfecto and Empress varieties, unless such prunes meet the following applicable requirements, or are handled in accordance with subparagraph (3) of this paragraph:

(1) *Minimum grade and size requirements.* Such prunes grade at least U.S. No. 1 and are a minimum size of 1¼ inches in diameter: *Provided,* That prunes which are affected by healed hail marks may be shipped if they otherwise grade at least U.S. No. 1.

(2) *Containers.* The net weight of prunes in any container, other than the one-half (½) bushel basket shall be either (i) less than 20 pounds, or (ii) more than 30 pounds.

(3) Notwithstanding any other provision of this regulation, any individual shipment of prunes which, in the aggregate, does not exceed 1,000 pounds net weight may be handled without regard to the restrictions specified in this paragraph (a) or in § 925.41 *Assessment* and § 925.55 *Inspection and certification.*

(4) The terms "U.S. No. 1", "diameter," and "hail marks" shall have the same meaning as when used in the United States Standards for Fresh Plums and Prunes (7 CFR 51.1520–51.1538); and terms used in the marketing agreement and order, shall when used herein, have the same meaning as is given to the respective term in the marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112–A, Administration Building, Washington, D.C. 20250, not later than July 24, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: July 13, 1973.

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

[FR Doc.73–14656 Filed 7–17–73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 130, 146, 164]

REQUIREMENTS OF RESIDENCE OR PLACE OF BUSINESS OF AUTHORIZED AGENTS OF FOREIGN NEW DRUG APPLICANTS OR MANUFACTURERS

Proposed Definition of the Term "United States"

Sections 130.4(a) and 130.5(a)(6) (21 CFR 130.4, 130.5), require that an application, in order to be considered complete and to be filed as a new-drug application (NDA) within the meaning of section 505(b) of the Federal Food, Drug, and Cosmetic Act, must be countersigned by an attorney, agent, or other representative of the applicant, if the applicant does not reside or maintain a place of business within the United States. In such a case, the attorney, agent, or other representative of the applicant must reside or maintain a place of business within the United States and must be duly authorized to act on behalf of the applicant and to receive communications on matters pertaining to the application. In addition, §§ 146.2(a) and 164.2(a) (21 CFR 146.2, 164.2) require that a request for certification of a batch of an antibiotic or insulin, respectively, from a foreign manufacturer shall be signed by such manufacturer and by an agent of such manufacturer who resides in the United States.

The purpose of these requirements is to assure that there is a person residing or maintaining a place of business within the United States who is legally responsible for assuring that all of the conditions upon which approval of the new-drug application or antibiotic or insulin certification is based are met.

The Commissioner has recently received an inquiry as to whether an NDA from an applicant located in a United States territory or possession may be filed without being countersigned by an authorized agent who resides or maintains a place of business within the United States.

The term, "United States", as given in the Tariff Act of 1930 (19 U.S.C. 1401), includes all Territories and possessions of the United States except the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, Johnston Island, and the island of Guam. The term, "Customs Territory of the United States", as used in the revised tariff schedules (19 U.S.C. 1202), includes only the 50 States, the District of Columbia and Puerto Rico.

To clarify policy and to preclude further inquiry of the kind related above, the Commissioner is proposing to amend Part 130, as well as Parts 146 and 164 of the regulations, to define the term "United States", as used in 21 CFR Parts 130, 146, and 164. The definition includes the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico, but excludes the territories and possessions of the United States; namely, the Virgin Islands, Panama Canal Zone, Pacific Trust Territories, Guam, Wake Island, Midway Island, Kingman Reef, Johnston Island, and American Samoa. It is in agreement with the term "Customs Territory of the United States."

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505(b), 506(b), 507(b), 701(a), 52 Stat. 1052–1053, 1055, as amended, 55 Stat. 851, 59 Stat. 463, as amended; 21 U.S.C. 355(b), 356(b), 357(b), 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that Parts 130, 146, and 164 be amended as follows:

PART 130—NEW DRUGS

1. In Part 130, by adding a new paragraph (n) to § 130.1 as follows:

§ 130.1 Definitions and interpretations.

* * * * *

(n) The term "United States" means the Customs Territory of the United States and is defined as including the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico, and excluding the territories and possessions of the United States; namely, the Virgin Islands, Panama Canal Zone, Pacific Trust Territories, Guam, Wake Island, Midway Island, Kingman Reef, Johnston Island, and American Samoa.

PART 146—ANTIBIOTIC DRUGS; PROCEDURAL AND INTERPRETATIVE REGULATIONS

2. In Part 146, by revsing § 146.2(a) to read as follows:

§ 146.2 Requests for certification, check tests and assays, and working standards; information and samples required.

(a) A request for certification of a batch shall be addressed to the Commissioner and shall be in a form specified by him. A request from a foreign manufacturer shall be signed by such manufacturer and by an agent of such manufacturer who resides or maintains a place of business in the United States. The United States includes the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico, and excludes the territories and possessions of the United States, namely, the Virgin Islands, Panama Canal Zone, Pacific Trust Territories, Guam, Wake Island, Midway Island, Kingman Reef, Johnston Island, and American Samoa.

* * * * *

PART 164—CERTIFICATION OF BATCHES OF DRUGS COMPOSED WHOLLY OR PARTLY OF INSULIN

3. Part 164, by revising § 164.2(a) to read as follows:

§ 164.2 Requests for certification; samples; storage; approvals preliminary to certification.

(a) A request for certification of a batch shall be addressed to the Commissioner. A request from a foreign manufacturer shall be signed by such manufacturer and by an agent of such manufacturer who resides or maintains a place of business in the United States. The United States includes the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico, and excludes the territories and possessions of the United States, namely, the Virgin Islands, Panama Canal Zone, Pacific Trust Territories, Guam, Wake Island, Midway Island, Kingman Reef, Johnston Island, and American Samoa.

* * * * *

Interested persons are invited to submit written comments (preferably in quintuplicate) regarding this proposal. All such comments shall be filed on or before September 17, 1973, with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: July 11, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73–14604 Filed 7–17–73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73–CE–13]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Trenton, Missouri.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before August 17, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of controlled airspace at Trenton, Missouri, a new public-use instrument approach procedure is being developed for the Trenton Municipal Airport, Trenton, Missouri. Accordingly, it is necessary to alter the transition area at Trenton to adequately protect aircraft executing this new approach procedure. The present instrument approach procedure from the south is not affected by this alteration.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (38 FR 435), the following transition area is amended to read:

TRENTON, MISSOURI

That airspace extending upward from 700' above the surface within a 5 mile radius of the Trenton Municipal Airport (latitude 40°05'03" N., longitude 93°35'26" W.); and within 3 miles either side of the 172° bearing from the MHW facility extending from the 5 mile radius to 8 miles south, and 3 miles either side of the 007° bearing from the MHW facility extending from the 5-mile radius to 8.5 miles north, and that airspace extending upwards from 1200 feet above the surface 5 miles west of and 9.5 miles east of the 007° bearing from the Trenton MHW facility extending to 18.5 miles north of the MHW facility and 5 miles west of and 9.5 miles east of the 172° bearing from the Trenton MHW facility extending to 18.5 miles south of the MHW facility.

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

Issued in Kansas City, Mo., on June 25, 1973.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.73-14612 Filed 7-17-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-SO-19]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Sebring, Fla., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before August 17, 1973, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Ga.

The Sebring transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Sebring Air Terminal (Latitude 27°27'20" N, Longitude 81°20'30" W); within 3 miles each side of the 164° bearing from Sebring RBN (Latitude 27°27'37" N, Longitude 81°21'00" W), extending from the 6.5-mile radius area to 8.5 miles south of the RBN.

The proposed designation is required to provide controlled airspace protection for IFR operations at Sebring Air Terminal. A prescribed instrument approach procedure to this airport, utilizing the Sebring (private) Nondirectional Radio Beacon, is proposed in conjunction with the designation of this transition area.

(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 East Point, Ga., on July 6, 1973.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.73-14611 Filed 7-17-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-SO-48]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Clemson, S.C., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, PO. Box 20636, Atlanta, Ga. 30320. All communications received on or before August 17, 1973, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Ga.

The Clemson transition area described in § 71.181 (38 F.R. 435) would be amended as follows:

"* * * east of the RBN * * *" would be deleted and "east of the RBN; within a 6.5-mile radius of Pickens County Airport (Latitude 34°48'55" N, Longitude 82°41'55" W); within 3 miles each side of the 219° bearing from Pickens RBN (Latitude 34°48'46" N, Longitude 82°-42'53" W), extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN * * *" would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for IFR operations at Pickens County Airport, Pickens, S.C. A prescribed instrument approach procedure to this airport, utilizing the Pickens (private) Nondirectional Radio Beacon, is proposed in conjunction with the alteration of this transition area.

(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 East Point, Ga., on July 3, 1973.

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

[FR Doc.73-14607 Filed 7-17-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-SW-45]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Falfurrias, Tex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, PO. Box 1689, Fort Worth, Texas 76101. All communications received on or before August 17, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for

examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (38 FR 435), the following transition area is added:

FALFURRIAS, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Brooks County Airport (latitude 27°12'15" N, longitude 98°07'15" W) and within 3 miles each side of the 171°T (163° M) bearing from the Brooks County RBN (latitude 27°12'23" N, longitude 98°07'24" W) extending from the 5-mile radius area to 8 miles southeast of the RBN.

The proposed transition area will provide controlled airspace for aircraft executing the proposed NDB RWY 32 instrument approach procedure.

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

Issued in Fort Worth, TX., on July 11, 1973.

HENRY L. NEWMAN,
Director,
Southwest Region.

[FR Doc.73-14608 Filed 7-17-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

CALIFORNIA AIR QUALITY CONTROL

Approval and Promulgation of Implementation Plans; Correction

The proposed rule under the above heading in the July 2, 1973 issue of the FEDERAL REGISTER, page 17684 is corrected by changing the date for which all relevant comments are to be received from July 10, 1973 to August 4, 1973.

Dated: July 13, 1973.

ROBERT L. SANSOM,
Assistant Administrator
for Air & Water Programs.

[FR Doc.73-14708 Filed 7-17-73;8:45 am]

[40 CFR Part 52]

APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

Notice of Opportunity for Public Comment on Proposed Transportation and/or Land Use Control Strategies

On June 15, 1973, pursuant to Section 110(a) of the Clean Air Act and 40 CFR Part 51, the Administrator announced his partial approvals and partial disapprovals of State transportation control plans for implementation of the national ambient air quality standards. This was published in the FEDERAL REGISTER on June 22, 1973 (38 FR 16550).

In accordance with the decision of the Court of Appeals for the District of Columbia Circuit in *Natural Resources Defense Council, Inc., et al. v. Environmental Protection Agency* (Civil Action No. 72-1522), the Administrator is required to promulgate a plan where a State plan is deficient, by August 15, 1973. If, prior to promulgation, a State has adopted and submitted a plan or revision which the Administrator determines to be in accordance with applicable requirements, the State plan will be approved in lieu of promulgation. Section 110(c) of the Clean Air Act.

In its order, the court stated that the Administrator shall permit the public to comment on the State transportation control strategies and on the request by the Governor of any State, pursuant to section 110(e) of the Clean Air Act, for an extension of the date for attainment of a primary ambient air quality standard.

This notice is issued to advise the public that revisions for the proposed implementation plan for the States of Minnesota, Maryland, Virginia, and the District of Columbia have been received by the Environmental Protection Agency and that comments may be submitted on whether the proposed plans, as revised, should be approved or disapproved by the Administrator under section 110(a) of the Clean Air Act. Public comment is also solicited on whether the request by the Governors of Maryland, Minnesota and Virginia, and the Mayor of the District of Columbia or an extension of time for meeting the primary standards should be granted by the Administrator under section 110(e) of the Act. Only comments received within 21 days from the publication of this notice will be considered. Notice of opportunity to comment on State plans has been published previously on April 24, April 27, May 4, June 1, and June 22, 1973.

More detailed descriptions of the plans are set forth below.

MINNESOTA

A control strategy for the attainment and maintenance of the national standards for carbon monoxide in the Minneapolis-St. Paul Intrastate Air Quality Control Region was submitted on June 18, 1973, by the Governor of Minnesota. It was adopted by the Minnesota Pollution Control Agency on June 11, 1973, after public hearings held on May 3, 1973, in Minneapolis.

The plan proposes to achieve the standards by May 31, 1975. The control strategy is designed to achieve a 40 percent reduction in carbon monoxide concentrations by construction of parking structures on the fringe of the central business district (CBD) served by mass transit, expanded mass transit facilities, completion of a freeway around the CBD, and traffic flow improvements.

Copies of the proposed plan are available at the Program Support Branch, Division of Air and Water Programs, Environmental Protection Agency, Region V, 1 North Wacker Drive, Chicago, Illinois 60606, and at the Division of Air Quality, Minnesota Pollution Control Agency, 717 Delaware Street, SE, Minneapolis, Minnesota 55440.

DISTRICT OF COLUMBIA

A control strategy for the attainment and maintenance of the national standards for carbon monoxide and photochemical oxidants in the National Capital Interstate Air Quality Control Region was submitted by the Mayor of the District of Columbia on April 20, 1973. The plan was approved in part on June 15, 1973. 38 FR 16550 (June 22, 1973). However, the absence of sufficient detail on regulatory, administrative, and enforcement aspects of some strategies, plus the unlikely availability of others, precluded full approval.

Supplemental information to correct the deficiencies has been received on July 9, 1973, including a request for a two-year extension of the date for attainment of the primary standards. The control strategy is designed to achieve reductions of 56 percent in carbon monoxide and 67 percent in hydrocarbons by means of an inspection system, the reduction of gas handling losses, elimination of dry cleaning losses, a ban on heavy duty deliveries during morning rush hours, the elimination of free parking in certain areas, the imposition of a two dollar per day surcharge on parking in certain areas, the establishment of a car pool locator system, the provision of a network of bus lanes, limitations on aircraft taxiing emissions, the expansion of the region-wide bus fleet by 750 buses in cooperation with Maryland and Virginia.

Copies of the supplemental information are available for inspection at Room 213, Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, at Room 329, EPA, 401 M Street, SW., Washington, D.C. 20460, and at the Bureau of Air and Water Quality Control, 25 K Street, NE., Washington, D.C.

MARYLAND

Control strategies for the attainment and maintenance of the national standards for carbon monoxide and photochemical oxidants in the Baltimore and National Capital Interstate Air Quality Control Regions were submitted by the Governor of Maryland on April 16, 1973, including a request for a two-year extension for attainment of the primary standards. The plan was approved in part on June 15, 1973. 38 FR 16550 (June 22, 1973). The absence of sufficient detail on regulatory, administrative, and enforcement aspects of some strategies, plus the unlikely availability of others, precluded full approval.

Supplemental information to correct the deficiencies has been received on June 15, June 22, June 28, and July 10, 1973. The control strategy is designed to achieve reductions of 57 percent in carbon monoxide and 70 percent in hydrocarbons for Baltimore and reductions of 56 percent in carbon monoxide and 67 percent in hydrocarbons by means of an inspection system, the elimination of gas handling losses, elimination of dry cleaning losses, catalytic reduction converters

for heavy duty vehicles, the elimination of free parking in certain areas, the imposition of a two dollar per day surcharge on parking in certain areas, the establishment of a car pool locator system, the provisions of a network of bus lanes, limitations on aircraft taxiing emissions, the expansion of the region-wide bus fleet by 750 buses in cooperation with the District of Columbia and Virginia.

Copies of the supplemental information are available for inspection at Room 213, Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, at Room 329, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, and at the Bureau of Air Quality Control, 610 North Howard, Baltimore, Maryland.

VIRGINIA

A control strategy for the attainment and maintenance of the national standards for carbon monoxide and photochemical oxidants in the National Capital Interstate Air Quality Control Region was submitted by the Governor of Virginia on April 11, 1973, including a request for a two-year extension of the date for attainment of the primary standards. The plan was approved in part on June 15, 1973. 38 FR 16550 (June 22, 1973). However, the absence of sufficient detail on regulatory, administrative, and enforcement aspects of some strategies, plus the need for some additional measures, precluded full approval.

Supplemental information to correct the deficiencies has been received on July 9, 1973. The control strategy is designed to achieve reductions of 56 percent in carbon monoxide and 67 percent in hydrocarbons by means of an inspection system, the elimination of gas handling losses, elimination of dry cleaning losses, the elimination of free parking in certain areas, the imposition of a two dollar per day surcharge on parking in certain areas, the establishment of a car pool locator system, the provision of a network of bus lanes, limitations on aircraft taxiing emissions, the expansion of the region-wide bus fleet by 750 buses in cooperation with the District of Columbia and Maryland.

Copies of the supplemental information are available for inspection at Room 213, Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, at Room 329, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, and at the State Air Pollution Control Board, 7115 Leesburg Pike, Room 104, Falls Church, Virginia 22043.

Dated: July 12, 1973.

ROBERT L. SANSOM,
Assistant Administrator for Air and Water Programs.

[FR Doc.73-14653 Filed 7-17-73;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[14 CFR Part 421]

RULES OF PRACTICE IN AIR SAFETY ENFORCEMENT PROCEEDINGS

Notice of Proposed Rule Making

Pursuant to 5 U.S.C. 553, the National Transportation Safety Board (NTSB) gives notice that it proposes to revise Part 421—Rules of Practice in Air Safety Enforcement Proceedings, Chapter III, Title 14, Code of Federal Regulations (14 CFR Part 421).

Section 5(b)(2) of the Department of Transportation Act (Public Law 89-673, 80 Stat. 935, 49 U.S.C. 1654(b)(2)) (DOT Act) authorizes the NTSB under the provision of section 602(b) Federal Aviation Act of 1958 (49 U.S.C. 1429) (The Act) to review, on petition, refusals by the Administrator of the Federal Aviation Administration (FAA) to issue or renew an airman certificate to an applicant therefor, and, under the provision of section 609, on appeal, to review orders amending, modifying, suspending, or revoking an airman certificate. The NTSB, pursuant to section 5(k) of the DOT Act now proposes a revision to the rules governing the above-described proceedings, which includes amending, modifying, revising, and republishing Part 421.

Provisions of sections 602(b) and 609 of The Act originally provided authority to the Civil Aeronautics Board (CAB) for these quasi-judicial proceedings. This authority was transferred to the NTSB by section 5(b)(2) (DOT Act). Prior to April 1, 1967, 14 CFR Part 301 governed proceedings based upon such reviews and appeals before the CAB. These rules, as amended and reissued, were continued by the NTSB, except for the elimination of the procedure for discretionary review and the institution of appeals from initial decisions as a matter of right. As so amended, Part 421, comprising the NTSB's procedural regulations for air safety proceedings, was issued, effective December 1, 1967, and it has remained unaltered since that date, notwithstanding statutory and regulatory changes, legal interpretations, and NTSB experience in operating under the rules.

The proposed revision reorganizes the rules by setting up sections covering general rules applicable to all reviews and appeals and special rules applicable to reviews, appeals, and emergency proceedings. Under this classification, duplication of provisions which formerly appeared, both in sections covering reviews and in sections covering appeals, is obviated.

Statutory changes, such as the change of title from "examiner" to "administrative law judge," and a requirement that transcripts of hearings be furnished parties upon payment of reasonable costs, are recognized.

The revised Part 421 updates the rules by deleting provisions which are no longer pertinent, such as a reference to Part 263 of the CAB Economic Regulations. Without such reference, proposed §421.6 permits intervention where there is a property or financial interest and a party may be bound by an order without adequate representation by the existing parties, provided that the intervention would not unduly broaden the issue or delay the proceedings.

Nine copies of certain documents have been required to be filed by the parties. This number of copies has proved to be excessive; therefore, the requirement is reduced to five in the interest of economy.

In a few instances, Part 421 was completely silent with respect to matters which would be better expressed, so that the proposed sections for example, on waivers, and on presumption of service, and the inclusion of "medical certificate" in the definition of "airman certificate," now fill the former gaps. Board experience, particularly with proceedings involving pro se respondents and petitioners, and the need to simplify, clarify, and present uniformity of expression prompted certain language changes. The sections covering burden of proof are now presented in the same format. The difference between an "appeal to the Board" and an "appeal from an initial decision" is stressed by spelling out the two phrases in each instance. The provision covering "computation of time" is clarified by expressing the method of calculation in positive rather than in negative terms.

The proposed revision also contains substantive changes by addition, deletion, or otherwise. NTSB experience has shown that the time within which appeal and reply briefs must be field is inadequate, so that the Board is deluged with requests for extensions of time. To obviate this situation, the time within which briefs are to be filed is doubled, except in the case of an appeal brief where there has been a written initial decision. In that case, the time has been increased from 20 to 30 days. The proposed revision provides the law judge with discretion, in cases where an answer to a complaint or a petition for review has not been timely filed, to permit a late answer or an answer at the hearing where good cause has been shown.

In many instances, petitions for reconsideration have been filed for the express purpose of delaying the effective date of a suspension or revocation. For that reason extensions of time to file such petitions will be granted only in extraordinary circumstances. Formrely, the date of filing documents with the Board depended upon the date of receipt of the document by the Board. This provision has not generally been understood. In addition, a party should not be penalized in the event that the mail has been unduly delayed. The proposed revision therefore makes uniform the date of filing with the Board and of serving documents upon parties and provides that

in both cases the date of mailing shall be the pertinent date (or the date of personal delivery where that method is employed).

Litigation has ensued as a result of the misuse of the alternate methods by which the FAA Administrator may file his complaint. The proposal is made that the Administrator be required to file his order of suspension or revocation as his complaint, to simplify the procedures, and to preclude the type of procedural issues brought before the Board on appeals of this subject.

With regard to appeals from initial decisions in emergency proceedings, Part 421 provided for the simultaneous filing of the appeal and reply brief. This has proved to be inadequate for the party replying. Accordingly, provision is made for filing the reply brief within 5 days after receipt of the appeal brief.

Public comment is invited on these proposals. Two written copies thereof should be sent to the Office of General Counsel, National Transportation Safety Board, Washington, D.C., 20591. The comments should specify the section of the rules to which they pertain. All comments received within 30 days from the day of publication of this proposal in the FEDERAL REGISTER will be considered in formulating the final rules. Further, copies of this document and of all written comments received will be available for public inspection and copying between the hours of 8:30 and 5:00 p.m., e.d.t., Monday through Friday in the Board's Public Reference Room No. 806D, Federal Office Building 10A, 800 Independence Avenue, SW., Washington, D.C.

In consideration of the foregoing, it is proposed to revise Part 421, so that it will read as follows:

PART 421—RULES OF PRACTICE IN AIR SAFETY ENFORCEMENT PROCEEDINGS

GENERAL PROVISIONS

GENERAL RULES APPLICABLE TO PETITIONS FOR REVIEW, APPEALS TO THE BOARD, AND APPEALS FROM INITIAL DECISIONS

SPECIAL RULES APPLICABLE TO PROCEEDINGS UNDER SECTION 602(b) OF THE ACT

SPECIAL RULES APPLICABLE TO PROCEEDINGS UNDER SECTION 609 OF THE ACT

LAW JUDGES

HEARINGS

INITIAL DECISION

APPEALS FROM INITIAL DECISIONS

RULES APPLICABLE TO EMERGENCY ORDERS

GENERAL PROVISIONS

§ 421.1 Definitions.

As used in this part:

"Act" means the Federal Aviation Act of 1958 (49 U.S.C. 1301, et seq.);

"Administrator" means the Administrator of the Federal Aviation Administration (FAA);

"Airman certificate" means any certificate issued by the FAA and shall include medical certificates;

"Appeal from an initial decision" means a request to the Board to review a law judge's decision;

"Appeal to the Board" means a request to the Board for the review of an order of the Administrator by a law judge;

"Board" means the National Transportation Safety Board;

"Certificate" means any certificate issued by the Administrator under Title VI of the Act;

"Chief Law Judge" means the administrative law judge in charge of the Office of Administrative Law Judges.

"Complaint" means an order of the Administrator from which an appeal to the Board has been taken pursuant to section 609 of the Act;

"Emergency order" means an order of the Administrator issued pursuant to section 609 of the Act, which recites that an emergency exists and that safety in air commerce or air transportation and the public interest require the immediate effectiveness of such order;

"Initial decision" means the law judge's decision on the issue remaining for disposition at the close of a hearing before him and/or an order granting a motion to dismiss in lieu of an answer, as provided in §§ 421.19 and 421.23, and terminating the proceeding, except that "initial decision" does not include cases where the record is certified to the Board, with or without a recommended decision, or orders partly granting a motion to dismiss and requiring an answer to any remaining allegation, or rulings by the law judge on interlocutory matters appealed to the Board under § 421.13;

"Law judge" means the administrative law judge assigned to hear and preside over the respective proceedings;

"Petition for review" means a petition filed pursuant to section 602(b) of the Act for review of the Administrator's denial of an application for issuance or renewal of an airman certificate;

"Petitioner" means a person who has filed a petition for review;

"Respondent" means the holder of a certificate who has appealed to the Board from an order of the Administrator amending, modifying, suspending, or revoking such certificate.

Terms defined in the Act are used as so defined.

§ 421.2 Applicability and description of part.

The provisions of this part shall govern all proceedings before a law judge upon petition for review, or upon appeal from any order of the Administrator amending, modifying, suspending, or revoking any certificate, and upon appeal to the Board from any order or decision of a law judge.

GENERAL RULES APPLICABLE TO PETITIONS FOR REVIEW, APPEALS TO THE BOARD, AND APPEALS FROM INITIAL DECISIONS

§ 421.3 Appearances and rights of witnesses.

(a) Any party to a proceeding may appear and be heard in person or by attorney or other representatives designated by him. No register of persons who may practice before the Board is maintained, and no application for admission to practice is required. Upon hearing, and for good cause shown, the Board may suspend or bar any person from practicing before it.

(b) Any person appearing in person in any proceeding governed by this part, may be accompanied, represented, and advised by counsel and may be examined by his own counsel or representative.

(c) Any person who submits data or evidence in a proceeding governed by this part, may procure a copy of any document submitted by him, or a copy of any transcript made of his testimony on payment of reasonable costs. Original

documents or data or evidence may be retained by a party upon permission of the law judge or the Board, upon substitution of a copy therefor.

§ 421.4 Filing of documents with the Board.

(a) *Filing address, date of filing, and airmail.* Documents to be filed with the Board shall be filed with the Office of Administrative Law Judges, National Transportation Safety Board, Washington, D.C. 20591, by personal delivery or by mail and shall be deemed to be filed on the date of actual personal delivery or of mailing, as the case may be. Documents mailed to the Board from a point in the United States more than 800 miles from Washington, D.C., shall be sent by airmail.

(b) *Number of copies.* Unless otherwise specified, an executed original and three true copies of each document shall be filed with the Office of Administrative Law Judges. Copies need not be signed, but the name of the person signing the original shall be reproduced.

(c) *Contents.* Each document shall contain a concise and complete statement of the facts relied upon and the relief sought.

(d) *Form.* Petitions for review or appeals to the Board may be in the form of a letter to the Board signed by the petitioner or the party appealing and shall be typewritten or in legible handwriting. Appeals from initial decisions shall be in typewritten or printed form.

(e) *Subscription.* Every document filed shall be signed by the person filing it or his duly authorized representative.

(f) *Designation of person to receive service.* The initial document filed shall state on the first page the name and post office address of the person or persons who may be served with documents in the proceeding.

(g) *Motions, request and documents.* All motions, requests, and documents in connection with petitions for review and appeals to the Board shall be filed with the chief law judge, until such time as he assigns a law judge to preside over the proceeding.

§ 421.5 Service of documents.

(a) *Service by the Board.* The Board will serve orders, initial decisions, motions, and similar documents which it issues upon all parties to the proceeding by registered or certified mail.

(b) *Service by others.* Copies of all documents filed with the Board must be served upon all parties to the proceeding by the person filing them.

(c) *How service may be made.* Service may be made by personal delivery, by regular mail, by registered mail, or by certified mail, except as provided in paragraph (a) of this section. When service is made by mail upon a party located more than 800 miles distant from the party effecting service (from Washington, D.C., in the case of service effected by the Board) airmail shall be used.

(d) *Who may be served.* Service upon a party or person may be made upon a person designated in accordance with § 421.4(f) to receive service. If no such person is designated, service may be made upon the party or person himself, if he is an individual, or upon an officer of a corporation or association, a member of a partnership, or an agent of an air carrier designated under section 1005(b) of the Act.

(e) *Where service may be made.* Service by regular or registered or certified mail shall be made at the address of the person designated in accordance with § 421.4(f) to receive service, or, if no such person is designated, at the usual residence or principal place of business of the party or person, or, if not known, at the address last furnished by him to the Federal Aviation Administration, except that an agent designated by an air carrier under § 1005(b) of the Act shall be served only at his office or usual place of residence. Service by mail on the Administrator shall be made at the office of his designee to receive service, or, if none, at the Federal Aviation Administration, Office of the General Counsel, AGC–32, Washington, D.C. 20591. Personal service may be made on any of the persons described in paragraph (d) of this section wherever they may be found, except that an agent designated by an air carrier under section 1005(b) of the Act may be served only at his office or usual place of residence.

(f) *Certificate of service.* A certificate of service shall accompany all documents when they are tendered for filing and shall consist of a certificate of mailing executed by the person mailing the document.

(g) *Presumption of service.* There shall be a presumption of lawful service in the following instances:

(1) Where acknowledgment of receipt is made by a person who customarily receives mail or receives it in the ordinary course of business at either the residence or principal place of business of a person designated in accordance with § 421.4 (f) to receive service; or

(2) Where there is no designee, acknowledgment of receipt at the residence or principal place of business of the party himself, by a person who customarily receives mail or receives it in the ordinary course of business; or

(3) Where a properly addressed envelope, indicating that it had been sent by registered or certified mail, has been returned marked "undelivered" or "unclaimed."

(h) *Date of service.* Whenever proof of the service by mail is made, the date of mailing shall be the date of service, and where personal service is made, the date of personal delivery shall be the date of service.

§ 421.6 Intervention.

Any person may move for leave to intervene in a proceeding and may become a party thereto, if the law judge finds that such person may be bound by the order to be entered in the proceeding, or that such person has a property or financial interest which may not be adequately represented by existing parties: *Provided,* That such intervention would not unduly broaden the issues or delay the proceedings. Except for good cause shown, no motion for leave to intervene will be entertained if filed less than 10 days prior to hearing.

§ 421.7 Computation of time.

In computing any period of time prescribed or allowed by this part, by notice or order of the Board or a law judge, or by any applicable statute, the date of the act, event, or default after which the designated period of time begins to run is not to be included in the computation. The last day of the period so computed is to be included unless it is a Saturday, Sunday, or legal holiday for the Board, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor a holiday. Saturdays, Sundays, and legal holidays for the Board shall be computed in the calculation of time in all emergency cases under § 421.38 of this part and shall be counted in the computation of time in all nonemergency cases where the period of time involves 7 days or more.

§ 421.8 Extension of time.

Upon written request filed with the Board and served upon all parties, and for good cause shown, the chief law judge, a law judge, or the Board, may grant an extension of time to file any document except a petition for reconsideration. Extensions of time to file petitions for reconsideration will be granted only in extraordinary circumstances.

§ 421.9 Amendment and withdrawal of pleadings.

(a) *Amendment.* At any time more than 15 days prior to the time of hearing, a party may amend his pleadings by filing the amended pleading with the Board and serving copies on the other parties. After that time, amendment shall be allowed at the discretion of the law judge. Where amendment to an answerable pleading has been allowed, the law judge shall allow the adverse party a reasonable opportunity to answer.

(b) *Withdrawal.* A party may withdraw his pleadings only upon approval of the law judge or the Board.

§ 421.10 Waivers.

Waivers of any rights provided by statute or regulation shall either be in writing, or by stipulation made at a hearing and entered into the record, and shall set forth their precise terms and conditions.

§ 421.11 Motions.

(a) *General.* An application to the Board or to a law judge for an order or ruling not otherwise specifically provided for in this part shall be by motion. Prior to the assignment of a law judge, all motions shall be addressed to the chief judge. Thereafter, and prior to the expiration of the period within which an appeal from the law judge's

initial decision may be filed, or the certification of the record to the Board, all motions shall be addressed to the law judge. At all other times, motions shall be addressed to the Board. All motions not specifically provided for in any other section of this part shall be made at an appropriate time, depending upon the nature thereof and the relief requested.

(b) *Form and contents.* Unless made during a hearing, motions shall be made in writing, shall state with particularity the grounds for the relief sought and the relief sought, and shall be accompanied by affidavits or other evidence relied upon. Motions made during hearings, answers thereto, and rulings thereon, may be made orally on the record, unless the law judge directs otherwise.

(c) *Answers to motions.* Except when an answer is made during a hearing, any party may file an answer in support of or in opposition to a motion, accompanied by such affidavits or other evidence as he desires to rely upon, provided that the answer is filed within 7 days after the motion has been served upon him, or such other period as the Board or a law judge may fix. In the case of an answer to a motion made during a hearing, the answer and the ruling thereon may be made at the hearing, or orally or in writing within such time as the law judge may fix.

(d) *Oral argument; briefs.* No oral argument will be heard on motions unless the Board or the law judge otherwise directs. Written memoranda or briefs may be filed with motions or answers to motions, stating the points and authorities relied upon in support of the positions taken.

(e) *Disposition of motions.* Except as provided in paragraph (c) of this section for rulings on motions made at a hearing, the law judge shall pass upon all motions properly addressed to him, except that if he finds that a prompt decision by the Board is essential to the proper conduct of the proceeding, he may refer such motion to the Board for decision.

(f) *Effect of pendency of motions.* The filing or pendency of a motion shall not automatically alter or extend the time fixed in this part (or any extension granted thereunder) to take action.

§ 421.12 Motion to disqualify a Board Member.

A motion requesting a Board Member to disqualify himself shall be filed with the Board, supported by an affidavit setting forth grounds for disqualification. In nonemergency proceedings, where an appeal from an initial decision is filed, such motion shall be filed on or before the date on which the reply brief is due, pursuant to § 421.35. In emergency proceedings, where a notice of appeal has been filed, such motion shall be filed on or before the date the briefs are due, pursuant to § 421.41. Failure to file a timely motion shall be deemed a waiver of disqualification. Application for leave to file an untimely motion may be made accompanied by an affidavit setting forth in detail why the facts relied upon as grounds for disqualification were not known and could not have been discovered with reasonable diligence within the prescribed time.

§ 421.13 Appeals from law judge's interlocutory rulings and motions.

Ruling of law judges on motions may not be appealed to the Board prior to its consideration of the entire proceeding, except in extraordinary circumstances and with the consent of the law judge who made the ruling. An appeal shall be disallowed unless the law judge finds, either on the record or in writing, that the allowance of such appeal is necessary to prevent substantial detriment to the public interest or undue prejudice to any party. If an appeal is allowed, any party may file a brief with the Board within such time as the law judge directs. No oral argument will be heard unless the Board directs otherwise. The rulings of the law judge on motion may be reviewed by the Board in connection with its final action in the proceeding, irrespective of the filing of an appeal from the motion or any action taken thereon.

§ 421.14 Motions to dismiss.

(a) *General.* Motions to dismiss may be made within the time limitation for filing an answer, except as otherwise provided in paragraph (c) of this section. In case the motion is not granted in its entirety, the answer shall be filed within 10 days of service of the order on the motion.

(b) *Appeal of dismissal orders.* Where a law judge grants a motion to dismiss in lieu of an answer and terminates the proceeding without hearing, an appeal of such order to the Board may be filed pursuant to the provisions of §§ 421.19 and 421.22(a). Where a law judge grants a motion to dismiss in part, objections to such interlocutory order may be raised in an appeal, only after the law judge has rendered his initial decision on the remaining issues, unless the law judge consents to an appeal to the Board in accordance with § 421.13.

(c) *Motions to dismiss for lack of jurisdiction.* A motion to dismiss on the grounds that the Board lacks jurisdiction may be made at any time.

§ 421.15 Motion for more definite statement.

The parties, in lieu of an answer, may file a motion requesting that the allegations in the complaint or the petition, as the case may be, be made more definite and certain. Such motion shall point out the defects complained of and the details desired. If the motion is granted and the law judge's order is not complied with within 15 days after notice, the law judge shall strike the allegation or allegations in any complaint or petition to which the motion is directed. If the motion is denied, the moving party shall file his answer within 10 days after the denial.

§ 421.16 Depositions.

After a petition for review or a complaint is filed, any party may file a motion with the chief law judge requesting permission to take the testimony of any person, including a party, by deposition, upon oral examination or written interrogatories. Service of a copy of the motion shall be made upon all other parties to the proceeding on 7 days' notice. If the motion is granted, the taking of the deposition shall be in compliance with the provisions of § 1004 of the Act.

§ 421.17 Subpenas, witness fees, and appearances of Board Members, officers, or employees.

(a) *Subpenas.* Subpenas requiring the attendance of witnesses or the production of documentary or tangible evidence for the purpose of taking depositions or at a hearing may be issued by the chief law judge prior to the assignment of a law judge, or by the law judge to whom the case is assigned, upon application by any party. The application shall show the general relevance and reasonable scope of the evidence sought. Any person upon whom a subpena is served may, within 7 days after service but in any event prior to the return date thereof, file with the chief law judge or the law judge, as the case may be, a motion to quash or modify the subpena, and such filing shall stay the subpena pending final action by the chief law judge or the law judge on the motion.

(b) *Witness fees.* Witnesses shall be entitled to the same fees and mileage as are paid to witnesses in the courts of the United States. The fees shall be paid by the party at whose instance the witness is subpenaed or appears.

(c) *Board Members, officers, or employees.* The provisions of paragraph (a) of this section are not applicable to Board Members, officers, or employees, or to the production of documents in their custody. Applications for the attendance of such persons or the production of such documents at a hearing or deposition shall be addressed to the chief law judge or the law judge, as the case may be, in writing, and shall set forth the need of the moving party for such evidence and its relevancy to the issues in the proceeding.

§ 412.18 Official notice.

Where any decision of the law judge or the Board rests on official notice of a material fact not appearing in the evidence in the record, any party shall, upon filing a petition within 10 days after notice thereof, be afforded a reasonable opportunity to show to the contrary.

SPECIAL RULES APPLICABLE TO PROCEEDINGS UNDER SECTION 602(b) OF THE ACT

§ 421.19 Initiation of proceedings.

(a) *Petition for review.* Where the Administrator has denied an application for the issuance or renewal of an airman certificate, the applicant may file with the Board a petition for review of the Administrator's action. Such petition shall

be filed within 60 days from the time of service on the petitioner of the Administrator's action. The petition shall contain a short, plain statement of the facts on which petitioner's case rests and a statement of the action requested. The petition may be filed in the form of a letter to the Board signed by the aggrieved party.

(b) *Filing petition with the Board.* In accordance with the provisions of § 421.4(a), a petition for review mailed to the Board shall be deemed timely if postmarked before the end of the time limitation therefor, provided that if mailed from a point in the United States more than 800 miles from Washington, D.C., it is sent by airmail.

(c) *Answer to petition.* The Administrator shall file an answer to the petition for review within 20 days of service upon him by the petitioner of the petition for review. Failure to deny the truth of any allegation or allegations of the petition may be deemed an admission of the truth of the allegation or allegations not answered.

§ 421.20 Burden of proof.

In proceedings under § 602(b) of the Act, the burden of proof shall be upon the petitioner.

§ 421.21 Motion to dismiss petition for review for lack of standing.

Upon motion by the Administrator within the time limitation for filing an answer, a petition for review shall be dismissed for lack of standing in either of the following instances:

(a) If the petitioner's certificate at the time of the denial or renewal thereof was under an order of suspension; or

(b) If the petitioner's certificate had been revoked within one year of the date of the denial or renewal thereof, unless the order revoking such certificate provided otherwise.

SPECIAL RULES APPLICABLE TO PROCEEDINGS UNDER SECTION 609 OF THE ACT

§ 421.22 Initiation of proceedings.

(a) *Appeal.* A certificate holder shall file with the Board an appeal from an order of the Administrator amending, modifying, suspending, or revoking a certificate. Such appeal shall be filed with the Board within 20 days from the time of service of the order, along with proof of service upon the Administrator.

(b) *Contents.* Each appeal shall contain a concise but complete statement of the facts relied upon and the relief sought. It shall identify the Administrator's order and the certificate affected and shall recite the Administrator's action from which the appeal is sought. It shall likewise contain proof of service upon the Administrator.

(c) *Effect of timely appeal with the Board.* Timely filing with the Board of an appeal from an order of the Administrator shall postpone the effective date of the order until final disposition of the appeal by the law judge or the Board, except in emergency proceedings.

§ 421.23 Complaint.

(a) *Filing, time of filing, and service upon respondent.* The order of the Administrator from which an appeal has been taken shall serve as the complaint and shall be filed by the Administrator with the Board within 5 days after service by the Board upon the Administrator of an appeal from his order, along with proof of service upon respondent by the Administrator.

(b) *Contents of complaint.* If the Administrator claims that respondent lacks qualification as an airman, the order filed as the complaint, or an accompanying statement shall recite on which of the facts pleaded this contention is based.

(c) *Answer to complaint.* The respondent shall file an answer to the complaint within 20 days of service of the complaint upon him by the Administrator. Failure to deny the truth of any allegation or allegations of the complaint may be deemed an admission of the truth of the allegation or allegations not answered.

§ 421.24 Burden of proof.

In proceedings under section 609 of the Act, the burden of proof shall be upon the Administrator.

§ 421.25 Motion to dismiss stale complaint.

Where the complaint states allegations of offenses which occurred more than 6 months prior to the Administrator's advising respondent as to reasons for proposed action under § 609 of the Act, respondent may move to dismiss such allegations pursuant to the following provisions:

(a) In those cases where a complaint does not allege lack of qualification of the certificate holder:

(1) The Administrator shall be required to show by answer filed within 7 days of service of the motion that good cause existed for the delay, or that the imposition of a sanction is warranted in the public interest, notwithstanding the delay or the reasons therefor.

(2) If the Administrator does not establish good cause for the delay or for imposition of a sanction notwithstanding the delay, the law judge shall dismiss the stale allegations and proceed to adjudicate only the remaining portion, if any, of the complaint.

(3) If the law judge wishes some clarification as to the Administrator's factual assertions of good cause, he shall obtain this from the Administrator in writing, with due service made upon the respondent, and proceed to an informal determination of the good cause issue without a hearing. A hearing to develop facts as to good cause shall be held only where the respondent raises an issue of fact in respect of the Administrator's good cause issue allegations.

(b) In those cases where the complaint alleges lack of qualification of the certificate holder:

(1) The law judge shall first determine whether an issue of lack of qualification would be presented if any or all of the allegations, stale and timely, are assumed to be true. If not, the law judge shall proceed as in paragraph (a) of this section.

(2) If the law judge deems that an issue of lack qualification would be presented by any or all of the allegations if true, he shall proceed to a hearing on the lack of qualification issue only, and he shall so inform the parties. The respondent shall be put on notice that he is to defend against lack of qualification and not merely against a proposed remedial sanction.

LAW JUDGES

§ 421.26 Assignment, duties, and powers.

(a) *Assignment of law judge and duration of assignment.* The chief law judge shall assign a law judge to preside over the proceeding. Until such assignment, motions, requests, and documents shall be addressed to the chief law judge. Thereafter, all such motions, requests, and documents shall be addressed to the law judge assigned. The authority of the law judge shall terminate upon certification of the record to the Board, or upon expiration of the period within which appeals from initial decisions may be filed, or upon the law judge's withdrawal from the proceeding upon considering himself disqualified.

(b) *Powers of law judges.* Law judges shall have the following powers:

(1) To give notice concerning, and hold, prehearing conferences and hearings;

(2) To administer oaths and affirmations;

(3) To examine witnesses;

(4) To issue subpenas and to take or cause depositions to be taken;

(5) To rule upon offers of proof and receive evidence;

(6) To regulate the course of the hearing;

(7) To hold conferences, before or during the hearing for the settlement or simplification of issues;

(8) To dispose of procedural requests or similar matters; and

(9) To make recommended and initial decisions.

(c) *Disqualification of a law judge.* A law judge shall withdraw from the proceedings if at any time he deems himself disqualified. If, prior to the initial decision, there is filed in good faith an affidavit of personal bias or disqualification, with substantiating facts, and the law judge does not withdraw, the Board will determine the matter as a part of the record and decision in the proceeding, if an appeal from the law judge's initial decision is filed. The Board will not otherwise consider any claim of bias or disqualification. The Board, in its discretion, may order a hearing on a charge of bias or disqualification.

HEARINGS

§ 421.27 Notice of hearing.

(a) *Notice.* The chief law judge or the law judge to whom the case is assigned

shall set the date, time, and place for the hearing, at a reasonable date, time, and place, and shall give the parties adequate notice thereof and of the nature of such hearing.

(b) *Hearings in several sessions.* Where appropriate, the law judge may determine that a hearing will be held in one or more sessions at the same or different places.

§ 421.28 Evidence.

Every party shall have the right to present his case or defense by oral or documentary evidence, to submit evidence in rebuttal, and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

§ 421.29 Argument and submissions.

At the hearing, the law judge shall give the parties adequate opportunity for the presentation of arguments in support of, or in opposition to, motions, objections, and exceptions to rulings. Prior to the initial decision, the parties shall be afforded a reasonable opportunity to submit for consideration proposed findings and conclusions and supporting reasons therefor.

§ 421.30 Record.

The transcript of testimony and exhibits, together with all papers, requests, and rulings filed in the proceeding shall constitute the exclusive record of the proceeding. The record shall also include any proceeding upon an affidavit of personal bias or disqualification of a law judge. Copies of the transcript may be obtained by any party upon payment of the reasonable cost thereof. A copy may be examined at the National Transportation Safety Board Public Reference Room No. 806D, at 800 Independence Ave., SW., Washington, D.C. 20591.

§ 421.31 Certification to the Board.

At any time prior to the close of the hearing, the Board may direct the law judge to certify any question or the entire record in the proceeding to the Board for decision, except an interlocutory ruling. In cases where the record is certified to the Board, the law judge shall not render an initial decision but shall only recommended to the Board a decision as provided in 5 U.S.C. 557 (Administrative Procedure).

INITIAL DECISION

§ 421.32 Initial decision by law judge.

(a) *Written or oral decision.* The law judge may render his initial decision orally at the close of the hearing, or he may render such decision in writing at a later date, except as provided in § 421.40(b).

(b) *Contents.* The initial decision shall include a statement of findings and conclusions, as well as the reasons or bases therefor, upon all material issues of fact (including credibility of witnesses, where such finding is material), law, or discretion, presented on the record, and the appropriate sanction or denial thereof.

(c) *Service of written decision and extension of time for appeal.* If the initial decision is in writing, it shall be served upon the parties. At any time before the date for filing an appeal from the initial decision has passed, the law judge or the Board may, for good cause shown, extend the time within which to file an appeal from the initial decision, and the law judge may also reopen the case for good cause upon notice to the parties.

(d) *Furnishing copy of oral decision and issuance date.* If the initial decision is rendered orally, a copy thereof, excerpted from the transcript of the record, shall be furnished the parties by the Office of Administrative Law Judges. Irrespective of the date of mailing of such copy, the issuance date of the decision shall be the actual date of the rendering of the oral decision.

§ 421.33 Effect of law judge's initial decision, and filing an appeal therefrom.

If no appeal from the initial decision is filed with the Board by either party within the time allowed, or no motion by the Board on its own initiative is made to review the initial decision, it shall become final, but shall not be deemed to be a precedent binding on the Board. The timely filing of such an appeal or motion shall stay the order in the initial decision,

APPEALS FROM INITIAL DECISIONS

§ 421.34 Notice of appeal.

A party may appeal from a law judge's order or from the initial decision by filing with the Board and serving upon the other parties (pursuant to § 421.5) a notice of appeal within 10 days after an oral initial decision has been rendered or a written decision has been served. Exceptions are not required.

§ 421.35 Briefs and oral argument.

(a) *Appeal briefs.* Each appeal must be perfected within 40 days after an oral initial decision has been rendered, or 30 days after service of a written initial decision, by the filing with the Board and the serving on the other party of a brief in support of the appeal. Appeals may be dismissed by the Board on its own initiative or on motion of the other party, in cases where a party who has filed a notice of appeal fails to perfect his appeal by filing a timely brief.

(b) *Contents of appeal brief.* Each appeal brief shall set forth in detail the objections to the initial decision, and shall state whether such objections are related to alleged errors in the law judge's findings of fact and conclusions or alleged errors in his order. It shall also state the reasons for such objections and the relief requested.

(c) *Waiver of objections on appeal.* Any error contained in the initial decision which is not objected to may be deemed to have been waived. Where any objection is based upon evidence of record, such objection need not be considered by the Board unless specific record citations to the pertinent evidence are furnished in the appeal brief.

(d) *Reply brief.* A brief in reply to the appeal brief may be filed by the other party within 30 days after the appeal brief has been served upon him. A copy of the reply brief shall be served upon the party who has appealed from the initial decision. Where the reply brief relies upon evidence of record, specific record citations to the pertinent evidence shall be furnished in the reply brief.

(e) *Other briefs.* No further briefs may be filed, except upon specific leave of the Board upon a showing of good cause therefor.

(f) *Number of copies.* Five copies of briefs shall be filed with the Board.

(g) *Oral argument.* Oral argument before the Board will normally not be held in proceedings under this part. However, when need therefor appears, the Board may permit oral argument, either on its own initiative or on motion of a party.

§ 421.36 Issues on appeal.

On appeal, the Board will consider only the following issues:

(a) Is the finding of a material fact or facts erroneous?

(b) Is a necessary legal conclusion without governing precedent or a departure from or contrary to law, Board rules, or precedent?

(c) Is a substantial and important question of law, policy, or discretion involved?

(d) Has a prejudicial procedural error occurred?

If the Board determines that the law judge erred in any respect or that his order in his initial decision should be changed, the Board may make any necessary findings and may issue an order in lieu of the law judge's order, or may remand the case for such purposes as the Board may deem necessary. The Board on its own initiative may raise any issue, the resolution of which it deems important to a proper disposition of the proceedings, in which event a reasonable opportunity shall be afforded to the parties to submit argument thereon.

§ 421.37 Petitions for rehearing, reargument, reconsideration, or modification of an order of the Board.

(a) *General.* Any party to a proceeding may petition for rehearing, reargument, reconsideration, or modification of a Board order on appeal from an initial decision. Initial decisions which have become final because they were not appealed from shall not be deemed orders for this purpose.

(b) *Form and number of copies.* The petition shall be in writing. Five copies shall be filed with the Board and a copy shall be served upon each of the parties within 30 days after service of the Board's order on appeal from the initial decision.

(c) *Contents.* The petition shall state briefly and specifically the matters of record alleged to have been erroneously decided, the ground or grounds relied upon, and the relief sought. If the petition is based, in whole or in part, on allegations as to the consequences that

would result from the order of the Board, the basis of such allegations shall be set forth. If the petition is based, in whole or in part, upon new matters, it shall set forth such new matter and shall contain affidavits of prospective witnesses, authenticated documents, or both, or an explanation why such substantiation is unavailable, and shall explain why such new matter could not have been discovered by the exercise of due diligence prior to the date the case was submitted for decision.

(d) *Grounds for dismissal.* Repetitious petitions will not be entertained by the Board and will be summarily dismissed.

(e) *Reply to petition.* Within 10 days after the service of the petition upon an adverse party, he may reply thereto by filing a copy of the reply with the Board, with proof of service upon the petitioner.

(f) *Stay of effective date of order.* The filing of a petition under this section shall operate to stay the effective date of the Board order, unless it is otherwise ordered by the Board.

RULES APPLICABLE TO EMERGENCY PROCEEDINGS

§ 421.38 General.

(a) *Applicability.* This section shall apply to any order issued by the Administrator as an emergency order, or any order issued by the Administrator not designated as an emergency order, which is later amended to be an emergency order, as provided in § 609 of the Act, in cases where the respondent appeals or has appealed to the Board therefrom.

(b) *Effective date of emergency.* The procedure set forth in this section shall apply on the date when the Administrator's advice of the emergency character of his order has been received by the Office of Administrative Law Judges or by the Board.

(c) *Computation of time.* Time shall be computed in accordance with § 421.7, including the provision that Saturdays, Sundays, and legal holidays of the Board shall always be counted in the computation.

§ 421.39 Appeal, complaint, answer to the complaint, and motions.

(a) *Time within which to appeal.* Within 10 days after the service of the Administrator's emergency order on the certificate holder, he may file an appeal therefrom to the Board.

(b) *Form and content of appeal.* The appeal may be in the form of a letter to the Board signed by the aggrieved party. It shall identify the Administrator's order and the certificate affected, shall recite the Administrator's action from which the appeal is taken, and shall identify the issues of fact or law on which the appeal is based and the relief sought.

(c) *Complaint.* Within 3 days after receipt of the appeal from the Board, the Administrator shall file with the Board his emergency order as his complaint and severe a copy upon the respondent.

(d) *Answer to the complaint.* Within 5 days after service of the complaint upon respondent, he shall file his answer thereto. Failure to deny any allegation or allegations of the complaint may be deemed an admission of the allegation or allegations not answered.

(e) *Motion to dismiss and motion for more definite statement.* No motion to dismiss or for a more definite statement shall be made, but the substance thereof may be stated in the respondent's answer. The law judge may permit or require a more definite statement or other amendment to any pleading at the hearing, upon good cause shown and upon just and reasonable terms.

§ 421.40 Hearing and initial decision.

(a) *Notice of hearing.* Immediately upon the timely filing of the answer with the Board, or within the time set for such filing, the law judge shall set the date and place for hearing upon motion to the parties, not to exceed 7 days.

(b) *Initial decision.* The initial decision shall be made orally on the record at the termination of the hearing and after opportunity for oral argument. The provisions of § 421.32(b) and (d) shall be applicable, covering content, furnishing of a copy of the initial decision excerpted from the record, and issuance date.

(c) *Conduct of hearing.* The provisions of §§ 421.28, 421.29, and 421.30, covering evidence, argument and submissions, and record, shall be applicable.

(d) *Effect of law judge's initial decision.* If no appeal to the Board by either party, by motion or otherwise, is filed within the time allowed, the law judge's initial decision shall become final but shall not be deemed to be a precedent binding on the Board.

§ 421.41 Notice of appeal from initial decision, briefs, issues, and petitions for reconsideration.

(a) *Time within which to file a notice of appeal and content.* Within 2 days after the initial decision has been orally rendered, either party to the proceeding may appeal therefrom by filing with the Board and serving upon the other parties a notice of appeal. Exceptions are not required.

(b) *Brief and oral argument.* Within 5 days after the filing of the notice of appeal, the appellant shall file a brief with the Board and serve a copy upon the other parties. Within 5 days after service of the appeal brief, a reply brief may be filed with the Board and a copy served upon the other parties. The briefs shall comply with the requirements of § 421.35 (b), (c), (d), (e), (f), and (g), covering contents, waiver of objections on appeal, reply brief, other briefs, number of copies, and oral argument. Where oral argument is granted, the Board will give 3 days' notice of such oral argument.

(c) *Issues on appeal.* The provisions of § 421.36 shall apply to issues on appeal. However, the Board may on its own initiative raise any issue, the resolution of which it deems important to a proper disposition of the proceeding. In such case, not more than 2 days shall be afforded to the parties to submit argument thereon.

(d) *Petitions for reconsideration, rehearing, reargument, or modification of order.* The only petitions for reconsideration, rehearing, reargument, or modification of an order which the Board will entertain are petitions based on the ground that new matter has been discovered. Such petitions must set forth the following:

(1) The new matter;

(2) Affidavits of prospective witnesses, authenticated documents, or both, or an explanation of why such substantiation is unavailable; and

(3) A statement that such new matter could not have been discovered by the exercise of due diligence prior to the date the case was submitted to the Board.

Adopted by the National Transportation Safety Board at its office in Washington, D.C., on the 11th day of July 1973.

[SEAL] JOHN H. REED,
Chairman.

[FR Doc.73-14662 Filed 7-17-73;8:45 am]

Notices

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

DEPARTMENT OF DEFENSE

Department of the Air Force

SCIENTIFIC ADVISORY BOARD

Notice of Meetings

JULY 12, 1973.

The USAF Scientific Advisory Board Electronics Systems Division Advisory Group will hold a closed meeting on July 19, 1973, from 8 a.m. until 5 p.m., at the Command Management Center, Building 1606, L. G. Hanscom Field, Bedford, Massachusetts.

The committee will receive classified briefings on the Electronics Systems Division program.

The USAF Scientific Advisory Board Executive Committee will hold a closed meeting on July 31, 1973, from 8:30 a.m. until 5 p.m., at the Aeronautical Systems Division, Wright-Patterson Air Force Base, Ohio.

The committee will receive classified briefings on Air Force Remotely Piloted Vehicles.

For further information on these meetings, contact the Scientific Advisory Board Secretariat at 202-697-4648.

JOHN W. FAHRNEY,
Colonel, USAF,
Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.73-14615 Filed 7-17-73;8:45 am]

Office of the Secretary of Defense

NATIONAL COMMITTEE FOR EMPLOYER SUPPORT OF THE GUARD AND RESERVE

Notice of Open Meeting

Pursuant to the provisions of Section 10, Public Law 92-463, effective January 5, 1973, notice is hereby given that a meeting of the National Committee for Employer Support of the Guard and Reserve local Executive Committee and Advisory Council will be held on July 30, 1973, in the Institute for Defense Analysis Conference Room, 400 Army-Navy Drive, Arlington, Virginia.

The purpose of the meeting is to formulate plans for achieving the Committee goals in the District of Columbia, southern Maryland and northern Virginia areas.

A transcript of the meeting will be available to anyone desiring information about the meeting.

Additional information concerning these meetings may be obtained by contacting the Assistant to the National Chairman, National Committee for Employer Support of the Guard and Reserve, Room 3A29, 400 Army-Navy Drive, Arlington, Virginia 22202.

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

JULY 13, 1973.

[FR Doc.73-14654 Filed 7-17-73;8:45 am]

DEPARTMENT OF THE TREASURY

Office of Revenue Sharing

ENTITLEMENT PERIODS 1, 2, AND 3

Notice of Final Date Upon Which Determination of Allocations Has Been Made

Pursuant to § 51.22(a) of Title 31 of the Code of Federal Regulations (Part 51), promulgated under the State and Local Fiscal Assistance Act of 1972 (Public Law 92-512, 31 U.S.C.A. Chapter 24), and pursuant to notice of Availability of Entitlement Data published in the FEDERAL REGISTER for January 3, 1973 (38 FR 65), notice is hereby given that the final date for the determination of allocation and entitlements, including adjustments thereto, for Entitlement Periods 1, 2, and 3, for recipient governments, has been made as of July 1, 1973. This closing date will not be applicable for those recipient governments who have a request pending as of July 1, 1973, for substantiation or correction of data elements by the Office of Revenue Sharing, filed pursuant to the notice of January 3, 1973 (38 FR 65).

[SEAL] GRAHAM W. WATT,
Director,
Office of Revenue Sharing.

[FR Doc.73-14648 Filed 7-17-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

Pursuant to the authority of the Administrator, Animal and Plant Inspection Service, appearing at 7 CFR 2.7 and 2.51, the following Statement of Organization, Functions, and Delegations of Authority of Animal and Plant Health Inspection Service is made:

ORGANIZATION AND FUNCTIONS

SECTION 1. *General.* Animal and Plant Health Inspection Service, hereinafter referred to as "APHIS," was created by the Secretary of Agriculture on April 2, 1972, (37 F.R. 6327: March 28, 1972).

SEC. 2. *Central office.* The central office of APHIS is located at Washington, D.C. and consists of the Office of the Administrator, Associate Administrator, and five Deputy Administrators as follows:

Office of the Administrator
Operations Review Staff
Planning and Evaluation Staff
Information Division
Associate Administrator
Deputy Administrator, Plant Protection and Quarantine
Deputy Administrator, Meat and Poultry Inspection, Field Operations
Deputy Administrator, Meat and Poultry Inspection, Scientific and Technical Services
Deputy Administrator, Veterinary Services
Deputy Administrator, Administrative Management

SEC. 3. *Field organizations.* The location of principal field offices is as follows for each major program:

PLANT PROTECTION AND QUARANTINE

Northeastern Region: Flynn Avenue and Park Boulevard Moorestown, New Jersey 08057
Western Region: Building 2-B, Room 103 620 Central Avenue Alameda, California 94501
Southeastern Region: 3505 25th Avenue Gulfport, Mississippi 39501
South Central Region: 400 Boca Chica Tower 2100 Boca Chica Boulevard Brownsville, Texas 78520
Mexico Region: Apartado Postal #815 Monterrey, N.L., Mexico

MEAT AND POULTRY INSPECTION, FIELD OPERATIONS

North Central Region: Room 419, United States Courthouse Building East 1st and Walnut Street Des Moines, Iowa 50309
Northeastern Region: 7th Floor 1421 Cherry Street Philadelphia, Pennsylvania 19102
Southeastern Region: Room 216 1718 Peachtree Street, N.W. Atlanta, Georgia 30309
Southwestern Region: Room 5-F41 1100 Commerce Street Dallas, Texas 75201
Western Region: Room 102, Building 2-C 620 Central Avenue Alameda, California 94501

MEAT AND POULTRY INSPECTION, SCIENTIFIC AND TECHNICAL SERVICES (LABORATORIES)

Room 612, Annex Building 12th & C Streets, S.W. Washington, D.C. 20250
Room 203, Stock Yards Section 4101 South Halsted Street Chicago, Illinois 60609
Room 417, Federal Building Kansas City, Kansas 66101
Room 1034 641 Washington Street, New York, New York 10014
Room 207, South Omaha Post Office 4730 South 24th Street Omaha, Nebraska 68107
941 United States Court and Customhouse Building 1114 Market Street St. Louis, Missouri 63101
630 Sansome Street, San Francisco, California 94111
Building 318 Agricultural Research Center Beltsville, Maryland 20705

Veterinary Services—Regional offices are not established for this program as supervision is provided by five regional directors,

who are all located in the following rooms of 6505 Belcrest Road, Hyattsville, Maryland 20782:
North Central Region: Room 847
Northern Region: Room 841A
Southeastern Region: Room 847
South Central Region: Room 840
Western Region: Room 841A

SEC. 4. *The Office of the Administrator.*—(a) The Administrator. The Administrator of APHIS, under the direction of the Assistant Secretary for Marketing and Consumer Services, formulates, directs, and supervises the execution of APHIS policies, programs, and activities. The Administrator is authorized to execute any document, authorize any expenditure, and promulgate any rule, regulation, order or instruction required by law or deemed by him to be necessary and proper to the discharge of the functions assigned to APHIS and to delegate and provide for redelegation of his authority to appropriate officers and employees consistent with and with due regard to his personal responsibilities for the proper discharge of functions assigned to APHIS. Delegations and provision for redelegation are stated in section 13, 14, 15, 16, 17, and 18.

(b) *The Associate Administrator.* The Associate Administrator shares overall responsibility with the Administrator for the general direction and supervision of the programs and activities assigned to APHIS and is authorized to act for the Administrator in performing all functions for which the Administrator is responsible.

(c) *Deputy Administrator, Plant Protection and Quarantine.* The Deputy Administrator, Plant Protection and Quarantine, is responsible for:

(1) Participating with the Administrator in the overall planning and formulation of all policies, programs, and activities of APHIS; and

(2) Directing and coordinating the administration of the Plant Protection and Quarantine Program and related activities involving the Mexican Pink Bollworm Act, Sec. 102 of the Organic Act of 1944, as amended, the Act of April 3, 1937, as amended, the Mexican Border, Golden Nematode, Federal Plant Pest, Plant Quarantine, Terminal Inspection, Honeybee, and Halogeton Glomeratus Acts, and other related programs and activities. This program is carried out by two functional units, Program Development and Application, located in Hyattsville, Maryland, and the Training Facility located at Battle Creek, Michigan, and by regional and field offices; and

(3) Issuing regulations (including quarantines) pursuant to law relating to matters within his area.

(d) *Deputy Administrator, Meat and Poultry Inspection, Field Operations.* The Deputy Administrator, Meat and Poultry Inspection, Field Operations, is responsible for:

(1) Participating with the Administrator in the overall planning and formulation of al policies, programs, and activities of APHIS; and

(2) Directing and coordinating the administration of the Meat and Poultry Inspection program and related activities involving the Federal Meat Inspection Act, as amended, the Poultry Products Inspection Act, as amended, and other related programs and activities. This program is carried out by three functional staffs, the Compliance Staff and Foreign Programs Staff which are located in Washington, D.C., and the Program Training Staff which is located in Denton, Texas, and by regional and field offices. The directors of regional offices of this program are responsible for granting, refusing, suspending, or withdrawing inspection service in accordance with applicable provisions of the law(s) under which such service is required; and

(3) Participating with the Deputy Administrator, Meat and Poultry Inspection, Scientific and Technical Services, in the development of regulations relating to meat and poultry inspection.

(e) *Deputy Administrator, Meat and Poultry Inspection. Scientific and Technical Services.* The Deputy Administrator, Meat and Poultry Inspection, Scientific and Technical Services, is responsible for:

(1) Participating with the Administrator in the overall planning and formulation of all policies, programs, and activities of APHIS; and

(2) Directing and coordinating the establishment and maintenance of inspection standards and procedures, specifications for plant facilities and equipment, marking, labeling, and packaging of products, and providing chemical and biological laboratory services involving the Federal Meat Inspection Act, as amended, and the Poultry Products Inspection Act, as amended. The program is carried out through the Scientific Services Staffs, Technical Services Staffs, and Statistical Services Staff, all of which are located in Washington, D.C.; and

(3) Participating with the Deputy Administrator, Meat and Poultry Inspection, Field Operations, develops regulations relating to meat and poultry inspection.

(f) *Deputy Administrator, Veterinary Services.* The Deputy Administrator, Veterinary Services, is responsible for:

(1) Participating with the Administrator in the overall planning and formulation of all policies, programs, and activities of APHIS; and

(2) Directing and coordinating the administration of the Veterinary Services Program and related activities involving Sec. 306 of the Tariff Act of June 17, 1930, as amended; Act of August 30, 1890, as amended; Act of May 29, 1884, as amended; Act of February 2, 1903, as amended; Act of March 3, 1905, as amended; Act of February 28, 1947, as amended; Act of June 16, 1948; Act of September 6, 1961; Act of July 2, 1962; Act of May 6, 1970, Horse Protection Act; Animal Welfare Act, as amended; 28-Hour Law, as amended; Export Animal Accommodation Act, as amended; Pure Bred Animal Duty Free Entry Provisions of Tariff Act of June 17, 1930, as amended; Virus-Serum-Toxin Act; Anti-Hog-Cholera Serum and Hog-Cholera Virus Act. This program is carried out by three functional units, Programs Development and Application, Professional Development Staff, and Emergency Program Staffs and by regional and field offices; and

(3) Issuing regulations pursuant to law relating to matters within his area.

(g) *Deputy Administrator, Administrative Management.* The Deputy Administrator, Administrative Management, is responsible for:

(1) Participating with the Administrator in the overall planning and formulation of all policies, programs, and activities of APHIS; and

(2) Directing and coordinating the administration of the overall administrative management programs of APHIS including budget and finance, personnel, administrative services, management improvement, as necessary to meet the requirements of APHIS programs, and activities. These programs and activities are carried out by the Budget and Finance Division, Administrative Services Division, Personnel Division, and Management Improvement Division; and

(3) Coordination of civil rights in APHIS; and

(4) Coordination of General Accounting Office and Office of Inspector General audits; and

(5) The execution of cooperative agreements and Master Memoranda of Understanding; all agreements between APHIS and other agencies; all agreements which would require signature of more than one Deputy Administrator; and

(6) Approval for the Administrator of all foreign travel; and

(7) Approval for the Administrator of all attendance at international meetings.

SEC. 5. *Operations Review Staff.* The Operations Review Staff under the direction and supervision of the Administrator, is responsible for administrative reviews and line inspections of program operations to test implementation of policies, procedures, program administration, and accomplishment of program objectives.

SEC. 6. *Planning and Evaluation Staff.* The Planning and Evaluation Staff under the direction and supervision of the Administrator, is responsible for advising the Administrator in multiyear planning, programming, and evaluationg of APHIS activities toward stated goals.

SEC. 7. *Information Division.* The Information Division, under the direction and supervision of the Administrator, is responsible for planning and administering a public information program involving APHIS activities, and for cooperating with the Office of Communication in the overall information activities of the Department.

SEC. 8. *Plant Protection and Quarantine.* The units of the Program Development and Application and the Professional Development Staff, under the administrative direction of the Administrator and the functional and technical direction of the Deputy Administrator

for Plant Protection and Quarantine are responsible as follows:

(a) *Program Development and Application.* Program Development and Application is responsible for planning and administering the development and evaluation of programs; the establishment of standards, regulations, and model laws; development of methods and procedures; and other scientific and technical support for the Plant Protection and Quarantine programs.

(b) *Professional Development Staff.* The Professional Development Staff is responsible for:

(1) Identifying and evaluating development and training needs, and in the development and implementation of such programs for Plant Protection and Quarantine programs; and

(2) Developing and providing technical training in biological and related fields; and

(3) Providing training to foreign students; and

(4) Maintaining liaison with professional and technical institutions.

SEC. 9. *Meat and Poultry Inspection, Field Operations.* The Compliance, Program Training, and Foreign Programs Staffs under administrative direction of the Administrator and the functional and technical direction of the Deputy Administrator for Meat and Poultry Inspection, Field Operations are responsible as follows:

(a) *Compliance Staff.* The Compliance Staff is responsible for:

(1) Planning and conducting reviews of shipping, handling, and other allied industry engaged in the transportation, storage, and distribution of meat and poultry products in commerce to assure compliance with meat and poultry inspection laws, including monitoring of voluntary recalls of suspect meat and poultry products; and

(2) Planning and conducting technical evaluations of inspectional activities and operational practices, management attitudes, available facilities, and equipment of the meat and poultry processing industry; and

(3) Cooperating with States in the development of their compliance review programs and monitors their programs to assure they meet Federal requirements.

(b) *Program Training Staff.* The Program Training Staff is responsible for:

(1) Developing and implementing a program for training of Federal, State, and other personnel engaged in meat and poultry inspection programs; and

(2) Cooperating with APHIS personnel, State inspection officials, industry representatives, university officials, and others in planning and conducting training programs.

(c) *Foreign Programs Staff.* The Foreign Programs Staff is responsible for planning and conducting inspection of imported and exported meat and poultry products involving the review of foreign meat and poultry inspection systems and plants, followed by acceptance or rejection of these systems and plants for exporting meat and poultry products to the United States.

SEC. 10. *Meat and Poultry Inspection, Scientific and Technical Services.* The Scientific Services Staffs, Technical Services Staffs, and Statistical Services Staff under the administrative direction of the Administrator and the functional and technical direction of the Deputy Administrator for Meat and Poultry Inspection, Scientific and Technical Services are responsible as follows:

(a) *Scientific Services Staffs.* The Scientific Services Staffs are responsible for directing, coordinating, and controlling activities in chemistry, microbiology, pathology, toxicology, parasitology, epidemiology, and related fields, and in residue evaluation and planning that guides and supports the Meat and Poultry Inspection Program.

(b) *Technical Services Staffs.* The Technical Services Staffs are responsible for directing, coordinating, and controlling activities concerned with the development of standards, regulations, procedures, and instructions that will guide and support the Meat and Poultry Inspection Program.

(c) *Statistical Services Staff.* The Statistical Services Staff is responsible for providing analytical and consultative services in the field of statistics in support of the Meat and Poultry Inspection Program.

SEC. 11. *Veterinary Services.* Programs Development and Application, Emergency Program Staff, and Veterinary Services Programs under the administrative direction of the Administrator and the functional and technical direction of the Deputy Administrator, Veterinary Services, are responsible as follows:

(a) *Programs Development and Application.* The units of Program Development and Application are responsible for:

(1) Coordinating and controlling activities concerned with the development and evaluation of programs; and

(2) Establishing standards, regulations, and model laws; and

(3) Development of methods and procedures; and

(4) Providing scientific and technical support for the Veterinary Services programs.

(b) *Professional Development Staff.* The Professional Development Staff is responsible for:

(1) Identifying and evaluating staff development and training needs in veterinary services programs; and

(2) Developing and providing for technical training in veterinary medicine and related fields; and

(3) Administering veterinary accreditation program, including development of policies, procedures, and applicable regulations; and

(4) Providing training of foreign visitors; and

(5) Maintaining liaison with veterinary and other educational institutions.

(c) *Emergency Program Staffs.* The units of Emergency Program Staffs are responsible for:

(1) Directing an emergency program organization capable of controlling and eradicating outbreaks of foreign diseases and other hazards of animals; and

(2) Cooperating with certain foreign countries in the detection and control of animal diseases that are a potential hazard to the United States.

(d) *Veterinary Services Programs.* The Veterinary Services Programs are responsible for coordinating a regional program to protect the health of livestock, poultry, and other valued animal life through the:

(1) Detection, control and/or eradication of animal diseases and parasites; and

(2) Enforcement of quarantines governing the importation and exportation of live animals, semen, eggs, and other life animal tissues and specimens; and

(3) Enforcement of regulations governing the humane handling, care, and treatment of warm-blooded animals used for research, exhibition or held for sale as pets.

SEC. 12. *Administrative Management.* The Budget and Finance, Administrative Services, Personnel, and Management Improvement Divisions under the administrative direction of the Administrator and the functional and technical direction of the Deputy Administrator, Administrative Management are responsible as follows:

(a) *Budget and Finance Division.* The Budget and Finance Division is responsible for operating budgetary and financial management services and assistance to APHIS managers and program leaders in the areas of budget formulation, obligation estimates, allotments, accounting, fund control, and financial reporting.

(b) *Administrative Services Division.* The Administrative Services Division is responsible for operating administrative services and assistance to APHIS managers and program leaders in the areas of real and personal property management and utilization, procurement, records management, contracts and agreements, and related activities.

(c) *Personnel Division.* The Personnel Division is responsible for operating personnel management services and assistance to APHIS managers and program leaders in the areas of organization, position management, position classification, wage administration, recruitment and placement, equal employment opportunity, safety, and employee relations.

(d) *Management Improvement Division.* The Management Improvement Division is responsible for:

(1) Operating administrative services and assistance to APHIS managers and program leaders in the area of management system design, and improvement, automated data processing systems, and directives management; and

(2) Reviewing and recommending approval of the acquisition of all electronic data processing equipment proposed for use within APHIS prior to purchase.

DELEGATIONS OF AUTHORITY

SEC. 13. *Associate Administrator.* The Associate Administrator is hereby delegated the authority to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Administrator, including the power of redelegation except when prohibited, and including authority reserved to the Administrator outlined in Section 21 below. He is also authorized to act for the Administrator in his absence or from time to time when the Administrator is not available.

SEC. 14. *Deputy Administrators.* The Deputy Administrator, Plant Protection and Quarantine; the Deputy Administrator, Meat and Poultry Inspection, Field Operations; the Deputy Administrator, Meat and Poultry Inspection, Scientific and Technical Services; the Deputy Administrator, Veterinary Services; the Deputy Administrator, Administrative Management; and the officers they designate—with prior specific approval of the Administrator—to act for them, are hereby delegated the authority, severally, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator. Each Deputy Administrator shall be primarily responsible for the programs and activities of the Animal and Plant Health Inspection Service herein or hereafter assigned to him.

SEC. 15. *Assistant Administrator.* The Assistant Administrator who directs the Operations Review Staff, is hereby delegated authority, in connection with the respective functions herein assigned to him, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator.

SEC. 16. *Director, Planning and Evaluation Staff.* The Director of the Planning and Evaluation Staff is hereby delegated authority, in connection with the respective functions herein assigned to him, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator.

SEC. 17. *Director, Information Division.* The Director of the Information Division is hereby delegated authority, in connection with the respective functions herein assigned to him, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator.

SEC. 18. *Plant Protection and Quarantine, Meat and Poultry Inspection, Field Operations, Meat and Poultry Inspection, Scientific and Technical Services, Veterinary Services, Administrative Management.* The Directors of Program Development and Application, Professional Development Staff, Compliance Staff, Program Training, Foreign Programs Staff, Scientific Services Staffs, Technical Services Staffs, Statistical Services Staff, Programs Development and Application, Professional Development Staff, Emergency Program Staffs, Veterinary Services Programs are hereby delegated authority, in connection with the respective functions herein assigned to each of them, to perform all the duties and to exercise the functions and powers which are now, or which may hereafter be vested in the Administrator except the authorities reserved to the Administrator and Deputy Administrators. The Directors of Budget and Finance, Administrative Services, Personnel, and Management Improvement Divisions are hereby delegated authority in connection with the respective functions herein assigned to them, to perform all the duties and to exercise all the powers which are now, or which may be, vested in the Administrator except such authority as is reserved to the Administrator and Deputy Administrators.

SEC. 19. *Concurrent Authority and Responsibility to the Administrator.* No delegation or authorization prescribed herein shall preclude the Administrator, or each Deputy Administrator, from exercising any of the powers or functions or from performing any of the duties conferred upon them herein, and any such delegation or authorization is subject at all times to withdrawal or amendment by the Administrator, and in their respective fields, by each Deputy Administrator. The Officers to whom authority is delegated herein shall (a) maintain close working relationships with the officers to whom they report, (b) keep them advised with respect to major problems and developments, and (c) discuss with them proposed actions involving major policy questions or other important considerations or questions including matters involving relationships with other Federal agencies, other agencies of the Department, other Divisions and Staffs or offices of the Agency or other Governmental or private organizations or groups.

SEC. 20. *Prior Authorizations and Delegations.* All prior delegations and redelegations of authority relating to any functions, program, or activity covered by the Statement of Organization, Functions, and Delegations of Authority, shall remain in effect except as they are inconsistent herewith or are hereafter amended or revoked. Nothing herein shall affect the validity of any action heretofore taken under prior delegations or redelegations of authority or assignments of functions.

RESERVATION OF AUTHORITY

SEC. 21. *Reservation of Authority.* There is hereby reserved to the Administrator, or to the individual designated to act in his stead, the following:

(a) The initiation, change, or discontinuance of major program activities.

(b) The issuance of regulations pursuant to law, except as provided in Section 4 (c) and (f).

(c) The transfer of functions between Deputy Administrators.

(d) The transfer of funds between Deputy Administrators.

(e) The transfer of funds between work projects within each Deputy Administrator's area, except those not exceeding five percent of base funds or $50,000 in either work project, whichever is less.

(f) The approval of any change in the formal organization including a section, its equivalent, or higher level.

(g) The making of recommendations to the Department concerning establishment, consolidation, change in location, or abolishment of (1) regional, state, area, and other field headquarters offices, and (2) any region or other program area that involves two or more States, or that crosses State lines, except Plant Protection and Quarantine districts and Meat and Poultry Inspection circuits which are under the authority of the respective Deputy Administrators.

(h) Authority to establish, consolidate, or change a location, or abolish any field office or change program area boundaries not included in (g) above.

(i) Approval of all appointments, promotions, and reassignments in GS–14 and above.

(j) Authorization for foreign travel, and approval of attendance at international and foreign meetings including those held in the United States.

(k) Approval of all appointments, promotion, and reassignments of employees to foreign countries.

(l) Approval of budget estimates.

(m) Authority to issue subpoenas relating to the efficient administration and enforcement of the Federal Meat Inspection Act, as amended, and Poultry Products Inspection Act, as amended, pursuant to 15 U.S.C. 49 as authorized by 21 U.S.C. 677 and 21 U.S.C. 467d.

AVAILABILITY OF INFORMATION AND RECORDS

SEC. 22. *Availability of Information and Records.* Any person desiring information or to make submittals or requests with respect to the programs and functions of the Agency should address his request to the appropriate Deputy Administrator, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250. The availability of information and records of the Agency and its offices is governed by the rules and regulations as published in the Code of Federal Regulations, Title 7, Chapter III, Part 370.

Issued at Washington, D.C., this 13th day of July, 1973.

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

[FR Doc.73-14659 Filed 7-17-73;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

MAYO FOUNDATION

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

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

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

DOCKET NUMBER: 73-00470-01-06200. APPLICANT: Mayo Foundation, 200 First Street Southwest, Rochester, Minn. 55901. ARTICLE: Vickers multichannel 300 automated analysis system. MANUFACTURER: Vickers Ltd., Medical Engineering of Basingstoke, United Kingdom. INTENDED USE OF ARTICLE: The article is intended to be used in a diagnostic clinical chemistry laboratory to perform quantitative analysis of plasma for chemical constituents, alteration of which are indicative of disease processes. In addition to the clinical use, the article will be used to support ongoing research and education programs at the Institution. COMMENTS: No comments have been received with respect to this application. DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. REASONS: The applicant's use in various clinical research projects such as correlations of biomedical data with studies of cancer and metabolic diseases requires high-speed automated blood chemical analysis system of very large capacity. The foreign article is capable of analyzing 300 samples per hour. The Department of Health, Education, and Welfare (HEW) advised in memorandum dated June 22, 1973 that the capability described above is pertinent to the purposes for which the article is intended to be used. HEW also advised that domestic analyzers do not match the pertinent specifications of the article.

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

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

[FR Doc.73-14682 Filed 7-17-73;8:45 am]

MAYO FOUNDATION ET AL.

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

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

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

Docket Number: 73-00480-33-46500. Applicant: Mayo Foundation, Mayo Medical School, and Mayo Graduate School of Medicine, 200 First Street SW., Rochester, Minn. 55901. Article: Ultramicrotome, model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of muscle biopsy specimens from human and experimental muscle diseases to reveal the ultrastructural basis of the diseases that are being studied. In addition, the article will be used in training of independent investigators enrolled in the Mayo Graduate School of Medicine in research in muscle diseases. Application received by Commissioner of Customs: April 1973. Advice submitted by Department of Health, Education, and Welfare on: June 22, 1973.

Docket Number: 73-00482-33-46500. Applicant: University of Alabama Medical School, University Station, Birmingham, Ala. 35294. ARTICLE: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in experiments concerned with calcification and resulting hardening of the arteries, as well as other related pathological conditions. The materials to be examined will be primarily the aorta and connective tissue proteins obtained from the aorta. Application received by Commissioner of Customs: April 20, 1973. Advice Submitted by Department of Health, Education, and Welfare on: June 22, 1973.

Docket Number: 73-00483-33-46500. Applicant: University of Minnesota, Purchasing Department, 2610 University Avenue, St. Paul, Minn. 55114. ARTICLE: Ultramicrotome, model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological, mainly human tissue but also mammalian tissues derived from experimental animals. The investigations to be conducted include the study of (a) gingival inflammation, (b) immunological responses in the periodontal tissues to various bacteria and (c) dental plaque formation. Application received by Commissioner of Customs: April 20, 1973. Advice Submitted by Department of Health, Education, and Welfare on: June 22, 1973.

Docket Number: 73-00487-33-46500. Applicant: Veterans Administration Hospital, 13000 North 30th Street, Tampa, Fla. 33612. Article: LKB 8800A. Ultrotome III Ultramicrotome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in experiments which include experiments on the normal, physiological behavior of cells and tissues in regard to the transport and ingestion of macromolecules. In addition, variations in the behavior of cells and tissues under experimental pathological conditions will be studied. Application Received by Commissioner of Customs: April 24, 1973. Advice Submitted by Department of Health, Education, and Welfare on: June 22, 1973.

Comments: No comments have been received with respect to any of the foregoing applications.

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

Reasons: Each of the foreign articles provides a range of cutting speeds from 0.1 to 20 millimeters per second. The most closely comparable domestic instrument is the Model MT-2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT-2B has a range of cutting speeds from 0.09 to 3.2 millimeters per second. The conditions for obtaining high-quality sections that are uniform in thickness, depend to a large extent on the hardness, consistency, toughness and other properties of the specimen materials, the properties of the embedding materials, and geometry of the block. In connection with a prior application (Docket Number 69-00665-33-46500), which relates to the duty-free entry of an article that is identical to those to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior application (Docket No. 70-00077-33-46500) which also relates to an article that is identical to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range

in cutting speed and, further, that the "production of ultrathin serial sections of specimens that have a great variation in physical properties is very difficult." Accordingly, HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 millimeters per second are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments.

For these reasons, we find that the Sorvall Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

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

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

[FR Doc.73–14685 Filed 7–17–73;8:45 am]

OHIO STATE UNIVERSITY, ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before August 7, 1973.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 73–00589–98–20700. Applicant: The Ohio State University, 190 North Oval Drive, Columbus, OH 43210. Article: 14 PEMG2 Lead Glass Blocks. Manufacturer: Ohara Glass, Japan. Intended use of article: The article is intended to be used as shower detectors to measure gamma rays from the reaction of interest in a high statistics study of *W*-Meson productions. Application received by Commissioner of Customs: June 22, 1973.

Docket Number: 73–00590–98–20700. Applicant: Michigan State University, Physics Department, East Lansing, Michigan 48823. Article: 14 PEMG2 Lead Glass Blocks. Manufacturer: Ohara Glass, Japan. Intended use of article: The articles are to be used in high energy experiments to measure the energy of gamma rays. Application received by Commissioner of Customs: June 22, 1973.

Docket Number: 73–00591–90–46500. Applicant: University of Wisconsin, Purchasing Department, 750 University Avenue, Madison, Wisconsin 53706. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used to section a variety of materials including insects, fungi, vascular plants, algae, viruses, symbionts, bacteria, nematodes and diseased plant and animal (insect) specimens. These materials will be examined by the electron microscope in the following research areas:

(1) Ultrastructure of host-pathogen relationships.
(2) Characterization of the nature of virus induced inclusions,
(3) Localization and studies on sites of virus synthesis,
(4) Ultrastructure of receptor sites in insects, and
(5) Ultrastructure of fungi, e.g., microbodies, mitosis and meiosis.

In addition the article is to be used for the training of electron microscopists.

Application received by Commissioner of Customs: June 22, 1973.

Docket Number: 73–00592–33–46040. Applicant: The University of Texas Medical School at Houston, 243 John H. Freeman Bldg., Texas Medical Center, Houston, Texas 77025. Article: Electron Microscope, Model JEM 100B. Manufacturer: JEOL Ltd., Japan. Intended use of Article: The article is intended to be used in experiments to be conducted which will include: differentiation of forms of glomerulonephritis by ultramicroscopic means, the classification and categorization of white cell granules, the classification for prognostic purposes of soft tissue neoplasms, tissue changes (transformation) induced by normally non-pathogenic viruses, subtle changes induced in cell organelles and enzyme distribution in the process of aging, intracellular localization of tagged antibody molecules and the fine detail of ribosome-membrane defects induced by lipid peroxidation and its prevention by biological antioxidants. Application received by Commissioner of Customs: June 22, 1973.

Docket Number: 73–00593–33–43780. Applicant: UNC–CH, Carolina Population Center, International Fertility Research Program, NCNB Plaza, 136 East Rosemary Street, Chapel Hill, North Carolina 27514. Article: 10,000 Spring Coil IUD's, 1,000 Combination Sound/Dilators and 1 stainless steel mold. Manufacturer: Ekder Plastic Works, Hong Kong. Intended use of article: The articles are to be used in a study (1) to determine the most desirable IUD over a two-year period of time among persons without gynecologic abnormalities who have not previously used an intrauterine device and who are in one of the following categories:

(a) Immediate post-abortion period,
(b) Immediate post-delivery period,
(c) Not recently pregnant state (multigravida), or
(d) Nulligravida, and

(2) To profile the continuation rates and specific complications of each IUD. Application received by Commissioner of Customs: June 22, 1973.

Docket Number: 73–00594–01–20800. Applicant: University of Hawaii, Department Of Biochemistry and Biophysics, 1960 East West Road, Honolulu, Hawaii 96822. Article: Quartz Dewar. Manufacturer: Canamec Scientific Glassblowing Ltd., Canada. Intended use of Article. The article is intended to be used for studies of fluorescence polarization spectra of proteins and amino acids at low temperatures in the ultra-violet region to learn more of the conformational flexibility of proteins, which will aid in understanding better the mechanism of enzyme action. Application received by Commissioner of Customs: June 26, 1973.

Docket Number: 73–00595–65–46070. Applicant: University of Wisconsin, Department of Geology, Science Hall, Madison, Wisconsin 53706. Article: Scanning Electron Microscope, Model JSM–50A. Manufacturer: JEOL Ltd., Japan. The article is intended to be used in the study of clay minerals and other layer-lattice minerals (micas, chlorite) to determine on as fine a scale as possible the chemical and mineralogical homogeneity of these materials and the relationship of any variation to the physical form of crystallites. Another application of the article will be to study the relationship between composition and crystal imperfections in thin films of materials such as aluminum or gold. The article will also be used in the course, Geology 349, Electron Microprobe Analysis, to teach students and interested staff members how to use the electron probe to obtain elemental analysis data and how to handle the data collected to obtain quantitative results. Application received by Commissioner of Customs: June 15, 1973.

Docket Number: 73–00597–01–10100. Applicant: The Johns Hopkins University, Charles and 34th Street, Baltimore, Maryland 21218. Article: Messanlagen Temperature-Jump Transient Spectrophotometer. Manufacturer: Messanlagen Studiengesellschaft mbH., West Germany. Intended use of article: The article is intended to be used to study the time course of the protein unfolding processes, and examine its implication to the conformational aspect of protein molecule. Fluorescence kinetic measurement will also be carried out in this study. The article will also be used for the instruction of rapid kinetic technique to graduate and medical students in the

course entitled "Physical Biochemistry." Application received by Commissioner of Customs: June 27, 1973.

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

[FR Doc.73-14683 Filed 7-17-73;8:45 am]

YALE UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before August 7, 1973.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 73-00577-33-46040. Applicant: Yale University, Purchasing Department, New Haven, Connecticut 06520. Article: Electron Microscope, Model EM 301. Manufacturer: Philips Electronic Instruments, NVD., The Netherlands. Intended use of article: The article is intended to be used for studies of animal (including human) tissues, cells and subcellular components in the investigation of the following phenomena: (1) structural aspects of capillary permeability in the heart, kidney, intestine and other organs; (2) changes introduced in the blood vessels by inflammation and degenerative vascular disease (artheriosclerosis); (3) pathway followed across the vessels' wall by particulate or molecular tracers. The article will also be used in part in advanced training in research at the postdoctoral fellow and research associate level. Application received by Commissioner of Customs: June 18, 1973.

Docket Number: 73-00586-33-46040. Applicant: University of Delaware, Newark, Delaware 19711. Article: (2) Two Electron Microscopes, Model EM 201 and (1) One Goniometer Stage. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The articles are intended to be used in experiments consisting of basic biological studies involving the preparation of material for (a) thin-section examination of lower vertebrate tumors, and of infectious processes in reptilion cell lines at varying temperatures, (b) morphological analysis of host-virus interaction in a blue-green algal system, (c) studying properties of cellular membranes during active intake and egestion of materials, (d) determining the content and purity of cell fractions, (e) training of students in use of high-resolution electron microscopy of biological materials. The articles will also be used in the course B-617, "Laboratory Techniques for Electron Microscopy." Application received by Commissioner of Customs: June 19, 1973.

Docket Number: 73-00587-33-46500. Applicant: Virginia Commonwealth University, Medical College of Virginia, Box 17, Room 530, MEB, Division of Neuropathology, Richmond, Virginia 23298. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in ultrastructural research on both animal and human (biological) material. Animal tissue is used in studies of experimentally produced diseases of the nervous system and in studies of subcellular fractions of brain prepared for use in neurochemistry experiments. Application received by Commissioner of Customs: June 20, 1973.

Docket Number: 73-00588-33-46500. Applicant: The University of Michigan, 1335 E. Catherine Street, Ann Arbor, Michigan 48104. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werke AG., Austria. Intended use of article: The article is intended to be used to section areas of tissue which have been preselected from 1 micron-thick sections-serial thin sections of leukemic cells and other neoplastic tissue of the preselected areas will be cut for viewing in the electron microscope. The work to be carried out will be part of research projects involving the ultrastructure of the organelles of human leukemic and other neoplastic cells. The article will also be used to cut serial thin sections of renal biopsies from patients in the hospital and to cut thin sections of other tissue biopsies from patients. The article will also be used in a course for advanced medical students, graduate students, residents and faculty in the Department of Pathology and other departments. Application received by Commissioner of Customs: June 20, 1973.

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

[FR Doc.73-14684 Filed 7-17-73;8:45 am]

UNIVERSITY OF IOWA AND DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Consolidated Decision on Aplications for Duty Free Entry of Image Analyzing Computers

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

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

Docket Number: 73-00465-33-14200. Applicant: University of Iowa, College of Dentistry, Iowa City, Iowa 52242. Article: Image Analyzing Computer, Quantimet 720. Manufacturer: Image Analysing Computers, Ltd., United Kingdom. Intended use of article: The article is intended to be used for quantitative image analysis in the following research projects:

(1) Distribution and Dynamics of Blood Flow in Gingiva,

(2) Patterns of Organization of Skin and Mucosa,

(3) Quantitative Microradiography of Enamel, Dentin and Bone, and

(4) Quantitative Ultrastructural studies. Application Received by Commissioner of Customs: April 9, 1973. Advice Submitted by Department of Health, Education, and Welfare on: June 22, 1973.

Docket Number: 73-00474-33-14200. Applicant: Department of Health, Education, and Welfare, 944 Chestnut Ridge Road, Morgantown, W. Va. 26505. Article: Image analyzing computer system, quantimet 720. Manufacturer: Metals Research Ltd., United Kingdom. Intended use of article: The article is intended to be used in the biological study of human lung specimens. This study includes quantitative measurements of the lung (which includes alveolar diameter, circumference, area, appropriate measurements of the airways, quantitative measurements of emphysematic lungs) and compare these with similar measurements made on standard specimens. The article will also be used for the explicit training of graduate and postdoctorate students from the University of West Virginia in pulmonary pathology, how these measurements are related to the function of the human lung and how the change in these features is significant in the course of various diseases, including coal workers; pneumoconiosis, asbestosis, emphysema, and others. Application received by Commissioner of Customs: April 16, 1973. Advice submitted by Department of Health, Education, and Welfare on: June 22, 1973.

Comments: No comments have been received with respect to any of the foregoing applications.

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

Reasons: Each foreign article provides 720 line resolution and discriminates better than 30 levels in the grey scale from

black to white. The Department of Health, Education, and Welfare (HEW) advised in its respectively cited memoranda that the characteristics described above are pertinent to the purposes for which each article is intended to be used. HEW further advises that domestic instruments do not match the pertinent specifications of the article.

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

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

[FR Doc.73-14681 Filed 7-17-73;8:45 am]

GOVERNMENT-OWNED INVENTIONS

National Technical Information Service

Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the GSA Patent Licensing Regulations.

Copies of Patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22151, at the prices cited. Requests for copies of patent applications must include the PAT-APPL number and the title. Requests for licensing information should be directed to the address cited with each copy of the patent application.

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231, at $0.50 each. Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. ATOMIC ENERGY COMMISSION
Assistant General Counsel for Patents
Washington, D.C. 20545
PATENT-3,678,512
Telemonitoring System
Filed 21 Oct 70, Patented 18 Jul 72
Not available NTIS

U.S. DEPARTMENT OF THE INTERIOR
Branch of Patents
18th and C Streets, N.W.
Washington, D.C. 20240
PAT-APPL-350 444
Determination of Sulfate Using Ferric Ion-Selective Electrode
Filed 12 Apr 73
PC$3.00/MF$1.45
PAT-APPL-345 932
Production of Methane from Refuse and Sewage Sludge
Filed 29 Mar 73
PC $3.00/MF$1.45

[FR Doc.73-14510 Filed 7-17-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-648; NDA 2-133, Etc.]

BURROUGHS WELLCOME CO., ET AL.

New Drug Applications; Notice of Withdrawal of Approval

The holders of the new-drug applications listed herein have not submitted annual reports of experience with the drugs as required, have advised the Food and Drug Administration that marketing of the drugs involved has been discontinued, and have requested withdrawal of approval of the new drug applications, thereby waiving opportunity for a hearing.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053 as amended; 21 U.S.C. 355(e)), and under authority delegated to the Commissioner (21 CFR 2.120), approval of the following new-drug applications, and supplements thereto, is hereby withdrawn on the grounds that the applicants have failed to make reports under section 505(j) of the Act (21 U.S.C. 355(j)) and § 130.13 or § 130.35 (e) and (f) of the new-drug regulations (21 CFR 130.31 and 130.35).

NDA Number	Drug Name	Applicant's Name and Address
2-133	Ryzamin-B Powder (thiamine chloride, riboflavin, vitamin B-6, and nicotinic acid)	Burroughs Wellcome Co. 3030 Cornwallis Road Research Triangle Park, North Carolina 27709
7-152	Dodecavite Injection (Crystalline vitamin B-12)	USV Pharmaceutical Corporation 1 Searsdale Road Tuckahoe, New York 10707
9-379	Cortef Injection, Intravenous (hydrocortisone)	The Upjohn Company Kalamazoo, Michigan 49001
10-207	Dexserpine "5" Tablets (reserpine, dextroamphetamine sulfate)	USV Pharmaceutical Corporation 1 Searsdale Road Tuckahoe, New York 10707
10-282	Reserpine Nyscaps (Timed Disintegration Capsules)	USV Pharmaceutical Corporation 1 Searsdale Road Tuckahoe, New York 10707
10-316	C.S.A. Tablets (salicylamide, acetaminophen, caffeine citrate)	International Playtex Corporation 888 Seventh Avenue New York, New York 10019
10-583	Radio-Cobalt (Co^{60}) Interstitial Needles	Abbott Laboratories North Chicago, Illinois 60064
10-887	Resclnnamine Tablets	USV Pharmaceutical Corporation 1 Searsdale Road Tuckahoe, New York 10707
11-440	Delvex Tablets (dithiazanine iodide)	The Lilly Research Laboratories Eli Lilly and Company Indianapolis, Indiana 46206
16-169	Temp Tablets (dipyrone)	Bell Pharmacal Corporation Box 1968 Greenville, South Carolina 29602
16-171	Key-Pyrone (dipyrone)	Bell Pharmacal Corporation Box 1968 Greenville, South Carolina 29602

This order shall become effective on July 30, 1973.

Dated: July 10, 1973.

MARY A. MCENIRY,
Assistant to the Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.73-14569 Filed 7-17-73;8:45 am]

[DESI 6902; Docket No. FDC-D-597; NDA 12-410]

ROCHE LABORATORIES

Capsules Containing Nicotinyl Alcohol as the Tartrate and Trimethobenzamide Hydrochloride; Notice of Withdrawal of Approval of New Drug Application

A notice was published in the FEDERAL REGISTER of March 5, 1973 (38 FR 5920) extending to Roche Laboratories, Division of Hoffmann-La Roche, Inc., 340 Kingsland Street, Nutley, N.J. 07110 and to any interested person an opportunity for hearing on the proposal of the Commissioner of Food and Drugs to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of NDA 12-410 for Tigacol Capsules (nicotinyl alcohol as the tartrate and trimethobenzamide hydrochloride). The basis of the proposed action was the lack of substantial evidence that the drug is effective for its labeled indications.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, October 21, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, MD 20852.

Neither the holder of the application nor any other person filed a written appearance of election within the 30 days provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of an opportunity for hearing.

The Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355) and the Administrative Procedure Act (5 U.S.C. 554), and under the authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with regard to the drug, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing finding, approval of new drug application No. 12–410 and all amendments and supplements thereto is withdrawn effective on July 30, 1973.

Shipment in interstate commerce of the above-listed drug product or of any identical, related, or similar product, not the subject of an approved new drug application, will be henceforth unlawful.

Dated: July 11, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73–14605 Filed 7–17–73;8:45 am]

National Institutes of Health

BLADDER-PROSTATE CANCER ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Bladder-Prostate Cancer Advisory Committee, National Cancer Institute, July 24, 1973, 9:00 a.m. to 1:00 p.m., Conference Room, Massachusetts General Hospital, Boston, Massachusetts. This meeting will be closed to the public to review individual grant applications in accordance with the provisions set forth in section 552(b)4 of Title 5, U.S.C., and 10(d) of P.L. 92–463.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014 (301/496–1911) will furnish summaries of the closed meeting and roster of committee members.

Dr. Thomas J. King, Executive Secretary, Westwood Building, Room 853, National Institutes of Health, Bethesda, Maryland 20014 (301/496–7194) will provide substantive program information.

Dated: July 7, 1973.

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

(Catalog of Federal Domestic Assistance Program No. 13.391, National Institutes of Health.)

[FR Doc.73–14618 Filed 7–17–73;8:45 am]

BIOASSAY SEGMENT ADVISORY GROUP

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Bioassay Segment Advisory Group, National Cancer Institute, July 19, 1973, 1:00 p.m. to 5 p.m. and July 20, 1973, from 9:00 a.m. to 4:30 p.m., National Institutes of Health, Landow Building, Conference Room 418C. This meeting will be open to the public from 1:30 p.m. to 4:30 p.m. on July 20, 1973, to discuss the Bioassay Program within the context of the Carcinogenesis Area, experimental design for proper bioassay, and the concept of a Bioassay Prime Contract, and closed to the public from 1:00 p.m. to 5:00 p.m. on July 19, 1973 and from 9 a.m. to 12:30 p.m. on July 20, 1973, for the review of three contracts in the fields of chemical and physical agents, in accordance with the provisions set forth in section 552(b) 4 of Title 5 United States Code and section 10(d) of P.L. 92–463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014 (301/496–1911) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. James M. Sontag, Executive Secretary, Landow Building, Room B–304, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5472) will provide substantive program information.

Dated: July 7, 1973.

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

[FR Doc.73–14619 Filed 7–17–73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD–108]

NEW HAMPSHIRE

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11725 of June 27, 1973; and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–73–238; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Public Law 92–209 (85 Stat. 742); notice is hereby given that on July 11, 1973, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of New Hampshire from severe storms and flooding, beginning about June 26, 1973, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91–606. I therefore declare that such a major disaster exists in the State of New Hampshire. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

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

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

The Counties of:

Belknap	Hillsborough
Carroll	Merrimack
Cheshire	Rockingham
Coos	Strafford
Grafton	Sullivan

Dated: July 11, 1973.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

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

[FR Doc.73–14687 Filed 7–17–73;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON LOFT

Notice of Meeting

JULY 16, 1973.

The FEDERAL REGISTER notice published at 38 FR 18480 (July 11, 1973), announcing the July 25, 1973 meeting of the Advisory Committee on Reactor Safeguards' Subcommittee on LOFT, is revised to change the location of the meeting from the Basement Conference Room of the AEC Idaho Operations Office at Holmes Avenue and Second Street in Idaho Falls to the Conference Room of the Ponderosa Inn at 888 North Holmes in Idaho Falls. There are no other changes to the July 11, 1973 Notice of Meeting.

JOHN C. RYAN,
Acting Advisory Committee Management Officer.

[FR Doc.73–14886 Filed 7–17–73;8:45 am]

[Docket No. 50–261]

CAROLINA POWER & LIGHT CO.

Opportunity for Hearing

The Carolina Power and Light Company (the licensee) is the holder of Operating License No. DPR–23 (the operating license), issued by the Atomic Energy Commission on July 31, 1970. The operating license authorizes the licensee to possess, use, and operate a pressurized water nuclear reactor, designated as the H. B. Robinson Unit No. 2, at steady-state power levels up to a maximum of 2200 megawatts (thermal) at the licensee's site in Darlington County, South Carolina, in accordance with technical specifications appended thereto.

The facility is subject to the provisions of section B of Appendix D to 10 CFR Part 50, which sets forth procedures applicable to review of environmental considerations for production and utilization facilities for which construction permits or operating licenses were issued in the period January 1, 1970–September 9, 1971. Notice is hereby given, pursuant to the Commission's rules of practice, in 10 CFR Part 2, and Appendix D of 10 CFR Part 50, "Implementation of the National Environmental Policy Act of 1969," that the Commission is providing an opportunity for hearing with

respect to whether, considering those matters covered by Appendix D to 10 CFR Part 50, the existing full-term facility operating license should be continued, modified, terminated or appropriately conditioned to protect environmental values. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition and the Secretary of the Commission or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

A petition for leave to intervene must be filed under oath or affirmation in accordance with the provisions of 10 CFR 2.714. As required by 10 CFR 2.714, a petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) the nature of the petitioner's right under the Atomic Energy Act of 1954, as amended ("the Act"), to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A request for a hearing or a petition for leave to intervene must be filed either by mail with the Office of the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or by delivery to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., not later than August 17, 1973. A petition for leave to intervene which is not timely will not be granted unless the Commission, the presiding officer, or the Atomic Safety and Licensing Board designated to rule on the petition or request determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the consideration of those factors specified in 10 CFR 2.714(a).

For further details with respect to the matters under consideration, see (1) the licensee's Environmental Report dated November 5, 1971, and (2) the Commission's draft environmental statement on environmental considerations pursuant to 10 CFR Part 50, Appendix D, dated April 1973, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29550.

The Commission's final detailed statement on environmental considerations will also be available at the above locations upon issuance. A copy of this item may be obtained when available by request to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director of Licensing.

Dated at Bethesda, Maryland, this 6th day of July 1973.

For the Atomic Energy Commission.

A. BURGER,
Acting Chief, Operating Reactors Branch No. 1, Directorate of Licensing.

[FR Doc.73-14302 Filed 7-17-73;8:45 am]

[Docket No. 50-213]

CONNECTICUT YANKEE ATOMIC POWER CO.

Proposed Issuance of Full-Term Facility Operating License and Opportunity for Hearing

On July 13, 1971, a notice of proposed issuance of a full-term operating license was published by the Atomic Energy Commission (the Commission) in the FEDERAL REGISTER (36 FR 13051) in the captioned proceeding. That Notice provided an opportunity to intervene with respect to the proposed action specified in the Notice to persons whose interests may be affected by the proceeding. No request for a hearing by the applicant or petition for leave to intervene by any interested person was filed with the Commission pursuant to the notice.

The proposed full-term facility operating license would authorize Connecticut Yankee Atomic Power Company (the licensee) to possess, use and operate the Haddam Neck Plant (the facility), located in the town of Haddam, Middlesex County, Connecticut, at its presently licensed steady state power levels up to 1825 megawatts (thermal) in accordance with the provisions of the proposed facility license and the Technical Specifications appended thereto.

The proposed full-term operating license, which would bear the same number, would supersede the existing Provisional Operating License No. DPR-14, and be effective for a period of 40 years from the date of issuance of Construction Permit No. CPPR-14.

The full-term license will not be issued until the Commission has made the findings, reflecting its review of the application under the Atomic Energy Act of 1954, as amended, which will be set forth in the proposed license, and has concluded that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public. The licensee has satisfied its obligation concerning indemnification as required by section 170 of the Act and 10 CFR Part 140 of the Commission's regulations. Therefore, the license would only be issued upon the completion of the environmental review required by the Commission's regulations in 10 CFR Part 50, Appendix D. The facility has been operated since June 30, 1967, under Provisional Operating License No. DPR-14.

Notice is hereby given, pursuant to 10 CFR Part 2, Rules of Practice, and Revised Appendix D of 10 CFR Part 50, Implementation of the National Environmental Policy Act of 1969, that the Commission is providing an opportunity for a hearing with respect to whether, considering those matters covered by Appendix D to 10 CFR Part 50, the proposed full-term operating license should be issued as proposed or appropriately conditioned to protect environmental values.

On or before August 17, 1973 the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene with respect to the issuance of a full-term facility operating license. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition and the Secretary or the designated atomic safety and licensing board will issue a notice of hearing or an appropriate order.

A petition for leave to intervene must be filed under oath or affirmation in accordance with the provisions of 10 CFR 2.714. As required by 10 CFR 2.714, a petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets

forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A request for a hearing or a petition for leave to intervene must be filed with the Office of the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention Chief, Public Proceeding Staff not later than August 13, 1973. Such requests or petitions may be delivered to the Commission's Public Document Room, 1717 H Street, N.W. Washington, D.C. A petition for leave to intervene which is not timely will not be granted unless the Commission, the presiding officer, or the Atomic Safety and Licensing Board designated to rule on the petition or request determine that the petitioner has made a substantial showing of good cause for failure to file on time and after consideration of those factors specified in 10 CFR 2.714(a).

This notice supersedes the notice of proposed issuance published on July 13, 1971, with respect to the matters which may be raised under Appendix D of 10 CFR Part 50, but does not provide an additional opportunity to any person to intervene on the basis of, or to raise matters encompassed within, the issues pertaining to radiological health and safety and the common defense and security specified in the prior above-referenced notice of proposed issuance.

For further details pertaining to the matter under consideration, see the licensee's Environmental Report dated June 27, 1972, and the Commission's draft environmental statement on environmental considerations pursuant to 10 CFR Part 50, Appendix D, dated March 1973, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Russell Library, 119 Broad Street, Middletown, Connecticut 06487. When available, the Commission's final detailed statement on environmental considerations will also be available at the above locations.

A copy of the final detailed statement on environmental considerations may be obtained when available by request to the U.S. Atomic Energy Commission, Washington, D.C., 20545, Attention: Director of Licensing.

Dated at Bethesda, Maryland, this 6th day of July 1973.

For the Atomic Energy Commission.

A. BURGER,
Acting Chief, Operating Reactors Branch #1, Directorate of Licensing.

[FR Doc.73-14301 Filed 7-17-73;8:45 am]

[Docket No. 50-382]

LOUISIANA POWER AND LIGHT CO.

Notice of Reconstitution of Board

Dr. Gerard A. Rohlich was a member of the Atomic Safety and Licensing Board established to consider the above application. Dr. Rohlich is unable to continue his service as a member of the Board.

Accordingly, Dr. J. V. Leeds, Jr., who was the technically qualified alternate, is appointed a member of this Board. Reconstitution of the Board in this manner is in accordance with § 2.721 of the rules of practice, as amended.

Dated at Washington, D.C., this 13th day of July 1973.

NATHANIEL H. GOODRICH,
Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.14686 Filed 7-17-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket Nos. 25151, 25206; Order 73-7-50]

FRONTIER AIRLINES, INC.

Order Denying Temporary Suspension and Setting Application for Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of July 1973.

Application of Frontier Airlines, Inc., for permission to suspend service at Moab, Utah, Docket 25151; application of Frontier Airlines, Inc., for the amendment of its certificate of public convenience and necessity for Route 37 so as to delete Moab, Utah therefrom, Docket 25206.

By applications filed on January 23, 1973, (Docket 25151), and February 12, 1973, (Docket 25206), Frontier Airlines, Inc., requests that its certificate of public convenience and necessity be amended so as to delete Moab, Utah, from Route 73, and, pending such deletion hearing, that it be permitted to suspend service at the community involved.

In support of its application, Frontier alleges, inter alia, that the subsidy paid it from 1968 to 1972 for serving marginal points fell far short of meeting its subsidy needs and resulted in an aggregate net loss to Frontier of $24 million for the period; that Moab has been a poor traffic-generating point,[1] resulting in a subsidy need per passenger at Moab of $38.89 or a figure 4.7 times greater than the average for Frontier's subsidy-eligible services; that in the absence of service at its own airport, Moab would not be isolated since the airport at Grand Junction, Colorado can be reached in one hour and 48 minutes driving time;[2] and that Moab's airport requires substantial renovations (estimated by Frontier at $412,000) which would be unwarranted in light of the high subsidy need of serving Moab and the alternate service at Grand Junction.

Three answers in opposition were filed to Frontier's application, by Yvonne and Bill McIntosh of Dallas, Texas; the City of Cortez, Colorado; and the Utah Agencies (Utah).[3]

The McIntosh's stress the need for service to Moab and to three national parks in the area. Cortez contends that the grant of Frontier's requests would remove a vital transportation link for the population centers in isolated areas of the Colorado plateau and points to forecasts for substantial growth in the area. Utah alleges that Frontier's own exhibits show that, after subsidy, the carrier presently realizes an operating profit of $37,000 in service to Moab; points to Moab's isolation from major communities of interest; argues that suspension and deletion of Frontier's service at Moab should be ordered only after an investigation of "more viable and less drastic" solutions; contends that Frontier's air service at Moab has been permitted to deteriorate in recent years, resulting in the depressed passenger statistics brought forward by Frontier, which statistics should, therefore, not be taken into account by the Board; and states that it hopes to present a petition to the Board for the institution of an investigation to determine the adequacy of service to the small communities of the West. Frontier filed a reply to Utah's answer.

Upon consideration of the pleadings and all the relevant facts, and in light of the objections of the civic parties, we have decided that Frontier's application for temporary suspension at Moab should be denied and that the carrier's application for deletion of Moab from its certificate should be set for hearing.

We believe that the issues presented by Frontier's application can most appropriately be explored in a full evidentiary hearing. Moreover, we shall not authorize a temporary suspension of service pending the outcome of that hearing. This action is similar to that which we have taken under comparable circumstances.[4]

Accordingly, it is ordered, That:

1. The application of Frontier Airlines, Inc. for permission to suspend service at Moab, Utah, pending a permanent deletion of Moab from the carrier's certificate of public convenience and necessity, be and it hereby is denied;

2. The application of Frontier Airlines, Inc. for amendment of its certificate of public convenience and necessity so as to delete Moab, Utah, from Route 73, in Docket 25206, be and it hereby is set for hearing before an Administrative Law

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[1] 6.59 passengers per day and an average of 2.61 passengers per departure over the past four years.

[2] Frontier relies on the staff study of the Bureau of Operating Rights, Service to Small Communities (March 1972), which concluded that any community within 111 minutes driving time of Grand Junction was not isolated. That study further concluded, however, that Moab is a 2 hour and 5 minute drive from the Grand Junction airport—not the one hour, 48 minutes alleged by Frontier.

[3] Utah Agencies is an association comprised of the State of Utah, Salt Lake City Corporation, Salt Lake City Area Chamber of Commerce, and Pro-Utah, Inc. It answers in behalf of the State of Utah, the Board of Commissioners of Grand County, Utah, and the City Commissioners of Moab, Utah.

[4] See *e.g.*, Order 70-11-72, November 18, 1970, and Order 71-12-68, December 16, 1971.

Judge of the Board at a time and place to be hereafter designated; [5] and

3. A copy of this order shall be served upon Frontier Airlines, Inc.; Utah Agencies; Governor, Moab and Salt Lake City, Utah, and Grand Junction and Cortez, Colorado; Utah Aeronautics Commission; and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-14697 Filed 7-17-73;8:45 am]

[Docket Nos. 23682, 25659; Order 73-7-45]

INVESTIGATION OF THE LOCAL SERVICE CLASS SUBSIDY RATE

Order Denying Petition

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of July 1973.

On Friday, June 29, 1973, the Board issued Order 73-6-119, instituting the above entitled investigation in Docket 25659 and reopening (as of Sunday, July 1, 1973) the final subsidy rate presently in effect for the local service carriers.[1] On that same date, Hughes Air West (Airwest) and Frontier Airlines, Inc. (Frontier), jointly filed a petition requesting that the Board refrain from reopening the local service class subsidy rate until it has prepared and is ready to place into effect a new class rate to succeed that which is presently effective, or, alternatively, that oral argument be held on the issue of whether such existing rate should be reopened.

Petitioners' request for relief is grounded on the contention that maintenance of the status quo—i.e., a closed-rate situation—pending establishment of the new class rate is necessary to protect petitioners against the "recognized disadvantages" of operating under an open rate and to afford the local carriers a fair opportunity to participate in the development of the new class rate without the "penalty" of remaining on an open rate while the new rate is being formulated. In support of this contention, petitioners argue, inter alia, that the order instituting this investigation and reopening the rate will raise numerous substantive issues concerning the final rate which will inevitably take many months to resolve; that during these months the local carriers, as well as various other interested parties, will be uncertain as to the composition of the final rate; and that this state of "uncertainty" will put the carriers in a weak position to follow all of the procedural steps needed to obtain thorough Board consideration of the aforementioned substantive issues. Petitioners also point to the recent report of the Senate Appropriations Committee relating to the Board's appropriation for fiscal 1973 [2] as evidencing a Congressional desire that the Board defer action on reopening Class Rate VI until it has constructed and promulgated Class Rate VII.

They further allege that the subsidy for the local industry has not changed significantly since 1971 (the base year for Class Rate VI) related to what is asserted to be the fact that improvements in operating incomes, which would decrease subsidy need, are roughly offset by larger income tax allowances, which would increase subsidy need. Thus, they say, there is at this time no compelling need to reopen the existing class rate.

In light of our action in Order 73-6-119, we find that the matters raised in the petition are moot, and, therefore, that it should be dismissed.

Moreover, we find nothing in the petition which would persuade us to depart from our determination to reopen Class Rate VI or to grant petitioners leave to present oral argument with respect to that determination. Boiled down to its essential ingredients, petitioners' argument is that we cannot, consistent with the requirements of procedural due process, reopen an existing subsidy rate unless we first allow the local service carriers to present their views on the appropriate structure of the new class rate, an argument which we find totally lacking in substance. It is clear that under the subsidy determining powers enumerated in section 406 of the Act, in conjunction with the broad investigatory powers embodied in section 1002(b) of the Act, the Board has discretion to open a subsidy rate on its own initiative without soliciting the advice of the local service industry or any other person on either the desirability of such action or the composition of the class rate to be ultimately established; indeed, it is at least noteworthy that the Board has reopened each of the class rates preceding Class Rate VI pending the establishment of their successor rates.

The Board's objective, under the class rate concept, is to effect timely adjustments to the subsidy need determination, as reflected in the class rate, of the local service carriers and each individual carrier. To implement this objective, it is imperative that we take prompt and decisive action to reopen the existing rate and establish a new rate when it appears that the present level of subsidy payments is significantly above or below the reasonable need of the carriers as expected by current information. As reflected in our order instituting this investigation, we found that the increasing subsidy need trend which had so long characterized the local industry had in recent months undergone a sharp reversal, with estimates of earnings and subsidy need through fiscal 1973 indicating a continuing strong financial picture, and we reopened the present class rate to reflect this apparent trend of decreasing subsidy need.

It may be true that for some of the time during which the rate is open the local carriers will be uncertain as to the structure of their new subsidy rate; yet, we fail to see how this "uncertainty" in and of itself results in making the entire procedure for establishing such rate unfair to these carriers. Although petitioners' document is replete with general averments concerning the "coercive effect" and "recognized disadvantage" of operating under an open rate, it is conspicuously silent as to any particular ways in which this situation will hamper the local carriers' ability to participate in the development of the new class rate. Moreover, the Board expects to formulate and issue the interlocutory and final orders necessary to establish the new class rate as expeditiously as possible, so that the time the carriers are required to spend on an open rate should be held to a minimum. In light of the foregoing, we have no present basis for concluding that placing the local carriers on an open rate will result in depriving them of a fair hearing in this proceeding.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 102, 204, 406, and 1002 (b) thereof,

It is ordered, That:

The joint petition of Hughes Air Corp. d/b/a Hughes Airwest and Frontier Airlines, Inc., in Docket 23682 to defer action on reopening the local service class subsidy rate be, and it hereby is dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-14696 Filed 7-17-73;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN PAKISTAN

Entry or Withdrawal From Warehouse for Consumption; Correction

JULY 12, 1973.

In FR Doc. 73-13543 appearing at page 17526 in the issue of Monday, July 2,

[5] The hearing shall determine whether the public convenience and necessity require that Frontier's certificate be altered, amended, or modified so as to suspend or delete Moab. As an alternative to amending Frontier's certificate, we shall place in issue whether the public interest requires the temporary suspension of service by Frontier, with or without conditions.

[1] Class Rate VI as established by Orders 72-6-72, June 16, 1972 and 72-7-82, July 25, 1972, Docket 23682.

[2] Report No. 92-865, 92nd Cong., 2d Sess. p. 32. This report states as follows: "Class rates are supposed to be prospective in order to avoid making the carriers operate under an open rate for an extended period of time. Notwithstanding this fact, during the past eleven months, an open rate has been in effect. The Committee desires that the CAB extend Class Rate VI until formulation and approval of Class Rate VII. It is imperative that the local service air carriers be provided forward visibility in forecasting their anticipated revenues so that business decisions can be intelligently and knowledgably made on matters such as debt management and budgeting for needed capital improvements."

1973, both the document and the attached letter should have been dated June 29, 1973, instead of June 29, 1972. The date cited in line 2, paragraph 2 of the notice should also read June 29, 1973.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73-14846 Filed 7-17-73;8:45 am]

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN BELIZE (FORMERLY BRITISH HONDURAS)

Entry or Withdrawal From Warehouse for Consumption; Correction

JULY 12, 1973.

In FR Doc. 73-13537 appearing at page 17760 in the issue of Tuesday, July 3, 1973, both the document and the attached letter should have been dated June 28, 1973, instead of June 28, 1972. The date cited in line 2, paragraph 2 of the notice should also read June 28, 1973.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73-14847 Filed 7-17-73;8:45 am]

COST OF LIVING COUNCIL

FOOD INDUSTRY ADVISORY COMMITTEE

Notice of Change in Meetings

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given that the meeting of the Food Industry Advisory Committee scheduled, as previously announced, on July 23 and 24, 1973 in Washington, D.C. has been cancelled.

Issued in Washington, D.C. on July 16, 1973.

HENRY H. PERRITT, Jr.,
Executive Secretary, Cost of Living Council.

[FR Doc.73-14830 Filed 7-16-73;4:13 pm]

HEALTH INDUSTRY WAGE AND SALARY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) notice is hereby given that the Health Industry Wage and Salary Committee, established under the authority of section 212(f) of the Economic Stabilization Act, as amended, section 4(a)(iv) of Executive Order 11695, and Cost of Living Council Order No. 14, will meet on July 25, 1973 and the meeting will be open to the public on a first-come, first-served basis at 10 a.m. in room 8009, 2025 M Street NW., Washington, D.C.

The agenda will consist of a discussion of health industry wage cases currently pending before the Cost of Living Council.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business.

Issued in Washington, D.C. on July 16, 1973.

HENRY H. PERRITT, Jr.,
Executive Secretary, Cost of Living Council.

[FR Doc.73-14831 Filed 7-16-73;4:13 pm]

HEALTH INDUSTRY ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (P.L. 92-463, 86 Stat. 770), notice is hereby given that the Health Industry Advisory Committee, created by Section 6(b) of Executive Order 11695, will meet on July 23, 1973 at the Cost of Living Council offices, 2000 M Street, NW., Washington, D.C.

The morning portion of the meeting, which will be held from 10:00 a.m. to 12:30 p.m. in the second floor auditorium, will be open to the public. The meeting will be opened by introductory remarks by the Director, Cost of Living Council, followed by a discussion of possible coverage of the health industry under Phase IV.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Only members of the Committee, and its staff, may question the witnesses. Due to space limitations, it is possible that there will not be enough seating. For that reason, persons will be admitted on a first-come-first-served basis.

While no unscheduled oral presentations will be entertained, anyone may submit a written statement by mailing it to Robert Saner, 2000 M Street, N.W., Washington, D.C. 20508.

Any statement received three or more days prior to the meeting will be provided to the Committee before the meeting. Any statement over three pages in length should be submitted with twenty copies.

The afternoon portion of the meeting, to run from 12:30 to 4:00 p.m., will be closed to the public. Since the afternoon meeting will be discussing the substance of Phase IV and other possible governmental actions therewith, I have determined that the meeting will fall within Exemption 5 of 5 U.S.C. 552(b) and it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

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

WILLIAM N. WALKER,
General Counsel, Cost of Living Council.

[FR Doc.73-14902 Filed 7-17-73;10:58 am]

[Docket No. CI61-433, etc.]

FEDERAL POWER COMMISSION

AMERICAN NATURAL GAS PRODUCTION CO. ET AL.

Findings and Order After Statutory Hearing

JULY 11, 1973.

On May 19, 1973, American Natural Gas Production Company (American) filed in Docket Nos. CI61-433 and CI63-1046 a request that it be authorized to continue the sale of natural gas from its own interest in the Shuteston Field, St. Landry Parish, Louisiana, to Michigan Wisconsin Pipe Line Company, (Mich-Wis) all as more fully set forth in request in this proceeding.

American's interest of natural gas in the subject acreage has heretofore been sold under authorization granted to Falcon Seaboard, Inc., in Docket Nos. CI61-433 and CI63-1046 (temporary certificate). With the issuance of a small producer certificate to Falcon on February 29, 1972, in Docket No. CS72-503[1] the certificates in Docket Nos. CI61-433 and CI63-1046 were terminated and the related rate schedules were cancelled. American requests that it be substituted as the certificate holder in Docket No. CI61-433 and that it be granted a permanent certificate in Docket No. CI63-1046 to permit it to cover its own interest in the subject acreage. The last effective rate under Falcon's rate schedules was 22.375 cents per Mcf effective subject to refund in Docket No. RI71-963.

Inasmuch as American and Mich-Wis are affiliated companies and the gas involved herein is produced from leases acquired before October 7, 1969,[2] the rate authorized herein will be made subject to refund pending a determination as to the proper rate.

After due notice by publication in the FEDERAL REGISTER no petition to intervene, notice of intervention or protest to the granting of the request has been filed.

At a hearing held on July 5, 1973, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the request and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Applicant, American Natural Gas Production Company, is engaged in the sale for resale of natural gas in interstate commerce subject to the jurisdiction of the Commission and is, therefore, a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission.

[1] Order issued in Docket No. CS71-68, *et al.*

[2] In Commission Opinion No. 568, *Pipeline Production Area Rate Proceeding (Phase I)*, Docket No. RP66-24, 42 FPC 738 (1969), the Commission determined that the just and reasonable area rates would be used to value gas produced by pipeline affiliates for on-system sales from leases acquired after October 7, 1969.

(2) The sale of natural gas hereinbefore described in Docket No. CI63–1046, as more fully described in the request in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sale by Applicant, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, is subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicant is able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations thereunder.

(4) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the Commission's order of February 29, 1972, in Docket No. CS72–503 should be vacated in part as hereinafter ordered.

(5) The sale of natural gas proposed to be made in Docket No. CI63–1046 by Applicant is required by the public convenience and necessity and a certificate therefor should be issued as hereinafter ordered and conditioned.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the order issuing a certificate of public convenience and necessity in Docket No. CI61–433 should be amended as hereinafter ordered and conditioned.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that American should be made a co-respondent in the proceeding pending in Docket No. RI71–963 and that said proceeding should be redesignated accordingly.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the rate schedules related to the authorizations granted in Docket Nos. CI61–433 and CI63–1046 should be redesignated as those of American Natural Gas Production Company.

The Commission orders:

(A) The Commission's order of February 29, 1972, in Docket No. CS71–68 *et al.*, is vacated insofar as it pertains to the termination on Docket Nos. CI61–433 and CI63–1046 and the cancellation of the related rate schedules, Falcon Seaboard, Inc. (Operator), *et al.*, FPC Gas Rate Schedule Nos. 8 and 15.

(B) A certificate of public convenience and necessity is issued in Docket No. CI63–1046 upon the terms and conditions of this order authorizing the sale by Applicant of natural gas in interstate commerce for resale for ultimate public consumption, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the application in this proceeding.

(C) The certificate issued herein in Docket No. CI63–1046 is not transferable and shall be effective only so long as Applicant continues the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the rules, regulations, and orders of the Commission.

(D) The grant of the certificate issued in paragraph (B) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against Applicant. Further, our action in this proceeding shall not foreclose or prejudice any future proceedings relating to the operation of any price or related provisions in the gas purchase contract herein involved. The grant of the certificate herein for service to the particular customer involved shall not imply approval of all of the terms of the contract, particularly as to the cessation of service upon termination of said contract, as provided by Section 7(b) of the Natural Gas Act. The grant of the certificate herein shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sale of natural gas subject to said certificate.

(E) The order issuing a certificate of public convenience and necessity in Docket No. CI61–433 is amended by substituting American Natural Gas Production Company as the certificate holder in lieu of Falcon Seaboard, Inc. (Operator), *et al.*, and in all other respects said order shall remain in full force and effect.

(F) Within 90 days from the date of this order American shall file three copies of a rate scheduled quality-statement in the form prescribed in Commission Opinion No. 598 for both of the subject sales.

(G) The authorizations granted herein are subject to the Commission's findings and order accompanying Commission Opinion Nos. 598 and 598–A.

(H) American Natural Gas Production Company is made a co-respondent in the proceeding pending in Docket No. RI71–963 and said proceeding is redesignated accordingly. American shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the Regulations thereunder.

(I) American shall charge and collect a rate of 22.375 cents per Mcf at 15.025 psia, subject to refund in Docket No. RI71–963, for the subject sales.

(J) The authorizations granted herein determine the rates which American Natural Gas Production Company may legally charge its affiliate, Michigan Wisconsin Pipe Line Company, under the subject authorizations, and are without prejudice to any action which the Commission may take in any rate proceedings involving said companies.

(K) The following rate schedule and rate schedule supplements are redesignated effective February 29, 1972:

Docket No.	Description of instrument	Rate schedule designation: American Natural Gas Production Company FPC Gas Rate Rate Schedule No.	Rate schedule designation: Supplement No.
CI61–433	Falcon Seaboard, Inc. (Operator) et al., FPC Gas Rate Schedule No. 8 and Supplement Nos. 1–5 thereto	6	1–5
CI63–1046	Falcon Seaboard, Inc. (Operator) et al., FPC Gas Rate Schedule No. 15 and Supplement Nos. 1–5 thereto	7	1–5

(L) Nothing contained in this order shall relieve the applicant of any responsibility imposed by the Economic Stabilization Act of 1970, (Public Law 91–379, 84 Stat. 799, as amended by Public Law 92–15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.73–14664 Filed 7–17–73;8:45 am]

[Docket No. CI73–937]

ANADARKO PRODUCTION CO.

Notice of Application

JULY 11, 1973.

Take notice that on June 29, 1973, Anadarko Production Company (Applicant), P.O. Box 9317, Fort Worth, Texas 76107, filed in Docket No. CI73–937 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Panhandle Eastern Pipe Line Company from the Cities Service "A" Well, Texas County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 3,000 Mcf of gas per day at 40.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment, for one year after the first day of the month following the date of initial deliveries, within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 24, 1973, file with the

Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 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.73-14592 Filed 7-17-73;8:45 am]

[Docket No. CI73-934]

ARKLA EXPLORATION CO. AND STEPHENS PRODUCTION CO.

Notice of Application

JULY 11, 1973.

Take notice that on June 28, 1973, Arkla Exploration Company (Arkla) and Stephens Production Company (Stephens), P. O. Box 1734, Shreveport, Louisiana 71151, filed in Docket No. CI73-934 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natual gas in interstate commerce to Arkansas Louisiana Gas Company from the South West O'Keene Field, Blaine County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Arkla and Stephens propose to sell, from the Weber No. 1 Well in which each owns a 50 percent interest, approximately 60,830 Mcf of gas per month for one year at 45.0 cents per Mcf at 14.65 psia within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 24, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14590 Filed 7-17-73;8:45 am]

[Docket No. CI73-758]

BASIN PETROLEUM CORP.

Extension of Time

JULY 10, 1973.

On July 6, 1973, Basin Petroleum Corporation requested an extension of time to file the testimony required by the order issued June 26, 1973, in the above-designated matter. The request states that Texas Eastern Transmission Corporation has no objection to the extension.

Upon consideration, notice is hereby given that an extension is granted to and including July 13, 1973, within which to file the testimony required in the above matter. The hearing will be held at 10:00 a.m. (EDT) on July 26, 1973, as previously scheduled.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14672 Filed 7-17-73;8:45 am]

[Docket No. CI73-920]

BRUNSON & McKNIGHT, INC. ET AL.

Notice of Application

JULY 10, 1973.

Take notice that on June 25, 1973, Brunson & McKnight, Inc. (Operator), *et al.* (Applicant), P.O Box 1039, Hobbs, New Mexico 88240, filed in Docket No. CI73-920 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transwestern Pipeline Company from the South Carlsbad Area, Eddy County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on May 17, 1973, within the contemplation of section 157.29 of the Regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the sixty-day emergency period within the contemplation of section 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 40,000 Mcf of gas per month at 52.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment. Initial upward Btu adjustment is 0.26 cent per Mcf.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14596 Filed 7-17-73;8:45 am]

[Docket No. CP73-342]

COLUMBIA GAS TRANSMISSION CORP.

Notice of Application

JULY 11, 1973.

Take notice that on June 27, 1973, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP73-342 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of synthetic gas (SG), as mixed with natural gas, between Applicant and its subsidiary, Columbia LNG Corporation (Columbia LNG) and the construction of certain facilities at the Downingtown Compressor Station in Chester County, Pennsylvania, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to receive and deliver certain volumes of SG which its customers have purchased from Columbia LNG. The SG will be produced by a subsidiary of Apco Oil Corporation at a reforming plant to be constructed in Delaware County, Pennsylvania, and will be transported by Applicant to its existing Downingtown Compressor Station for re-delivery to the purchasers at existing delivery points along its pipeline according to the monthly load factors represented by maximum monthly volumes for each customer as contained in Sheet Nos. 90 through 94 of Applicant's FPC Gas Tariff, Original Volume No. 1 or, for SGS customers, according to monthly estimates for the year ending October 1972. Applicant states that it is advised that approximately 43,125,000 Mcf of SG will be delivered annually at an average rate of 125,000 Mcf daily (for 345 days) beginning November 1, 1975, and will be sold to all CD, G, and SGS customers of Applicant on a pro rata basis depending on each customer's current delivery entitlements. Applicant proposes to charge SG purchasers approximately 13.0 cents per Mcf for the transmission and storage services rendered. It is stated that Applicant will not be obligated to deliver SG to a customer when the customer is receiving its total daily entitlement of gas under the applicable Rate Schedule in Applicant's FPC Gas Tariff, Original Volume No. 1, or the equivalent volumes of gas under Applicant's FPC Gas Tariff, Original Volume No. 2.

Applicant also proposes to construct interconnecting piping facilities, to replace regulating facilities, and to replace and/or modify existing compressor facilities at the Downingtown Compressor Station in order to facilitate the proposed exchange. The cost of the proposed facilities is $406,000 which will be financed from cash on hand.

The purpose of the proposed exchange service and construction and/or replacement is to augment Applicant's ability to meet its customers' requirements during the 1975-76 winter season and thereafter. It is stated that Applicant expects that its historic gas supply will be insufficient to meet existing levels of gas requirements beginning with said period and the proposed exchange will partially offset the estimated declines in deliveries.

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, 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.73-14665 Filed 7-17-73;8:45 am]

[Docket No. E-8105]

CONNECTICUT POWER & LIGHT CO.

Order Accepting Initial Rate Schedule

JULY 10, 1973.

On April 2, 1973, the Connecticut Light and Power Company (CL&P) tendered for filing on behalf of the Northeast Utilities System (NU) a proposed Rate Schedule consisting of a Purchase agreement (Agreement) between the members of NU (CL&P, The Hartford Electric Light Company (Hartford) and Western Massachusetts Electric Company (Western Massachusetts)) as the renderers of service, and New Bedford Gas and Electric Light Company (New Bedford), as the receiver of service. CL&P's transmittal letter states that the Agreement provides for sales to New Bedford of specified percentages of capacity and energy from either eight or eleven gas turbine generating units, depending on the period, between March 1, 1973 to April 30, 1974, together with related transmission service. The Agreement is signed by representatives of the four parties and certificates of concurrence from Hartford and Western Massachusetts are included in the filing.

CL&P requests waiver of the Commission's thirty-day notice period in order to permit the rate schedule to become effective on March 1, 1973. However, subsequent to the filing a deficiency letter was issued which the Company responded to by a curative filing on May 31, 1973.

The filing was noticed on April 11, 1973, with petitions to intervene and protests due on or before April 23, 1973. No such petitions or protests were received.

The previous agreement among these parties is on file with this Commission and, although that agreement has expired by its own terms, notice of cancelation of the rate schedules thereunder has not been received. The rate formula under the prior rate schedules is identical to that being proposed in this filing. The instant agreement replaces the expired agreement and does not involve a change in rates. Therefore we will treat the filing as an initial filing. Accordingly, we shall deny the request for waiver, accept the proposed rate schedule for filing to become effective thirty days after the filing was completed or July 1, 1973. The proposed rates, according to CL&P, would include overall rates of return for CL&P, Hartford, and Western Massachusetts of 10.6 percent, 10.95 percent, and 8.73 percent respectively. Our review of the filing indicates that the proposed rates may not be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. Accordingly we will institute an investigation under section 206 of the Federal Power Act to determine the justness and reasonableness of the filed rates.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon an investigation to determine if the rates and charges contained in CL&P's proposed Rate Schedule are in the public interest.

(2) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(3) The requested waiver of our notice requirement should be denied.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act, particularly section 206 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held, commencing with a prehearing conference on September 21, 1973, at 10:00 A.M., EDT, in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, to determine if the rates,

charges, classifications and services contained in CL&P's proposed Rate Schedule are in the public interest.

(B) At the prehearing conference on September 21, 1973, CL&P's prepared testimony and exhibits together with its entire rate filing shall be admitted to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceeding. All parties will be expected to come to this conference prepared to effectuate the provisions of section 1.18 of the Commission's rules of practice.

(C) On or before September 14, 1973, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of all intervenors shall be served on or before September 28, 1973. Any rebuttal evidence by CL&P shall be served on or before October 12, 1973. The public hearing herein ordered shall convene on October 24, 1973, at 10:00 a.m., EDT.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control the proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(E) CL&P's proposed rate schedule tendered on April 27, 1973, is accepted for filing to become effective July 1, 1973, thirty days after the official filing date and subject to the terms and conditions of this order, particularly ordering paragraph (F) hereof.

(F) Nothing contained in this order shall relieve the applicant of any responsibility imposed by the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

(G) The request for waiver of our notice regulations is denied and the rates are permitted to become effective July 1, 1973.

(H) The Secretary of the Commission shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.73-14668 Filed 7-17-73;8:45 am]

[Docket Nos. RP72-47; RP73-115]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Request To Withdraw Tariff Sheets and Filing of Proposed Curtailment Plan

JULY 10, 1973.

Take notice that on June 14, 1973, Consolidated Gas Supply Corporation (Consolidated) filed a request in Docket No. RP72-47 to withdraw certain tariff sheets[1] from its FPC Gas Tariff, First Volume No. 1. The tariff sheets were originally filed June 21, 1972 and suspended until August 22, 1972. Consolidated has not moved to place the suspended sheets into effect.

On August 11, 1972, the Commission rejected some of the tariff sheets filed on June 21, 1972. Thereafter, Consolidated requested reconsideration of the order rejecting its tariff sheets. On March 15, 1973, the Commission issued an order deferring action on Consolidated's application for reconsideration in order to permit Consolidated to file tariff sheets conforming to the curtailment priorities set forth in Order 467-B. The March 15 order also provided that prior tariff sheets relating to curtailment could be withdrawn in the event Consolidated filed tariff sheets consistent with the priorities set forth in Order 467-B. Consolidated's request for withdrawal of the tariff sheets is in response to the March 15 order.

Take further notice that on June 14, 1973, Consolidated submitted for filing, in Docket No. RP73-115, revised tariff sheets[2] to its presently effective FPC Gas Tariff, First Revised Volume No. 1, constituting its permanent curtailment plan. Consolidated requests that its tendered sheets become effective sixty days from the date of the filing.

In summary, Consolidated's proposed permanent curtailment plan provides:

(1) Curtailment to be applied according to the priorities set forth in Order 467-B, except that Consolidated has included small volume industrial sales (up to 300 Mcf/d) in Category (2), separating them from the other industrial categories.

(2) An annual percentage curtailment for certain customers that receive a small fraction of their supply from Consolidated under Rate Schedules SG-2, CQ-2, CQ-3, SCQ-4, and ACR-4.

(3) An emergency provision to permit deliveries to lower priorities than would otherwise be delivered under the order of priorities specified, in order to prevent irreparable injury to life or property.

(4) Adjustment of rates to reflect curtailment, computed at the end of each calendar quarter on a rate schedule by rate schedule basis.

(5) General rules to be applied during curtailment under the proposed specific curtailment provisions.

Consolidated states that Consolidated and its customers make few interruptible sales that fall within Categories (6) through (9), as enumerated in Order 467-B, but that all of such categories were included to conform with that order.

Consolidated states that the above-described permanent curtailment plan was formulated to provide for end-use curtailment which conforms substantially to Order 467-B. The plan is on file with the Commission and is available for inspection.

Any person desiring to be heard or to make any protect with reference to this filing should on or before July 23, 1973, file with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, petitions to intervene or protests in accordance with the 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 participate as parties in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Any order issued in this proceeding will be subject to the Commission's statement of policy implementing the Economic Stabilization Act of 1970 (P.L. 91-379, 84 Stat. 799, as amended by P.L. 92-15, 85 Stat. 38) and Executive Order 11616 including such amendments as the Commission may require.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14597 Filed 7-17-73;8:45 am]

[Docket No. CI73-914]

CRYSTAL OIL CO.

Notice of Application

JULY 10, 1973.

Take notice that on June 25, 1973, Crystal Oil Company (Applicant), P.O. Box 1101, Shreveport, Louisiana 71163, filed in Docket No. CI73-914 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of natural gas in interstate commerce to Louisiana-Nevada Transit Company (Louisiana-Nevada) from acreage in the Shongaloo Field, Webster Parish, Louisiana, and delivery of said gas to Beacon Gasoline Company, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on June 15, 1973, within the contemplation of section 157.29 of the Regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sales for two years from the end of the sixty-day emergency period within the contemplation of § 2.70 under the Commission's general policy and interpretation (18 CFR 2.70). Applicant proposes to sell approximately

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[1] Consolidated requests that the following sheets be withdrawn: Original Sheets Nos. 53-B, 53-C and 53-D. The aforementioned tariff sheets contain a list of industrial gas applications where natural gas is the only feasible form of energy.

[2] The tariff sheets are designated as follows: Third Revised Sheet No. 51; First Revised Sheet No. 51-A; First Revised Sheet No. 51-B; First Revised Sheet 51-C; Original Sheet No. 51-D.

10,000 Mcf of gas per day at 45.0 cents per Mcf at 15.025 psia. Applicant states that deliveries will initially be made at the Beacon Gasoline Plant in Webster Parish for transmission through Beacon Gasoline Company's 6-inch pipeline to Louisiana-Nevada's Haynesville Lateral pipeline. Aplicant further states that it is a small producer within the meaning of § 157.40 of the Regulations (18 CFR 157.40) and is filing the instant application solely to secure pre-granted abandonment authorization and does not intend to file a rate schedule for the proposed sale.

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 July 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 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.73-14599 Filed 7-17-73;8:45 am]

[Docket No. E-8189]

DAYTON POWER AND LIGHT CO.

Order Accepting for Filing and Suspending Revised Tariff Sheets

JULY 9, 1973.

The Dayton Power and Light Company (Dayton) on May 11, 1973, tendered for filing revised tariff sheets to its FPC Electric Tariff, Original Volume No. 1, proposed to become effective July 10, 1973.[1] The revised tariff sheets, applicable to service to 13 municipalities for resale, include increased rates and charges which would increase annual revenues from jurisdictional sales and service approximately $371,045, based upon operations for the calendar year 1972.[2] The rate filing also includes changes to the fuel adjustment and tax adjustment clauses contained in the rate schedule.

In support of its proposed increased rates, Dayton claims that it is entitled to an 8.0 percent rate of return allowance and that on the basis of its 1972 cost of service study, the proposed rates would yield a return of 7.5 percent. The cost study includes the following adjustments to per books figures:

(i) annualized effect of wage increase effective October 29, 1972;

(ii) restated test period fuel cost to a level said to be based on fuel costs experienced in December 1972; and

(iii) restated depreciation expense to reflect application of depreciation accrual rates to average plant in service balances.

Copies of the rate filing were served upon Dayton's municipal resale customers. Notice of the filing was issued on May 30, and was published in the FEDERAL REGISTER on June 4, 1973 (38 FR 14716). The Villages of Jackson Center and Tipp City, Ohio, jointly, and the Villages of Versailles, New Knoxville, New Bremen, and Minister, Ohio, jointly, filed petitions for leave to intervene. The petitioners contend that the rate increase is not needed or justified and request that the filing be suspended for five months. Petitioners also contend that the proposed revisions to the fuel adjustment clause do not meet the standards in Section 35.14 of the Commission's regulations Under the Federal Power Act, and that the tax adjustment clause is neither provided for by regulation nor by the Act and appears to be in violation of Section 205 of the Act.

It appears that under Dayton's proposed fuel adjustment clause, the company's own fuel cost would be imputed to the cost of power it purchases. Such procedure is inconsistent with Commission Opinion No. 633, New England Power Company, Docket No. E-7541, issued October 30, 1972 (48 FPC —). Accordingly, this feature of the proposed fuel clause should be eliminated.

Our review of Dayton's filing, including the tax adjustment clause, and the pleadings indicates that the proposed increased rates and charges raise issues which require development in an evidentiary hearing. The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

[1] Second Revised Tariff Sheets Nos. 4 and 5.
[2] City of Celina and Villages of Arcanum, Eldorado, Jackson Center, Lakeview, Mendon, Minster, New Bremen, New Knoxville, Tipp City, Versailles, Waynesfield, and Yellow Springs, all of Ohio.

The Commission finds:

(1) It is necessary and appropriate in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Dayton's FPC Electric Tariff, Original Volume No. 1, as proposed to be amended by the rate filing tendered by Dayton on May 11, 1973, and that the tendered revised tariff sheets be accepted for filing, suspended and their use deferred as hereinafter ordered and conditioned.

(2) The participation of the abovenamed petitioners may be in the public interest.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act, including sections 205, 206, 308 and 309 thereof, the Commission's rules of practice and procedure, and the regulations Under the Federal Power Act, a public hearing shall be held, commencing with a prehearing conference on December 6, 1973, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, concerning the lawfulness of the rates and charges contained in Dayton's FPC Electric Tariff, as proposed to be amended by the revised tariff sheets filed on May 11, 1973.

(B) The revised tariff sheets and the proposed increased rates and charges contained therein, filed by Dayton on May 11, 1973, as described above, are accepted for filing, pending hearing and final decision herein, and are suspended and the use thereof deferred until September 10, 1973.

(C) The Commission Staff shall serve its direct case on or before November 9. Intervenors shall serve their direct case on or before November 27. At the Prehearing Conference on December 6, Dayton's prepared testimony (Statement P), as its case-in-chief, together with its entire rate filing, and all testimony and exhibits served by other parties, shall be admitted to the record, subject to appropriate motions of the parties. Dayton may serve rebuttal evidence on or before December 21, 1973. Cross-examination of witnesses shall commence at 10:00 a.m., e.s.t., on January 9, 1974.

(D) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)) shall preside at the hearing in accordance with the terms of this order, the Commission's rules of practice and procedure, and the Federal Power Act.

(E) The above named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That participation of such intervenors shall be limited to the matters affecting asserted rights and interests specifically set forth in their petitions to intervene; and *Provided, further,* That the admission of such intervenors

shall not be construed as recognition by the Commission that they or any of them might be aggrieved by any orders entered in this proceeding.

(F) Any future change in rates resulting from application of the tax adjustment clause of Dayton's FPC Electric Tariff should be accompanied by appropriate data and computations showing the basis for the change in rate.

(G) Within 30 days from the date of this order, Dayton shall file an amendment to its fuel cost adjustment clause in compliance with the requirements of Commission Opinion No. 633, as described above.

(H) Nothing contained in this order shall relieve the applicant of any responsibility imposed by the Economic Stabilization Act of 1970, (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

(I) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.73-14679 Filed 7-17-73;8:45 am]

[Docket No. E-8297]

DELMARVA POWER AND LIGHT CO.

New Facilities Agreement

JULY 11, 1973.

Take notice that on June 26, 1973, Delmarva Power and Light Company (DPL) tendered for filing an agreement to sell generation facilities to Philadelphia Electric Company (PE), becoming effective on July 28, 1973, and lasting until April 30, 1975.

DPL states that the agreement not only transfers one-half the generating capacity at its Edge Moor #5 unit, but also provides for (1) construction of an interconnection between the electrical supply systems of both companies; (2) carrying charges to be paid to DPL by PE for DPL's remaining investment in the unit and maintenance of the unit; and (3) carrying charges to be paid by both companies to each other for use of the interconnection.

Any person desiring to be heard or protest said application should file a petition to intervene or protest with the Federal Power Commission 825 North Capitol Street, N.E., Washington, D.C., in accordance with the Commission's rules of practice and procedure. All such petitions or protests should be filed on or before July 19, 1973. Protests will be considered by the Commission in determining the appropriate action, 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.73-14669 Filed 7-17-73;8:45 am]

[Docket No. CI73-940]

D. L. HANNIFIN AND JOE DON COOK

Notice of Application

JULY 11, 1973.

Take notice that on June 29, 1973, D. L. Hannifin, P.O. Box 182, Roswell, New Mexico 88201, and Joe Don Cook, P.O. Box 159, Roswell, New Mexico 88201, filed in Docket No. CI73-937 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas Company from the South Carlsbad Morrow Field, Eddy County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that they commenced the sale of natural gas on June 9, 1973, within the contemplation of § 157.29 of the Regulations under the Natural Gas Act (18 CFR 157.29) and proposed to continue said sale for 14 months from said date within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicants propose to sell approximately 210,000 Mcf of gas per month at 55.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 24, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14589 Filed 7-17-73;8:45 am]

[Docket No. CP73-347]

LONE STAR GAS CO.

Notice of Application

JULY 10, 1973.

Take notice that on June 29, 1973, Lone Star Gas Company (Applicant), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. CP73-347 an application pursuant to section 7 of the Natural Gas Act and § 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 the calendar year 1973, 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 $700,000 with no single project costing in excess of $175,000. These costs will be financed from working funds.

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, 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 section 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.73-14674 Filed 7-17-73;8:45 am]

[Docket No. E-7734]

MID-CONTINENT AREA POWER POOL AGREEMENT

Extension of Time

JULY 6, 1973.

On May 31, 1973, Intervenors, Alexandria Board of Public Works, et al., pursuant to an order of the Commission in this proceeding [1], filed its Status Report. On June 11, 1973, Alexandria filed a motion for Further Extension of Time; on June 18, 1973, a Joint Answer in Opposition to the Motion for Extension of Time was filed by participants; and on June 20, 1973, a response to the Joint Answer was filed by Alexandria. On June 25, 1973, pursuant to section 1.12(c) of the Commission's rules, Staff filed comments on these motions which supported Alexandria's request for an extension of time, provided the Presiding Administrative Law Judge has discretion to reduce the extension if he determines that such reduction is appropriate under the circumstances.

Alexandria, et al., contend that this docket should not proceed to hearing or that it should not be required to submit testimony until the outstanding matters of document production have been resolved. In light of the inability of Counsel to obtain a reasonable, voluntary agreement with respect to document production and inspection to be afforded the intervenors, Alexandria requests that resolution be had by formal application to Judge Fribourg and that Judge Fribourg be permitted to move these matters ahead in a timely manner. Alexandria, et al., therefore, moved that this Commission grant an extension of ninety (90) days for submission of its case in chief, with discretion vested in the Presiding Administrative Law Judge to reduce the requested extension if he determines it is appropriate to do so.[2]

The extension requested by Alexandria in its motion dated June 11, 1973 is intended to provide Judge Fribourg and the parties with reasonable time to resolve the present disagreement with respect to document production and afford an adequate period to conclude this phase of the proceeding including preparation of additional direct testimony.

Judge Fribourg is hereby ordered to set the matter for hearing and rule on the allowable scope of discovery and the relevancy of the requested documents. All other dates previously provided by the Commission for filing testimony and commencing hearing are hereby extended accordingly.

The Commission finds:

It is appropriate and in the public interest to grant intervenors a 90 day extension of time for the filing of prepared testimony.

The Commission orders:

(A) Alexandria, et al., are hereby granted a 90 day extension of time, for the additional filing of prepared testimony. Accordingly, all additional dates previously set by the Commission for filing of the Company's and Staff's testimony and the Commencement of Hearing will also be extended for 90 days.

(B) The extension of time granted by this Commission will be for a 90 day period, without prejudice to the Administrative Law Judge reducing the 90 day period if he in his discretion determines that amended testimony should be submitted earlier than the 90 day period.

(C) Alexandria, et al., shall file with the Commission a report on or before August 17, 1973, on the progress and status of the revisions of its request for documents with respect to that date and other steps that it has taken with respect to these proceedings.

(D) All requests not specifically granted by this order are hereby denied.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.73-14666 Filed 7-17-73;8:45 am]

[Docket No. CP73-345]

MIDWESTERN GAS TRANSMISSION CO. AND PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

JULY 10, 1973.

Take notice that on June 28, 1973, Midwestern Gas Transmission Company (Midwestern), P.O. Box 2511, Houston, Texas 77001, and Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP73-345 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas between them and the construction and operation of certain facilities therefor, all as more fully set forth in the application which is on file with the Commssion and open to public inspection.

It is stated that Peoples Gas Light and Coke Company (Peoples), a customer of Midwestern, buys and sells natural gas for domestic, commercial, and industrial consumption in the City of Chicago, Illinois, and that Peoples has undertaken an underground storage exploration and testing program in Edgar County, Illinois. Peoples desires to have a portion of the gas purchased from Midwestern at Joliet, Illinois, delivered, instead, to it for testing purposes in Edgar County.

Panhandle and Midwestern, pursuant to an agreement dated June 5, 1972, as amended July 13, 1972, and April 19, 1973, propose to exchange up to 10,000 Mcf of gas per day for two years without monetary compensation. Panhandle proposes to deliver gas to Peoples at its existing 6-inch blow-off valve on its F-200 pipeline in Edgar County and receive equivalent volumes of gas from Midwestern at the interconnection of its and Midwestern's existing 24-inch pipeline in Edgar County. Midwestern states that it will reduce its current deliveries to Peoples at the Joliet delivery point by the quantity of gas delivered to Panhandle for redelivery to Peoples in Edgar County. The exchange agreement provides for deliveries on a volume basis without adjustment for the thermal content of the gas. Imbalances in deliveries will be corrected monthly.

It is stated that Peoples will either construct or reimburse Panhandle and Midwestern for the construction of certain taps, side valves, and gas measurement facilities at the point of interconnection between Panhandle's and Midwestern's pipelines and that upon completion of the proposed construction Panhandle and Midwestern will each own and operate the proposed facilities.

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, 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

[1] Order Denying Indefinite Extension of Time and Granting a Ninety Day Extension of Time. April 30, 1973.

[2] However, in its response to the Joint Answer in opposition to the Motion for an extension of time, Alexandria, et al., stated that pursuant to the order of this Commission dated April 30, 1973, it is preparing direct testimony of several witnesses to be served on the parties to this proceeding by June 22, 1973. Direct testimony was served on the parties to the proceeding on June 25, 1973, but Alexandria, et al., reserved the right to serve testimony of additional witnesses or modify, revise or supplement such testimony as will be served under the present deadline.

for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14673 Filed 7-17-73;8:45 am]

[Docket No. CP73-348]

NATURAL GAS PIPELINE OF AMERICA

Notice of Application

JULY 10, 1973.

Take notice that on June 29, 1973, Natural Gas Pipeline of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP73-348 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the replacement of a portion of two parallel 30-inch pipelines with two parallel 36-inch pipelines on Applicant's Gulf Coast line, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Commonwealth Edison Company (Commonwealth Edison) is constructing an electric generating plant and a 1990 acre cooling lake in Grundy County, Illinois, and said lake will inundate approximately 1.61 miles of Applicant's two existing 30-inch main pipelines in Grundy County. Applicant proposes to replace these portions of said pipelines with two 36-inch heavy wall pipelines that are properly weighted to provide sufficient negative buoyancy for the continued safe operation of the Gulf Coast line. The estimated cost of the replacement is $1,353,000 which will be financed from funds on hand. It is stated that Commonwealth Edison will reimburse Applicant $1,158,200 for the proposed replacement.

The Gulf Coast line presently consists of the two parallel 30-inch pipelines which are partially looped with a third 36-inch pipeline. The 36-inch line terminates approximately 15.3 miles upstream from the proposed area of replacement. Applicant states that should it be required at some future date to extend the 36-inch loop beyond the area of the cooling lake, construction would be significantly affected by the existance of the lake and that, therefore, Applicant has determined that the most economical and prudent solution would be to eliminate the need for an extension of the third loop line through the inundated area by using the 36-inch pipe at this time.

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, 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.73-14671 Filed 7-17-73;8:45 am]

[Docket No. E-8176]

SOUTHERN CALIFORNIA EDISON CO.

Suspension of Proposed Rate Increase

JULY 6, 1973.

Southern California Edison Company (Edison) on May 8, 1973, tendered for filing 15 Supplements to its FPC Rate Schedules applicable to its seven small resale (R-1) and five large resale (R-2) customers.[1] The proposed rate changes which would become effective on July 7, 1973, would increase annual revenues from jurisdictional sales and service by an estimated $335,088 (46.6%) increase to R-1 customers, and $17,631,941 (51.2%) to R-2 customers, an overall increase of 51.1 percent, based upon sales forecasted for the twelve month period ending June 30, 1974. The proposed increase ranges from 23.9 percent to 49.3 percent for the R-1 customers and from 38.6 percent to 52.2 percent for the R-2 customers.[2]

The proposed changes in the R-1 schedule include increased demand charges in all blocks, elimination of a 40,000 kW block after 10,000 kW billing demand (which does not affect any customer at present), and increased energy charges in all blocks. Proposed changes in the R-2 schedule include increased demand charges in all blocks, elimination of the 40,000 kW billing demand block after the first 10,000 kW billing demand (which affects all customers on the R-2 rate) and increased energy charges in all blocks.

In addition to the changes in basic rates, Edison proposes to change the added facilities charge rule of the Description of Service, of both R-1 and R-2 rate schedules. This change would increase the monthly charge from 1.25 percent of "* * * the added investment as determined by the utility * * *", to 1.50 percent. At present, this change would only affect billings to the City of Azusa.

In support of the proposed rate increase, Edison states that its existing rates were made effective as of November 14, 1971, pursuant to Commission Opinion No. 654, issued March 19, 1973, in Docket No. E-7618, and that on the basis of the cost study for the year 1972, presented in its rate filing, Edison's earned rate of return was 0.6 percent, as adjusted. Edison states that the proposed increased rates would produce a rate of return of 5.7 percent, including 5.5 percent for common equity. The adjustments to jurisdictional cost of service reflected in the supporting statements include: increase in labor expense, cost of fuel, research and development. State and local taxes and exclusive use costs. Edison requests that if the rate filing be suspended, it be suspended for one day only, asserting that the proposed rates will yield a rate of return of only 5.7 percent, whereas, it claims, a rate of return of 8.3 percent is justified. Copies of the rate filing were served upon Edison's 12 jurisdictional customers and interested State commissions. The Commission issued notice of the filing on June 7 which was published in the FEDERAL REGISTER on June 14, 1973, (38 FR 15666).

Several petitions to intervene have been filed. These will be acted upon by subsequent order. Certain petitioners contend that the rate increase should be rejected for filing requirements deficiencies and some request that the proposed rates be suspended for the five-months statutory period.[3] Our review of the filing and the pleadings indicates that the filing satisfactorily complies with our filing requirements and that there is no justification for a five-month suspension.

Our review of Edison's rate filing and the pleadings filed indicates that the proposed increased rates and charges raise issues which require development in an evidentiary hearing. The proposed increased rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

[1] The subject rate filing and rate schedule supplements are more specifically described in Appendix A hereto.

[2] Percentages exclude the proposed increase in charge for "added facilities" of $1,476 to the City of Azuza, California.

[3] Numerous letters and telegrams have been received from citizens, school districts, and commercial and industrial interests, objecting to the rate increase and asking that the rates be suspended for five months.

The Commission finds:

It is necessary and appropriate in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Edison's FPC Electric Rate Schedules as proposed to be amended, and that the proposed rate schedule supplements described above be accepted for filing, suspended and their use deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act, the Commission's rules of practice and procedure, and the regulations Under the Federal Power Act, (18 CFR, Chapter 1) a public hearing shall be held, commencing with a prehearing conference, on November 29, 1973, at 10:00 A.M. (EST) in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications and services contained in Edison's FPC Electric Rate Schedules, as proposed to be amended by the supplements described above.

(B) Pending hearing and decision thereon, Edison's proposed Rate Schedule Supplements, described above, and the rates and charges therein contained, as filed on May 8, 1973, are hereby suspended and the use thereof deferred until September 7, 1973.

(C) The Commission staff will serve its direct case on or before November 9, 1973. Intervenors will serve their direct case on or before November 23, 1973. At the Prehearing Conference on November 29, 1973, Edison's prepared testimony (Statement P), as its case-in-chief, together with its entire rate filing, and all testimony and exhibits served by the other parties shall be admitted to the record, subject to appropriate motions of the parties. Edison may serve rebuttal evidence on or before December 14, 1973. Cross-examination of witnesses shall commence at 10:00 A.M. (EST) on January 8, 1974.

(D) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)) shall preside at the hearing initiated by this order, and shall conduct such hearing in accordance with the terms of this order, and the Commission's rules of practice and procedure, and the Federal Power Act.

(E) Nothing contained in this order shall relieve the applicant of any responsibility imposed by the Economic Stabilization Act of 1970, (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

APPENDIX A

SOUTHERN CALIFORNIA EDISON COMPANY RATE FILING ON MAY 8, 1973

Designations	Service Schedule*	Customer
(1) Supplement No. 5 to Rate Schedule FPC No. 6	R-1	Arizona Public Service Co., Gilboa
(2) Supplement No. 5 to Rate Schedule FPC No. 11	R-1	U.S. Naval Ammunition Depot
(3) Supplement No. 6 to Rate Schedule FPC No. 13	R-2	City of Vernon, California
(4) Supplement No. 6 to Rate Schedule FPC No. 15	R-2 (66,000 volts)	City of Anaheim, California
(5) Supplement No. 7 to Rate Schedule FPC No. 15	R-2 (220,000 volts)	City of Anaheim, California
(6) Supplement No. 5 to Rate Schedule FPC No. 16	R-2	City of Azuza, California
(7) Supplement No. 6 to Rate Schedule FPC No. 17	R-2 (66,000 volts)	City of Riverside, California
(8) Supplement No. 7 to Rate Schedule FPC No. 17	R-2 (220,000 volts)	City of Riverside, California
(9) Supplement No. 4 to Rate Schedule FPC No. 19	R-1	Anza Electric Coop., Inc.
(10) Supplement No. 4 to Rate Schedule FPC No. 21	R-2	City of Banning, California
(11) Supplement No. 4 to Rate Schedule FPC No. 22	R-1	Sierra Pacific Power Co. (Mineral County Power Sys.)
(12) Supplement No. 4 to Rate Schedule FPC No. 29	R-1	Arizona Public Service Co. (Ehrenburg)
(13) Supplement No. 6 to Rate Schedule FPC No. 31	R-2	City of Colton, California
(14) Supplement No. 4 to Rate Schedule FPC No. 33	R-2	Southern Calif. Water Company (Gold Hill)
(15) Supplement No. 2 to Supplement No. 2 to Rate Schedule No. 33	R-1	Southern Calif. Water Company (Harnish)

*Schedule R-1, Resale Service; Schedule R-2, Resale Service-Large

[FR Doc.73-14555 Filed 7-17-73;8:45 am]

[Docket No. CI73-935]

STEPHENS PRODUCTION CO.

Notice of Application

JULY 11, 1973.

Take notice that on June 27, 1973, Stephens Production Company (Applicant), 115 North 12th Street, Fort Smith, Arkansas 72901, filed in Docket No. CI73-935 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Arkansas Louisiana Gas Company from the Mathers Ranch Field, Hemphill County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 56,250 Mcf of gas per month for one year at 35.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment, within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70).

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 July 24, 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 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.73-14591 Filed 7-17-73;8:45 am]

[Docket No. CI73-912]

SUN OIL COMPANY

Notice of Application

JULY 10, 1973.

Take notice that on June 22, 1973, Sun Oil Company (Applicant), P.O. Box 2880, Dallas, Texas 75221, filed in Docket No. CI73-912 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Company from the North Bayou Fer Blanc Field, LaFourche Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on June 13, 1973, within the contemplation of § 157.29 of the Regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the sixty-day emergency period within the contemplation of section 2.70

of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell up to 600 Mcf of gas per day at 50.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment. Applicant expects to sell approximately 20,000 Mcf per month. Applicant states it is willing to accept a certificate conditioned to a rate of 45.0 cents per Mcf at 15.025 psia.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said applications should on or before July 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 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.73-14595 Filed 7-17-73;8:45 am]

[Docket No. CI73-925]

TEXAS AMERICAN OIL CORP. ET AL.

Notice of Application

JULY 10, 1973.

Take notice that on June 28, 1973, Texas American Oil Corporation, *et al.* (Applicant), Suite 1012, 300 West Wall, Midland, Texas 79701, filed in Docket No. CI73-925 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas from acreage in the Lower Penn Field, Eddy County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to commence the sale of natural gas, upon the completion of the construction of gathering line facilities, within the contemplation of § 157.29 of the Regulations under the Natural Gas Act (18 CFR 157.299) and proposes to continue said sales for two years from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell up to 3,000 Mcf of gas per day at 45.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment. Initial upward Btu adjustment is estimated at 2.25 cents per Mcf.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 23, 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 persons 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 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.73-14598 Filed 7-17-73;8:45 am]

[Docket No. CP73-346]

TRUNKLINE GAS CO.

Notice of Application

JULY 10, 1973.

Take notice that on June 28, 1973, Trunkline Gas Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in CP73-346 an application pursuant to section 7 of the Natural Gas Act and § 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 issuance of such certificate, 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 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 $3,000,000 and the cost for any single project will not exceed $500,000. These costs will be financed from funds on hand.

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, 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.73-14670 Filed 7-17-73;8:45 am]

[Docket No. CI73-749]

WESTERN OIL PRODUCERS, INC.

Extension of Time and Postponement of Hearing

JULY 11, 1973.

On July 6, 1973, El Paso Natural Gas Company filed a motion for an extension of the procedural dates established by the order issued June 29, 1973, in the above-designated matter. The motion states that staff counsel does not oppose the request. On July 7, 1973, Western Oil Producers also requested an extension of the procedural dates.

Upon consideration, notice is hereby given that the procedural dates are postponed as follows:

Service of testimony and exhibits July 30, 1973.

Hearing August 6, 1973 (10:00 a.m., e.d.t.)

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14667 Filed 7-17-73;8:45 am]

FEDERAL RESERVE SYSTEM

CITIZENS BANK OF POQUOSON

Order Approving Application for Merger of Banks

Before the Federal Reserve Bank of Richmond acting under delegated authority from the Board of Governors of the Federal Reserve System.

Citizens Bank of Poquoson, Poquoson, Virginia ("Poquoson Bank"), a member State bank of the Federal Reserve System, has applied to the Board of Governors of the Federal Reserve System for prior approval pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) to merge with First Virginia Bank of the Peninsula ("Peninsula Bank"), also a member State bank of the Federal Reserve System, the resulting bank to continue as a member State bank under the charter of Poquoson Bank with the name of Peninsula Bank. As an incident to the merger, the existing office and approved but unopened branches of Peninsula Bank, along with an approved but unopened branch of Poquoson Bank, would become authorized branch offices of the resulting bank.

As required by the Bank Merger Act, notice of the proposed merger, in form approved by the Board of Governors, has been published and reports on competitive factors have been requested from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation.

The Federal Reserve Bank of Richmond ("Reserve Bank") has considered the application and all comments and reports received in the light of the factors set forth in the Bank Merger Act, and finds that:

1. Both Poquoson Bank and Peninsula Bank are wholly-owned subsidiaries of First Virginia Bankshares Corporation, Falls Church, Virginia ("First Virginia"), a registered bank holding company. Poquoson Bank, originally organized in 1924, was acquired by First Virginia in January 1970; Peninsula Bank was opened in August 1971, as a subsidiary of First Virginia.

2. As of December 31, 1972, First Virginia, with deposits of $706 million, was the sixth largest banking organization in Virginia, holding 6.6 percent of total commercial bank deposits in the State.

3. Deposits of Poquoson Bank as of March 31, 1973, were $9,571,000. It has only one office at present, but has received approval to establish a branch in the city of Williamsburg, about 22 miles northwest of the location of its existing office. Peninsula Bank had deposits of $2,227,000 as of the same date, and operates a single office in the city of Hampton. Two branch offices have been approved to be located in the adjacent city of Newport News.

4. The relevant geographic market for purposes of the proposed merger is the Newport News—Hampton SMSA, which includes York County except for the extreme northern sections, in addition to the cities of Newport News and Hampton. Poquoson Bank and Peninsula Bank each operate one office in this area, and, as noted, Peninsula Bank has received permission to open two additional offices. Both banks are owned by First Virginia, and were acquired with prior approval of the Board of Governors. Combined, the two banks ranked eighth out of 12 banking organizations competing in the relevant market on June 30, 1972, accounting for only 2.7 percent of total deposits. The merger would have no adverse effect on banking competition.

5. The financial and managerial resources and the future prospects of the two banks proposing to merge and the resulting institution have been considered. There are some asset problems in Poquoson Bank of which First Virginia is aware and to which it is giving appropriate attention. With the addition of the experienced management of Peninsula Bank, it is believed that the condition of the resulting bank would be generally satisfactory. Economies to be derived from merger of the two banks should enhance the future prospects of the resulting institution.

6. Both the Newport News—Hampton SMSA and the city of Williamsburg are among the more rapidly growing areas of the State. Although the consolidated bank will not provide any new services, the convenience and needs of the communities will be equally as well served by the resulting bank as by the two separate institutions, and perhaps will be better served in light of the possible economies of scale that may result.

On the basis of the record in this case, the application is approved for the reasons summarized above. However, the transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the date of this order, unless such period is extended for good cause by the Board of Governors of the Federal Reserve System or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Federal Reserve Bank of Richmond, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective June 28, 1973.

[SEAL] ROBERT P. BLACK,
First Vice President.

[FR Doc.73-14613 Filed 7-17-73;8:45 am]

FIRST COMMERCE CORP.

Order Approving Acquisition of Money, Inc.; E-Z Finance Plan of Biloxi, Inc., and E-Z Finance Plan of Gulfport, Inc.

First Commerce Corporation, New Orleans, Louisiana, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Money, Inc., New Orleans, Louisiana; E-Z Finance Plan of Biloxi, Inc., Biloxi, Mississippi; and E-Z Finance Plan of Gulfport, Inc., Gulfport, Mississippi ("Companies"). All of the companies engage in the activity of making or acquiring consumer loans or other extensions of credit. In addition, the Louisiana companies engage in the activity of acting as insurance agent or broker in the sale of credit life, accident and health insurance incident to extensions of consumer credit. Such activities have been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a)(1),(9)). The Louisiana companies have not applied for permission to engage in the sale of property insurance; and the Mississippi companies are not presently engaged in any insurance activities.

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 14203). The time for filing comments and views has expired, and none has been timely received.

Applicant controls one banking subsidiary, First National Bank of Commerce, New Orleans, Louisiana ("Bank"), which is the second largest bank in the New Orleans SMSA. Bank's deposits of $573 million, represent approximately 20 per cent of the total deposits in commercial banks in this area. (All banking data are as of June 30, 1972.)

Money, Inc. is based and operates entirely in Louisiana, while the other two companies are based and operate entirely in Mississippi. The Mississippi companies have a total of six offices, while the Louisiana company has 11 offices, five of which are located in the banking market in which Bank is located. These five offices had $1.3 million in consumer loans outstanding in 1972; Bank had $8 million in consumer loans outstanding, representing approximately 12 per cent of the total bank-originated consumer loans in the SMSA.

Although Bank and Money, Inc. both compete for consumer loan business in New Orleans, it appears that consummation of the proposed acquisition would

not have a significant effect on existing competition since Applicant's share of the consumer loan business in the market would be increased only slightly. Moreover, a substantial number of independent competitors would remain in the market. There are approximately 100 consumer finance companies which compete in the New Orleans area, and many of these companies have national affiliation. Those offices of Money, Inc. located outside of the New Orleans SMSA do not presently compete with any of Applicant's subsidiaries. Furthermore, it does not appear likely that significant competition would develop in the future between such offices and any of Applicant's subsidiaries.

None of Applicant's subsidiaries presently competes in any market in which offices of the Mississippi companies are located; nor does it appear likely that any significant competition would develop in the future, due to the distances involved. The Mississippi companies, combined, ranked seventeenth among the twenty largest consumer finance companies in Mississippi in 1971. Consummation of the transaction should increase the financial resources available to each of the companies. The introduction of management expertise and sophisticated operating systems by Applicant should enable the companies to better serve their respective markets. Accordingly, the Board concludes that competitive considerations and public interest factors are consistent with approval of the application.

The Louisiana companies also sell credit life insurance and accident and health insurance in connection with loans it originates. Due to the limited nature of its insurance activities it does not appear that Applicant's acquisition of such insurance activities would have any significant effect on either existing or potential competition.

There is no evidence in the record indicating that consummation of the proposed acquisition would result in undue concentration of resources, unfair competition, conflicts of interest, 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 July 10, 1973.

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

[FR Doc.73-14614 Filed 7-17-73;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Wildlife Order 106; U-Calif-626-B]

PORTION, CASTROVILLE RADIO DIRECTION FINDER STATION CASTROVILLE, MONTEREY COUNTY, CALIF.

Transfer of Property

Pursuant to section 2 of Public Law 537, Eightieth Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By letter from the General Services Administration, San Francisco, California, Regional Office, dated June 27, 1973, the property comprising approximately 93.93 acres of fee land and 3.82 acres joint use easement improved with two water wells, a 6-car garage, an air raid shelter and a power substation, identified as a portion of the Castroville Radio Direction Finder Station, Castroville, Monterey County, California, has been transferred to the Department of the Interior.

2. The above described property was conveyed for wildlife conservation purposes in accordance with the provision of section 1 of said Public Law 537 (16 U.S.C. 667b), as amended by Public Law 92-432.

Dated: July 10, 1973.

LARRY F. ROUSH,
Acting Commissioner
Public Buildings Service.

[FR Doc.73-14693 Filed 7-17-73;8:45 am]

[Wildlife Order 105; D-Calif-626-A]

CASTROVILLE AMPHIBIOUS TRAINING AREA MONTEREY COUNTY, CALIF.

Transfer of Property

Pursuant to section 2 of Public Law 537, Eightieth Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By letter from the General Services Administration, San Francisco, California, Regional Office, dated June 27, 1973, the property comprising approximately 269.68 acres of fee land and 3.82 acres joint use easement, identified as Castroville Amphibious Training Area, Monterey County, California, was transferred to the Department of the Interior.

2. The above described property was transferred for wildlife conservation purposes in accordance with the provisions of section 1 of said Public Law 537 (16 U.S.C. 667b), as amended by Public Law 92-432.

Dated July 10, 1973.

LARRY F. ROUSH,
Acting Commissioner,
Public Buildings Service.

[FR Doc.73-14694 Filed 7-17-73;8:45 am]

[1] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

DANCE ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Dance Advisory Panel to the National Endowment for the Arts will be held at 9:30 a.m. on July 24, 9:30 a.m. on July 25, and 9:30 a.m. on July 26, 1973 at Snowmass at Aspen, Colorado.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications, for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of personnel and financial information given in confidence to the agency by grant applicants. Accordingly, it has been determined by the Chairman, by notice published in the Federal Register of January 10, 1973, that the meeting involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b)(4) and (6)).

Further information with reference to this meeting can be obtained from Mrs. Eleanor A. Snyder, Advisory Committee Management Officer, National Endowment for the Arts, 806 15th Street, N.W., Washington, D.C. 20506, or call Area Code 202-382-2854.

PAUL BERMAN,
Director of Administration, National Foundation on the Arts and the Humanities.

[FR Doc.73-14706 Filed 7-17-73;8:45 am]

EXPANSION ARTS ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Expansion Arts Advisory Panel to the National Endowment for the Arts will be held at 9:30 a.m. on July 22, 1973 at Ignacio, Colorado, 9:30 a.m. on July 23, 1973 at Fair View Lodge at Mesa Verde, Colorado, and 9:30 a.m. on July 24, 1973 at Ignacio, Colorado.

This meeting is for the purpose of Panel review, discussion, evaluation, and

recommendation on applications, for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of personnel and financial information given in confidence to the agency by grant applicants. Accordingly, it has been determined by the Chairman, by notice published in the Federal Register of January 10, 1973, that the meeting involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4) and (6)).

Further information with reference to this meeting can be obtained from Mrs. Eleanor A. Snyder, Advisory Committee Management Officer, National Endowment for the Arts, 806 15th Street, N.W., Washington, D.C. 20506, or call Area Code 202–382–2854.

PAUL BERMAN,
Director of Administration, National Foundation on the Arts and the Humanities.

[FR Doc.73–14703 Filed 7–17–73;8:45 am]

FEDERAL-STATE SPECIAL PROJECTS ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), notice is hereby given that a closed meeting of the Federal-State Special Projects Advisory Panel to the National Endowment for the Arts will be held at 9:30 a.m. on July 23, and 9:30 a.m. on July 24, 1973 in Aspen, Colorado.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications, for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of personnel and financial information given in confidence to the agency by grant applicants. Accordingly, it has been determined by the Chairman, by notice published in the Federal Register of January 10, 1973, that the meeting involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4) and (6)).

Further information with reference to this meeting can be obtained from Mrs. Eleanor A. Snyder, Advisory Committee Management Officer, National Endowment for the Arts, 806 15th Street, N.W., Washington, D.C. 20506, or call Area Code 202–382–2854.

PAUL BERMAN,
Director of Administration, National Foundation on the Arts and the Humanities.

[FR Doc.73–14705 Filed 7–17–73;8:45 am]

MUSEUM ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), notice is hereby given that a closed meeting of the Museum Advisory Panel to the National Endowment for the Arts will be held at 9:30 a.m. on July 30, 1973 in Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications, for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of personnel and financial information given in confidence to the agency by grant applicants. Accordingly, it has been determined by the Chairman, by notice published in the Federal Register of January 10, 1973, that the meeting involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4) and (6)).

Further information with reference to this meeting can be obtained from Mrs. Eleanor A. Snyder, Advisory Committee Management Officer, National Endowment for the Arts, 806 15th Street, N.W., Washington, D.C. 20506, or call Area Code 202–382–2854.

PAUL BERMAN,
Director of Administration, National Foundation of the Arts and the Humanities.

[FR Doc.73–14707 Filed 7–17–73;8:45 am]

NATIONAL COUNCIL ON THE ARTS

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), notice is hereby given that a closed meeting of the National Council on the Arts will be held at 9:30 a.m. on July 29, 1973 at Denver, Colorado.

This meeting is for the purpose of Council review, discussion, evaluation, and recommendation on applications, for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of personnel and financial information given in confidence to the agency by grant applicants. Accordingly, it has been determined by the Chairman, by notice published in the Federal Register of January 10, 1973, that the meeting involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4) and (6)).

Further information with reference to this meeting can be obtained from Mrs. Eleanor A. Snyder, Advisory Committee Management Officer, National Endowment for the Arts, 806 15th Street, N.W., Washington, D.C. 20506, or call Area Code 202–382–2854.

PAUL BERMAN,
Director of Administration, National Foundation on the Arts and Humanities.

[FR Doc.73–14704 Filed 7–17–73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

ALLEN GROUP, INC.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JULY 11, 1973.

In the matter of applications of the PBW Stock Exchange, Inc. for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stocks of the following company, which securities is listed and registered on one or more other national securities exchanges:

Allen Group, Inc., File No. 7–4417

Upon receipt of a request, on or before July 27, 1973 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73–14645 Filed 7–17–73;8:45 am]

AMERICAN EDUCATIONAL SPECIALISTS ET AL.

Order Permanently Suspending Exemption

JULY 10, 1973.

In the matter of American Educational Specialists, Inc., 24FW–1569; Tronics Corporation, 24FW–1570; U.S. Environmental Systems, Inc., 24FW–1571; Erie-Niagara, Ltd., 24FW–1572; Med-Peds, Inc., 24FW–1573.

I. American Educational Specialists, Inc., Tronics Corporation, U.S. Environmental Systems, Inc., Erie-Niagara, Ltd., and Med-Peds, Inc., Nevada corporations incorporated on December 21, 1972, with offices located at 351 West Jefferson, Dallas, Texas, filed with the Commission

on January 29, 1973, separate notifications on Form 1–A, with attached exhibits, including offering circulars, relating to an offering under each notification of 50,000 shares of 1-cent par value common stock at an offering price of $1.00 per share for an aggregate offering price to the public under each notification of $50,000 for the purpose of obtaining exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) of that Act and Regulation A promulgated thereunder. Amendments were filed naming Glendale Securities Corporation of Ridgewood, New York, as underwriter for each filing.

The Commission on April 19, 1973, temporarily suspended the Regulation A exemption of American Educational Specialists, Inc., Tronics Corporation, U.S. Environmental Systems, Inc., Erie-Niagara, Ltd., and Med-Peds, Inc., stating that it had reason to believe that the terms and conditions of Regulation A had not been complied with in that:

A. the notification and offering circulars were incomplete, inaccurate, and contained untrue statements of material facts and omitted to state material facts necessary to make the statements made in the light of the circumstances under which they were made not misleading, particularly with respect to:

1. Disclosure of all promoters and affiliates.

2. The identity and background of undisclosed affiliates and promoters.

3. Disbarment proceedings pending against a promoter and affiliate who is also counsel for the underwriter in all of the proposed offerings except Tronics Corporation.

4. The fact that each of these companies is an affiliate of the other companies in that they are all under the common control of undisclosed affiliates.

B. The terms and conditions of Regulation A had not been complied with in that:

The Offering Circulars failed to include statements of Cash Receipts and Disbursements.

C. The offering proposed by each of the issuers if commenced would have been made in violation of section 17 of the Securities Act of 1933, as amended.

III. No hearing having been requested by American Educational Specialists, Inc., Tronics Corporation, U.S. Environmental Systems, Inc., Erie-Niagara, Ltd., and Med-Peds, Inc. within thirty days after the entry of an order temporarily suspending the exemption of each of the Issuers under Regulation A, the Commission finds that it is in the public interest and for the protection of investors that the exemption of each of the Issuers under Regulation A be permanently suspended;

It is ordered, Pursuant to Rule 261(a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption of each of the Issuers under Regulation A be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14643 Filed 7-17-73;8:45 am]

[File No. 500-1]

ATREO MANUFACTURING CO., INC.

Order Suspending Trading

JULY 12, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value, and all other securities of Atreo Manufacturing Co., Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 11:15 a.m., e.d.t., July 12, 1973 through July 21, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14627 Filed 7-17-73;8:45 am]

[File No. 500-1]

AZTEC PRODUCTS, INC.

Order Suspending Trading

JULY 12, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stocks, and all other securities of Aztec Products, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 13, 1973 through July 22, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14622 Filed 7-17-73;8:45 am]

[File 500-1]

BBI, INC.

Order Suspending Trading

JULY 12, 1973.

The common stock, $0.10 par value, of BBI, Inc. being traded on the American Stock Exchange and the PBW Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 13, 1973 through July 22, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14620 Filed 7-17-73;8:45 am]

[File No. 500-1]

BENEFICIAL LABORATORIES, INC.

Order Suspending Trading

JULY 12, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants, units and all other securities of Beneficial Laboratories, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to Section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 13, 1973 through July 22, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14624 Filed 7-17-73;8:45 am]

CLOROX CO. (CALIFORNIA)

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JULY 11, 1973.

In the matter of applications of the Boston Stock Exchange, Inc., for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

The Clorox Company (California), File No. 7-4418

Upon receipt of a request, on or before July 27, 1973 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14644 Filed 7-17-73;8:45 am]

CLOROX CO. (CALIFORNIA)

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JULY 11, 1973.

In the matter of applications of the PBW Stock Exchange, Inc., for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following company, which securities is listed and registered on one or more other national securities exchanges:

The Clorox Company (California), File No. 7-4416

Upon receipt of a request, on or before July 27, 1973 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14646 Filed 7-17-73;8:45 am]

[File No. 500-1]

CREDIT SYSTEMS, INC.

Order Suspending Trading

JULY 12, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, and all other securities of Credit Systems, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 11:15 a.m., e.d.t., July 12, 1973 through July 21, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14626 Filed 7-17-73;8:45 am]

[File No. 500-1]

DATA PACIFIC CORP.

Order Suspending Trading

JULY 12, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1 par value, and all other securities of Data Pacific Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 11:15 a.m., e.d.t., July 12, 1973 through July 21, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14628 Filed 7-17-73;8:45 am]

[File No. 500-1]

INTERNATIONAL SYSTEMS ASSOCIATES, LTD.

Order Suspending Trading

JULY 11, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value and all other securities of International Systems Associates, Ltd. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 3:15 p.m., e.d.t., July 11, 1973 through July 20, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14641 Filed 7-17-73;8:45 am]

[File No. 500-1]

MALAKER CORP.

Order Suspending Trading

JULY 5, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1. par value, and all other securities of Malaker Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10 a.m., e.d.t., on July 5, 1973 and continuing through July 14, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14637 Filed 7-17-73;8:45 am]

[File No. 500-1]

MEDICHEK, INC.

Order Suspending Trading

JULY 12, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value, and all other securities of Medichek, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 11:15 a.m., e.d.t., July 12, 1973 through July 21, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14629 Filed 7-17-73;8:45 am]

[File No. 500-1]

MULTITECH, INC.

Order Suspending Trading

JULY 6, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value, and all other securities of Multitech, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10:00 a.m., e.d.t., on July 6, 1973, and continuing through July 15, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14639 Filed 7-17-73;8:45 am]

[File No. 500-1]

NATIONAL FILTRONICS INC.

Order Suspending Trading

JULY 5, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, no par value, and all other securities of National Filtronics, Incorporated being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10:00 a.m., e.d.t., on July 5, 1973 and continuing through July 14, 1973.

By the Commission.

SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14636 Filed 7-17-73;8:45 am]

[70-5362]

NEW ENGLAND ELECTRIC SYSTEM AND NEW ENGLAND POWER CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

JULY 12, 1973.

Notice is hereby given that New England Power Company, 20 Turnpike Road, Westborough, Massachusetts 01581 (NEPCO), an electric utility subsidiary company of New England Electric System, a registered holding company, has filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6(b), 9(a), 10, and 12 of the Act and Rules 42(a) and 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, as amended, which is summarized below, for a complete statement of the proposed transaction.

NEPCO proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, $40,000,000 principal amount of First Mortgage Bonds, Series S, ___ percent, due ____. The interest rate (which shall be a multiple of ⅛ of 1%) and the price, exclusive of accrued interest, to be paid to NEPCO (which shall not be less than the principal amount nor more than 102¾ percent thereof) will be determined by the competitive bidding. The Series S Bonds will bear interest from August 1, 1973. NEPCO will notify prospective bidders not later than 12 noon, on the second full business day prior to the time designated for the submission of bids (i) the date on which the Bonds shall mature, which date shall not be more than 30 years from August 1, 1973, and (ii) whether or not the Bonds shall be redeemable during the first five years of their term, or some lesser portion thereof, in connection with refunding at a lesser effective interest cost to NEPCO. The Bonds will be issued under an Indenture of Trust and First Mortgage dated as of November 15, 1936, between NEPCO and New England Merchants National Bank (successor to the New England Trust Company), as Trustee, as amended and supplemented, and to be further supplemented by an Eighteenth Supplemental Indenture, dated as of August 1, 1973.

The net proceeds from the sale of the bonds will be used to reduce the amount of NEPCO's outstanding short-term promissory notes, which were issued to pay for capitalizable expenditures or to the reimbursement of its treasury therefor.

NEPCO states that The Massachusetts Department of Public Utilities, the New Hampshire Public Utilities Commission and the Vermont Public Service Board have jurisdiction over the proposed transaction and that no other state commission or federal commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses related to the proposed transaction are estimated at $115,000, including New England Power Service Company expenses (at cost) of $40,000, Trustee's fees and expenses of $8,000 and accounting fees of $6,000. The fees and expenses of counsel for the bidders will be supplied by amendment and will be paid by the successful bidders, except as provided in the Purchase Agreement relating to purchase of the bonds.

Notice is further given that any interested person may, not later than August 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 application-declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14621 Filed 7-17-73;8:45 am]

[File No. 500-1]

PACER CORP.

Order Suspending Trading

JULY 10, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common

stock, $.01 par value, and all other securities of Pacer Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 11, 1973 through July 20, 1973.

By the Commission.

SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14642 Filed 7-17-73;8:45 am]

[File No. 500-1]

PARAGON SECURITIES CO.

Order Suspending Trading

JULY 12, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Paragon Securities Company being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 13, 1973 through July 22, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14630 Filed 7-17-73;8:45 am]

[File No. 500-1]

PROGRESSIVE NATIONAL INDUSTRIES, INC.

Order Suspending Trading

JULY 6, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Progressive National Industries, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10:00 a.m., e.d.t., on July 6, 1973 and continuing through July 15, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14638 Filed 7-17-73;8:45 am]

[File No. 500-1]

RADIATION SERVICE ASSOCIATES, INC.

Order Suspending Trading

JULY 9, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, of Radiation Service Associates, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 10, 1973 through July 19, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14632 Filed 7-17-73;8:45 am]

[File No. 500-1]

ROYAL ATLAS CORP.

Order Suspending Trading

JUNE 28, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1. par value, and all other securities of Royal Atlas Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10:00 a.m., e.d.t., on June 28, 1973 and continuing through July 7, 1973.

By the Commission.

SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14633 Filed 7-17-73;8:45 am]

[File No. 500-1]

ROYAL PROPERTIES INC.

Order Suspending Trading

JULY 11, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $5. par value and all other securities of Royal Properties Incorporated, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 12, 1973 through July 21, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14640 Filed 7-17-73;8:45 am]

[File No. 500-1]

STAR-GLO INDUSTRIES, INC.

Order Amending Order Suspending Trading

JUNE 28, 1973.

The Commission having determined to amend its order of June 27, 1973 summarily suspending trading in the securities of Star-Glo Industries, Inc. for the period from June 28, 1973 through July 7, 1973;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in the common stock, $.10 par value, and all other securities of Star-Glo Industries, Inc. being traded otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 28, 1973 through midnight, e.d.t., on July 1, 1973.

By the Commission.

SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14634 Filed 7-17-73;8:45 am]

[File No. 500-1]

TRIEX INTERNATIONAL CORP.

Order Suspending Trading

JULY 12, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, of Triex International Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 13, 1973 through July 22, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14623 Filed 7-17-73;8:45 am]

[File No. 500-1]

TRIONICS ENGINEERING CORP.

Order Suspending Trading

JULY 5, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, and all other securities of Trionics Engineering Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 6, 1973 through July 15, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14635 Filed 7-17-73;8:45 am]

[File 500-1]

TYCODYNE INDUSTRIES CORP.

Order Suspending Trading

JULY 12, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stocks, $1 par value, and all other securities of Tycodyne Industries Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to Section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 11:15 a.m. (e.d.t.) July 12, 1973 through July 21, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14645 Filed 7-17-73;8:45 am]

[File No. 500-1]

U.S. FINANCIAL INC.

Order Suspending Trading

JULY 12, 1973.

The common stock, $2.50 par value, of U.S. Financial Incorporated being traded on the New York Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of U.S. Financial Incorporated being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 13, 1973 through July 22, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14631 Filed 7-17-73;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

[Secretary's Order No. 16-73]

ASSISTANT SECRETARY FOR EMPLOYMENT STANDARDS

Delegation of Responsibility for Administration and Enforcement of Parts of the Federal Coal Mine Health and Safety Act

1. *Purpose.* This Order delegates authority and assigns responsibility to the Assistant Secretary for Employment Standards for the performance of the functions assigned to the Secretary of Labor pursuant to Parts B and C of Title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended, with the exception of those functions vested with the Benefits Review Board by Secretary's Order 38-72.

2. *Background.* Secretary's Order 13-71 delegated to the Assistant Secretary for Employment Standards responsibility for Part C of Title IV of the Federal Coal Mine Health and Safety Act of 1969. Secretary's Order 38-72 delegated to the Benefits Review Board responsibility for hearing appeals of decisions on claims for compensation or benefits under those portions of the Federal Coal Mine Health and Safety Act of 1969, as amended, administered by the Secretary of Labor.

3. *Redelegation of authority.* The Assistant Secretary may redelegate authority vested in him by this Order.

4. *Reservation of authority.* a. The following functions are reserved to the Secretary:

(1) Submission of reports and recommendations to the President and the Congress concerning the administration of the Federal Coal Mine Health and Safety Act of 1969, as amended.

(2) The bringing of legal proceeding under the Act, with the Solicitor of Labor to make the determination in each case whether such proceedings are appropriate.

b. Those functions of the Benefit Review Board as presently described in Secretary's Order 38-72 are reserved.

5. *Directives affected.* Secretary's Order 13-71 is modified accordingly.

6. *Effective date.* This order is effective immediately.

Signed at Washington, D.C., this 29th day of June, 1973.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.73-14702 Filed 7-17-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 298]

ASSIGNMENT OF HEARINGS

JULY 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-C-7966, Citrusales, Inc., and Southern Gold Citrus Products, Inc. Investigation of Operations, now assigned July 17, 1973, at Tampa, Fla., is cancelled.

No. 35839, Chelsea Milling Co., V. The Baltimore and Ohio Railroad Company, et al, now being assigned hearing September 18, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 35659, Miller Oil Purchasing Co., V. Amerada-Hess Corp. et al, now being assigned pre-hearing conference, September 18, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 35801 & No. 35808, United States Steel Corp., V. Penn Central Transportation Co., et al now being assigned pre-Hearing conference September 28, 1973 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 110689 Sub 6, Airway Trucking Co., now being assigned hearing September 24, 1973 (1 week), at Los Angeles, Calif., in a hearing room to be later designated.

FD 20812, Railway Express Agency, Inc., Notes, now assigned continued pre-hearing conference on July 26, 1973, at Washington, D.C. is advanced to July 18, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 99695 Sub 5, Atlas Transit, Inc., Extension-Lonoke, Ark., now assigned August 8, 1973, will be held in Room 5404, Federal Office Building, 700 West Capitol Street, Little Rock, Ark.

MC 106497 Sub 68, Parkhill Truck Company, now assigned August 7, 1973, at Washington, D.C., is postponed to August 28, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

I&S No. 8587, Soybeans & Wheat, Arkansas & Louisiana to Louisiana Ports, now assigned July 16, 1973, at Washington D.C., is postponed to July 17, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-14711 Filed 7-17-73;8:45 am]

CHANGE IN PUBLICATION SCHEDULE

The Interstate Commerce Commission motor carrier publications entitled: (1) Motor Carrier Applications and Certain Other Proceedings; (2) Notice of Filing of Motor Carrier Intrastate Applications; and (3) Motor Carrier Alternate Route and Deviation Notices will not appear in this Federal Register as usual. Instead, these publications will appear in the Federal Register issue of July 19, 1973.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-14802 Filed 7-17-73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 13, 1973.

An application, as summarized below, has been filed requesting relief from the

requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before August 2, 1973.

FSA No. 42714—*Joint Water-Rail Container Rates—Kawasaki Kisen Kaisha, Ltd.* Filed by Kawasaki Kisen Kaisha, Ltd., (No. 8), for itself and interested rail carriers. Rates on general commodities, between ports in Taiwan, and rail stations and water carrier terminals on the U.S. Atlantic and Gulf Seaboard.

Grounds for relief—Water competition.

By the Commission.

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

[FR Doc.73-14710 Filed 7-17-73;8:45 am]

[Suspension Docket No. 8664 (Sub-No. 5)]

STABILIZATION OF RATES AND CHARGES, JUNE 1973

Order. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 13th day of July 1973.

The President of the United States, by virtue of the authority vested in him by the Constitution and statutes of the United States, particularly the Economic Stabilization Act of 1970 (P.L. 91-379, 84 Stat. 799), as amended, has issued an Executive order dated June 13, 1973, providing for the freezing of prices for a maximum period of 60 days from the date of the said order at levels not greater than the highest of those pertaining to at least 10 percent of actual transactions by the seller during the period of June 1 to June 8, 1973, for like or similar commodities or services. The Executive order also provides, inter alia, that no seller shall charge and no purchase may pay a price for any commodity or service which exceeds the freeze price as defined in the Executive order.

It appearing, that there have been filed with the Interstate Commerce Commission schedules setting forth new increased rates, fares and charges and new rules, regulations and practices having the effect of increasing rates, fares and charges, applicable to movements in interstate or foreign commerce, to become effective July 14, 1973, through August 12, 1973;

And it further appearing, that the said schedules would, if permitted to become effective, result in rates, fares, charges, rules, regulations or practices which would result in price increases in violation of the Executive order described above; and good cause appearing therefor;

It is ordered, That the operation of the said schedules be and it hereby is suspended, and that the use thereof on interstate and foreign commerce be deferred for an indefinite period pending further order of this Commission, except that this paragraph does not apply to schedules voluntarily postponed prior to their effective date to a date not earlier than August 13, 1973.

It is further ordered, That neither the schedules hereby suspended nor those sought to be altered thereby shall be changed until further order of this Commission, except that rates, fares, charges, rules, regulations and practices may be changed if such change results in a reduction below the highest level which existed during the period of June 1 to June 8, 1973.

It is further ordered, That all carriers, respondents to this order, be, and they are hereby, directed to file with this Commission supplements containing notice of suspension of all increased rates, fares, charges, rules, regulations and practices which are subject to this order.

And it is further ordered, That a copy of this order be posted in the Office of the Secretary and in the Section of Tariffs of the Interstate Commerce Commission and that a copy be delivered to the Director, Office of Federal Register, for publication in the FEDERAL REGISTER and that all carriers subject to the jurisdiction of the Interstate Commerce Commission be, and they are hereby, made respondents to this order.

By the Commission.

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

[FR Doc.73-14716 Filed 7-17-73;8:45 am]

[No. 35786]

TRAFFIC EXECUTIVE ASSOCIATION EASTERN RAILROADS AND SOUTHERN FREIGHT ASSOCIATION

Investigation Regarding Transportation of Feed Grains to New England

Order. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 29th day of June 1973.

By joint petition filed on February 8, 1973, the New England Governors' Conference and numerous other New England interests, as listed below, seek the institution of an investigation into the matter of the transportation of feed grains by all-rail and by lake-rail routes from certain midwestern origins to New England destinations. A statement in support of the petition was filed by the Secretary of Agriculture of the United States of America on March 5, 1973, and the eastern railroads filed a reply to the petition on March 2, 1973, urging that the petition be denied without prejudice to the filing of a formal complaint in accordance with the Commission's General Rules of Practice.

Prior to the filing of the said petition, this general subject was considered in an informal conference open to the public and attended by New England and other interests and conducted by staff members of the Commission, and thereafter on June 2, 1972, by notice headed "Feed Grains to New England", we declined to reconvene the informal conference upon request therefor, but stated:

> Nevertheless—considering the extent of the interest shown; the importance of the particular transportation service to the economic welfare of an entire region of the nation, as demonstrated by the expressions of all the New England governors and their respective departments of agriculture in particular; and the innovative nature of the proposed operation, involving self-unloading vessels and "exploding" unit-trains, which holds a possibility of providing more efficient transportation by the joinder of the inherent advantages of two modes—we believe that the matter should not be precipitately terminated.

We concluded that we could not institute an investigation on our own motion and develop the record due to our limited resources, which, if committed to such a task, would interfere with the performance of our many other duties to the detriment of the general public interest, and noted that the Water Transport Association, one of the principal participants, had indicated the belief that the participants in the conference would be willing to develop the record.

We further concluded that if those interested in the matter were to file a petition requesting the institution of an investigation, we would tend to view it favorably, subject of course, to consideration of replies thereto, provided that the petitioners affirmatively indicated that they would be prepared to make the necessary record and bear the burden of proof, including more details concerning the proposed operation and data directed to such critical factors as:

1. The probative cost of all equipment and facilities required;
2. The probative cost of performing the present service over actual routes;
3. The probative cost of the proposed service over routes including all necessary carriers;
4. The economies accruing to the shippers, receivers, and ultimate consumers, if any; and
5. The environmental impact of the proposal; and

It appearing, that the request for the institution of an investigation contained in the joint petition filed February 8, 1973, rests on the following contentions:

(1) That existing rail rates for transporting Midwestern grain to New England producers are so high in comparison with rates applicable to such feed-grain movements from the same or similar origins to competing producers in the Southeast as to impose a severe and unduly prejudicial and disadvantageous burden upon the agriculture and industry of New England, contributing significantly to the economic distress of the region, and are therefore unjust and unreasonable;

(2) That these inequities can be most effectively remedied, and the provisions and objectives of the Interstate Commerce Act, including the national transportation policy, most effectively fulfilled by requiring the railroads to offer, for movement of grain to New England, railroad services of such types and at such rates as are comparable, cost considered, with the most efficient and expeditious services and accompanying rates applicable to grain movements from Midwest origins to other Northeastern points or

to the Southeast; and (3) that the Commission should act to prevent the frustration of healthy intermodal transport competition and the denial of the benefits of such competition to the public by requiring that comparable rail services and rates be offered on the railroad segments of water-rail routes as well as on all rail routes from Midwest to New England and other Northeastern points.

It further appearing, that the petitioners state that they are—

prepared to make the necessary record, and to present relevant, detailed data reasonably available to them with regard to: (1) the nature of discriminations and inequities to which the New England region is subject in railroad services and rates for the movement of feed grains from the Midwest; (2) the prejudice and disadvantage to the competitive position of New England producers caused by such discriminations and inequities, and the resulting injury to the economy of the region; (3) the willingness and ability of New England receivers to accept terms and conditions of service applicable to grain movements from the Midwest to the Southeast, to Morrisville, or to Albany or Atlantic ports if comparable rates were offered to New England; and (4) the willingness and ability of Great Lakes carriers to provide efficient and economical transportation for the movement of midwestern feed grain by water for transshipment by railroad to New England and other Northeastern points in competition with present or proposed all-rail service.

It further appearing, that, however, the petitioners suggest that—

they should not be burdened with the necessity of establishing the costs of railroad service.

It further appearing, that the petitioners are willing to go forward in making a record, although not with respect to all of the matters set forth in the notice of June 2, 1972; that the evidentiary considerations set forth in that notice do not necessarily constitute the elements required to make a prima facie case on any particular issue, the notice being merely advisory in nature; and that, without deciding whether the evidence sought to be presented by the petitioners is sufficient to make a prima facie case on any issue, petitioners should be afforded an opportunity to present their evidence and contentions on a formal record; therefore,

It is ordered, That an investigation be, and it is hereby, instituted in this proceeding under the authority of sections 13 and 304 of the Interstate Commerce Act into the matters set forth in the said petition.

It is further ordered, That the railroads represented by the Traffic Executive Association-Eastern Railroads and by the Southern Freight Association be, and they are hereby, made respondents herein.

It is further ordered, That this proceeding will be referred to an Administrative Law Judge for hearing and the recommendation of an appropriate order thereon and pre-hearing conference shall be scheduled at a time and place to be designated in a subsequent order.

And it is further ordered, That a copy of this order shall be served upon all participants in the informal conference, that a copy be posted in the Office of the Secretary of this Commission for public inspection, and that a copy be delivered to the Director, Office of the Federal Register, for publication therein as notice to all interested persons.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

The New England Governors' Conference
The Northeast Association of Commissioners of Agriculture
State of Maine, Department of Transportation, for itself and on behalf of the Department of Agriculture
Niagara Frontier Transportation Authority
New England Grain and Feed Council
Water Transport Association
Maine Farm Bureau Association
New Hampshire Farm Bureau Federation
Vermont State Farm Bureau
Rhode Island Farm Bureau Federation
Massachusetts Farm Bureau Federation
Connecticut Farm Bureau Federation
Farm Bureau Association
The New York-New England Dairy Cooperative Coordinating Committee
Maine Feed and Grain Cooperative
Merrimack Farmers Exchange
Central Connecticut Co-op
Farmers Agricultural Cooperative Trading Society
Northeastern Egg Marketing Association
United Cooperative Farmers
New Hampshire Poultry Growers Association
H. K. Webtser Co.
E. C. and W. L. Hopkins Co.
Maine Poultry Industries Association

[FR Doc.73-14712 Filed 7-17-73;8:45 am]

CUMULATIVE LISTS OF PARTS AFFECTED—JULY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during July.

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