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PART I

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Title 3—The President

PROCLAMATION 4241

National Hispanic Heritage Week, 1973

By the President of the United States of America

A Proclamation

As America's bicentennial celebration draws near, it is particularly fitting that we pay tribute to the different ethnic groups that have worked together to build our Nation. Americans of Hispanic origin have played an instrumental role in our country's history since the days when America was first opened by European explorers, and the lives of all Americans have been enriched by the lasting and diverse contributions of Hispanic culture.

In the fields as varied as music, architecture, language, education, politics, medicine, literature, industry and religion, Hispanic Americans have contributed wisdom, beauty and spiritual strength. American life today would be infinitely poorer without these contributions. With them, Americans continue to work toward the realization of a dream that is as old as the earliest Spanish explorers—the dream of a new world on a new Continent—a world in which men can reach new heights of freedom and achievement.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the week beginning September 10, 1973, and ending September 16, 1973, as National Hispanic Heritage Week. I call upon all Americans, particularly those in the field of education, to observe that week with appropriate ceremonies and activities, and I urge all Americans to extend a cordial welcome to the recently arrived immigrants and visitors among us who represent the rich heritage of Hispanic lands.

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

Richard Nixon

[FR Doc.73-19370 Filed 9-7-73;2:39 pm]

EXECUTIVE ORDER 11737

Enlargement of the Upper Mississippi River Basin Commission

The Governors of the member States of the Upper Mississippi River Basin Commission and of the Souris-Red-Rainy River Basins Commission, together with the Water Resources Council, have requested, or concurred in, the enlargement of the Upper Mississippi River Basin Commission to include those portions of the States of Minnesota and North Dakota that are drained by the Souris-Red-Rainy Rivers system. The Souris-Red-Rainy River Basins Commission terminated on June 30, 1973, by operation of Section 7 of Executive Order No. 11359 of June 20, 1967, as amended. I have determined that it would be in the public interest to comply with the above request.

NOW, THEREFORE, by virtue of the authority vested in me by Section 201 of the Water Resources Planning Act (42 U.S.C. 1962b), and as President of the United States, it is ordered as follows:

SECTION 1. Executive Order No. 11659 of March 22, 1972, is hereby amended as follows:

(1) Section 2 is amended to read as follows:

"SEC. 2. *Jurisdiction of the Commission.* It is hereby determined that the jurisdiction of the Upper Mississippi River Basin Commission referred to in Section 1 of this order shall extend to those portions of the States of Illinois, Iowa, Minnesota, Missouri, Wisconsin, and North Dakota that are located within the Upper Mississippi, Souris, Red, or Rainy River drainage basins. The Upper Mississippi River drainage basin is defined as the drainage basin of the Mississippi River above the mouth of the Ohio River, excluding the drainage basin of the Missouri River above a point immediately below the mouth of the Gasconade River."

(2) Section 3(3) is amended to read as follows:

"(3) one member from each of the following States: Illinois, Iowa, Minnesota, Missouri, Wisconsin, and North Dakota,".

(3) Section 5 is amended to read as follows:

"SEC. 5 *Consultation with Adjoining States.* The Commission is expected to provide for procedures for consultation with the States of Indiana, Michigan, South Dakota, and Montana on any matter which might affect the water and related land resources of the headwater drainages of the Mississippi River Basin or the drainages of the Souris, Red, or Rainy River Basins in those States and to give notice to those States of meetings of the Commission."

(4) Section 6 is hereby redesignated as Section 7 and a new Section 6 is hereby inserted immediately after Section 5 as follows:

"SEC. 6 *International Coordination.* The Chairman of the Commission is hereby authorized and directed to refer to the Council any matters under consideration by the Commission which relate to areas of interest or jurisdiction of the International Joint Commission, United

States and Canada. The Council shall consult on these matters as appropriate with the Department of State and the International Joint Commission through its United States Section for the purpose of enhancing international coordination."

SEC. 2. All funds, property, records, employees, assets, and obligations of the Souris-Red-Rainy River Basins Commission are, with the concurrence of Governors of the affected States, transferred to the Upper Mississippi River Basin Commission, effective as of July 1, 1973.

SEC. 3. Executive Order No. 11359 of June 20, 1967, and Executive Order No. 11635 of December 9, 1971, are hereby superseded.

Richard Nixon

THE WHITE HOUSE,
September 7, 1973.

[FR Doc.73-19387 Filed 9-7-73;3:46 pm]

Rules and Regulations

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 is amended to show that one position of Staff Assistant to the Secretary and one position of Secretary to the Deputy Under Secretary are excepted under Schedule C.

Effective on September 11, 1973, §§ 213.3305(a) (47) and (48) are added as set out below.

§ 213.3305 Treasury Department.

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

(47) One Staff Assistant to the Secretary.

(48) One Secretary to the Deputy Under Secretary.

* * * * *

((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.73-19288 Filed 9-10-73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that one position of Private Secretary to the Assistant Secretary for Science and Technology is excepted under Schedule C.

Effective on September 11, 1973, § 213.3314(n)(3) is added as set out below.

§ 213.3314 Department of Commerce.

* * * * *

(n) *Office of the Assistant Secretary for Science and Technology.* * * *

(3) One Private Secretary to the Assistant Secretary.

* * * * *

(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.73-19285 Filed 9-10-73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Commissioner, Youth Development, and one additional position of Special Assistant to the Deputy Assistant Secretary for Congressional Liaison are excepted under Schedule C.

Effective on September 11, 1973, § 213.3316(a)(31) is added and § 213.3316(f)(10) is amended as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

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

(31) Commissioner, Youth Development.

* * * * *

(f) *Office of the Assistant Secretary for Legislation.* * * *

(10) Four Special Assistants to the Deputy Assistant Secretary for Congressional Liaison.

* * * * *

((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.73-19284 Filed 9-10-73;8:45 am]

PART 213—EXCEPTED SERVICE

Selective Service System

Section 213.3346 is amended to show that one position of Legislation and Liaison Officer is excepted under Schedule C.

Effective on September 11, 1973, § 213.3346(h) is added as set out below.

§ 213.3346 Selective Service System.

* * * * *

(h) One Legislation and Liaison Officer.

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

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

[FR Doc.73-19286 Filed 9-10-73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that one additional position of Special Assistant to the Under Secretary is excepted under Schedule C.

Effective on September 11, 1973, § 213.3394(a)(11) is amended as set out below.

§ 213.3394 Department of Transportation.

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

(11) Three Special Assistants to the Under Secretary.

* * * * *

((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.73-19287 Filed 9-10-73;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 150—COST OF LIVING COUNCIL PHASE IV PRICE REGULATIONS

PART 155—PHASE IV PRICE PROCEDURES

Food Industry

Introduction.—The purpose of this amendment to Part 150 of the Cost of Living Council Regulations is to add Subpart Q (Stage B for food). On August 22, 1973, the Council issued a Notice of Proposed Rulemaking, 38 FR 22797 (August 24, 1973) setting out the proposed regulations for Subpart Q and inviting interested persons to submit written data, views, or arguments.

The Council stated in the Notice of Proposed Rulemaking that all comments received before noon, September 4, 1973, would be considered by the Council before taking action on the proposed regulations. One hundred and forty-six comments were received before noon on September 4, 1973.

These comments were reviewed by specialists in the Council's Office of Food, the General Counsel's Office and by other staff members. Policy issues raised through these comments were discussed in a series of meetings of the Council's senior staff and, as a result, the final regulations contain a number of changes in the proposed regulations that were published on August 22.

General.—The largest number of comments related to (1) the formula for the gross margin rule applicable to food manufacturers and (2) the requirement of monthly compliance periods under that rule. As a result of the number of questions raised concerning the complexity of that formula, the Council has adopted a simplified formula which should substantially ease the burden on food manufacturing firms in complying with the food regulations.

In addition, the Council has changed the period for compliance with the gross margin rule from the accounting month to the fiscal quarter. These changes are discussed in more detail below in the section of the preamble dealing with food manufacturing.

The Council has made three clarifications and changes which are of general interest to food manufacturers, food service organizations, food wholesalers and food retailers.

First, the effective date of the new Subpart Q regulations has been moved back from 11:59 p.m., e.s.t., September 11, to 11:59 p.m., e.s.t., September 9, 1973. This means that the freeze on beef prices and the Stage A food regulations will end on the weekend rather than during the middle of the week, thereby easing the final transition of the food industry into Phase IV.

Second, the final Stage B regulations state that the profit margin test will be applied to the food industry whether or not prices are raised above the adjusted freeze price, the base price, or other authorized price. In view of the fact that the food industry has essentially remained under Phase II price controls since the beginning of Phase II, and in view of the substantial increase in price levels in the food industry since that time, virtually all food firms have long been subject to the profit margin limitation. The final Subpart Q food regulations therefore eliminate the rule, otherwise applicable, that the profit margin limitation does not apply unless a price is charged above a certain level.

Third, a similar approach has been taken with respect to the gross margin rule, applicable to food manufacturers only. The gross margin pricing rules apply upon the effective date of Subpart Q without regard to whether prices are raised above the adjusted freeze price level or any other level. This will assure that the present high level of food prices will be reduced when and to the extent that current high costs for food raw materials decline.

Food wholesaling and retailing.—Section 150.604, applicable to food wholesaling and retailing, has been changed to permit firms engaged in food retailing to treat as one merchandise category the entire food retailing operation at the price entity level. The single category rule, which was available to food retailers in Phase III, permits cost increases to be spread over a wider base of items thereby softening the potential price impact of cost increases in individual products.

In addition, the rule which permits food retailing firms which derive 75 percent or more of annual sales and revenues from retail food sales to select one of two fiscal years for the pricing base period has been amended to make it clear that the 75 percent rule applies to the pricing entity rather than the entire firm.

Food service activities.—Section 150.605 remains unchanged except with respect to the clarification concerning the profit margin limitation discussed above.

Food manufacturing.—The formula presented in the proposed Subpart Q regulations which determines the total permissible revenues for a product line in the control period was considered by many firms to be unnecessarily complicated and difficult to understand. That formula was stated as follows:

$$R=(B\times V)\ (C+100\%)+M+(P\times V)$$

This formula appears in the final regulation as:

$$R_2=R_1\times\frac{V_2}{V_1}\times(C+100\%)$$

The symbol R_2 stands for total permissible sales revenues in the current fiscal quarter, and R_1 stands for total sales revenues during the base period. Similarly, "V" stands for the volume of food raw material units and the subcharacter "2" indicates the current fiscal quarter and subcharacter "1" indicates the base period. "C" stands for net increase in allowable costs since the base cost period and is the percentage figure taken from line 12 of Schedule C to CLC 22. The "C" in this formula includes increases in both food raw material costs and other costs.

It can be seen from this formula that total sales revenues in the current fiscal quarter may not exceed an amount equal to the revenue in the base period, adjusted by the ratio that the volume in the current fiscal quarter bears to the base period volume, and multiplied by the net increase in total allowable costs since the base cost period. The chief advantages of this formula are that (1) all cost increases are taken from Schedule C of the CLC–22 without adjustment and (2) unfamiliar terms such as conversion costs, operating profit and base period gross margin rates are avoided.

The distinguishing characteristic of the formula is that it provides the means whereby prices are controlled on the basis of total permissible revenues for the product line concerned during a fiscal quarter and not on the basis of authorized prices for individual items. While this characteristic was present in the formula set forth in the proposed regulations, that formula made a fundamental distinction between food raw material costs in the base period and the gross margin (revenues less costs) in the base period. This distinction is not employed in the final formula.

The period for application of the "gross margin" rule has been changed from the current month to the current fiscal quarter. However, monthly reports are still required and the Council may take action to prohibit price increases or to reduce prices if the monthly reports indicate that revenues are at a rate which, when projected for the fiscal quarter, indicate that the firm will realize revenues in excess of those permitted. A further change permits the Council to take into account temporary unforeseen changes in product mix in determining whether a firm is in violation of the pricing rules. However, the regulations do not permit a firm to "make up" the revenue overage in the next quarter.

In order to permit effective operation of the new formula, the closest ending date of the base period for food manufacturing activities other than meat manufacturing has been moved back from September 12 to May 11, 1973 (coterminous with the closest ending date for the base period for meat manufacturers). The base period with respect to food manufacturing activities other than meat manufacturing remains any four consecutive fiscal quarters of the eight fiscal quarters permitted. A provision has been added to make it clear that only one base period may be used for food manufacturing activities other than meat manufacturing.

Miscellaneous. — Several technical changes have been made in various parts of the preexisting Phase IV regulations in order to accommodate the inclusion of Subpart Q. Among these changes are (1) an amendment to § 150.201(e) which makes it clear that the loss and low profit rules are available to food firms, and (2) the addition of several food merchandise categories to the Appendix to Subpart K.

In consideration of the foregoing, Title 6, Code of Federal Regulations is amended as set forth below.

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

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

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

A. Part 150 of Title 6 of the Code of Federal Regulations is amended as follows:

1. A new Subpart Q is added as follows:

Subpart Q—Food Industry

Sec.

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

Subpart Q—Food Industry

§ 150.601 Purpose and scope.

This subpart provides the "Stage B" price rules whereby the food industry completes the transition from Phase III to Phase IV of the Economic Stabilization Program. This subpart supersedes Subparts F and M of Part 130 and Subpart I of Part 140 of this title effective 11:59 p.m., e.s.t., September 9, 1973.

§ 150.602 Applicability.

This subpart applies to all firms engaged in food manufacturing, food service activities, food wholesaling and food retailing.

§ 150.603 Definitions.

For purposes of this subpart—

"Base period" means:

(a) with respect to the slaughtering and processing of livestock or the manufacturing of meat products, any four consecutive fiscal quarters, at the option of the firm concerned, which began after May 25, 1970, and which ended prior to May 11, 1973; and

(b) with respect to all other food manufacturing activities, any four consecutive fiscal quarters, at the option of the firm concerned, of the eight fiscal quarters which ended prior to May 11, 1973. Only one base period may be selected with respect to these activities.

"Effective date of this subpart" means 11:59 p.m., e.s.t., September 9, 1973.

"Food" means (a) items which are produced or manufactured for human or animal ingestion except alcoholic beverages, tobacco products, or drugs, and

(b) other items which are required pursuant to § 150.606(b) to be treated as food for purposes of this subpart.

"Food manufacturing" means the trade or business of preparing, processing, making or fabricating a food item by manual labor or machinery for sale and includes the slaughtering and processing of livestock. It does not include the preparing, processing, making or fabricating of food items when those activities (a) are undertaken by a firm engaged in food wholesaling or food retailing, or both, and (b) are within the scope of or are incidental to that firm's food wholesaling or food retailing activities subject to Subpart K of this part.

"Food raw material" means, in the form in which they are received, raw, semi-processed or processed agricultural and marine products, including crops, livestock, poultry and catch from fresh water and the sea, and other edible products such as flavorings, preservatives and additives, which are incorporated into the food item concerned.

"Food raw material costs" means the dollar amount, calculated in accordance with the customary accounting practice of the firm with respect to the product line concerned, derived from adding the total cost of inventory of food raw material on the first day of the period concerned and the total cost of food raw material purchase, grown or caught during that period, and subtracting from that sum the total cost of food raw material remaining in inventory on the first day after the period concerned. Total cost of food raw material in inventory includes the cost of food raw material in semi-processed goods and finished goods in inventory on the day concerned.

"Food or food raw material units" means, at the option of the firm concerned and calculated in accordance with its customary accounting practices, either:

(a) the total units of food raw material in inventory on the first day of the period concerned, plus the total units of food raw material purchased during the period concerned, less the total units of food raw material remaining in inventory on the first day after the period concerned (input basis); or

(b) the total units of food sold during the period concerned (output basis).

"Meat" means meat as defined in § 130.123 of this title.

"Total sales revenues" means the aggregate revenue from the sale of food.

§ 150.604 Food wholesaling and retailing.

(a) *General rule.*—Except as provided in paragraph (b) of this section, Subpart K of this part applies to the wholesaling and retailing activities of firms subject to this subpart.

(b) Subpart K Modifications—

(1) A pricing entity of a firm engaged in food retailing, which derives 75 percent or more of its annual sales or revenues from retail food sales may, at its option, use as a pricing base period either one of the last two fiscal years which ended prior to February 5, 1973, or the most recent four consecutive fiscal quarters ending before February 5, 1973, and may apply the pricing base period chosen to both its food and nonfood retail activities.

(2) A firm engaged in food retailing may treat as one merchandise category the entire food retailing operation at the pricing entity level.

(3) The general price control rules set forth in § 150.304 including the profit margin limitation, apply to firms engaged in food wholesaling or food retailing, or both, upon the effective date of this subpart without regard to whether that firm increases the price of any item above the adjusted freeze price of that item. No price may be increased until the merchandise pricing plan required by §§ 150.306(a) or 150.310 has been submitted or completed, as the case may be.

§ 150.605 Food service activities.

(a) *General Rule.*—Except as provided in paragraph (b) of this section, Subpart E of this part applies to the food service activities of firms subject to this subpart.

(b) *Subpart E Modifications.*—The price rules applicable to food service activities, including the profit margin limitation, apply upon the effective date of this subpart to a firm engaged in food service activities without regard to whether that firm increases the price of any item above the adjusted freeze price of that item, the base price of that item or any other price authorized under this title.

(c) *Prenotification.*—Section 150.151 does not apply with respect to the food service activities of firms subject to this subpart.

§ 150.606 Food manufacturing: Price rules.

(a) *Purpose and Scope.*—The purpose of this section is to apply to food manufacturing activities, on a product line basis, a gross margin rule similar to that previously applicable only to firms engaged in the slaughtering and processing of livestock or the manufacturing of meat items. Except as provided in paragraph (b) of this section, the gross margin rule is applicable with respect to all food manufacturing activities. Under the gross margin rule, prices are controlled on the basis of total permissible revenues for the product line concerned during a fiscal quarter and not on the basis of authorized prices for individual items. Increases and decreases in food raw material costs (costs which generally fluctuate significantly) can be passed through on a dollar-for-dollar basis without prenotification and without "volatile" pricing authorization. Increases and decreases in costs other than food raw material costs may also be passed through on a dollar-for-dollar basis (subject to prenotification) in accordance with Subparts E, F, G and H of this part as modified by § 150.607.

(b) *Applicability.*—This section applies to the food manufacturing activities of all firms, except that a firm which both derives less than 20 percent of its annual sales or revenues from food manufacturing and less than $50 million of annual sales or revenues from food manufacturing may elect to price with respect to its food manufacturing activities in accordance with this section or in accordance with Subpart E of this part. A firm engaged in food manufacturing which also produces byproducts, coproducts, products, joint products, or waste products of food raw materials which are produced for industrial use or in alcoholic beverages, tobacco products or drugs (such as leather, tallow, industrial oils or malt) shall treat those byproducts as food items for purposes of this section. This section applies on the effective date of this subpart whether or not a firm subject to this section charges a price for any item in excess of the adjusted freeze price for that item.

(c) *Price Rules.*—(1) Except as provided in paragraph (c)(2) of this section and in paragraph (e)(2) of this section, any price may be charged with respect to any item in a product line as long as total sales revenues for that product line for any fiscal quarter ending after the effective date of this section do not exceed the amount derived by (i) multiplying the total sales revenues in the base period for that product line by the ratio that the volume of food or food raw material units for that products line in the fiscal quarter concerned bears to the volume of food or food raw material units for that product line in the base period, and (ii) multiplying the product in paragraph (c)(1)(i) by the net increases in allowable costs since the base cost period

plus 100 percent. This computation is illustrated by the following equation:

$$R_2 = R_1 \times \frac{V_2}{V_1} \times (C + 100\%)$$

Where:

R_2 = Total sales revenues for the fiscal quarter concerned.
R_1 = Total sales revenues during the base period.
V_2 = Volume of food or food raw material units during the fiscal quarter concerned.
V_1 = Volume of food or food raw material units during the base period.
C = Net increases in allowable costs since the base cost period.

(2) (i) Sales revenues for any fiscal quarter may exceed the total sales revenues calculated in accordance with paragraph (c) (1) of this section only if the firm concerned demonstrates, to the satisfaction of the Council, that the excess is justified on the basis of seasonal patterns or is attributable to revenues derived from the sale of exempt items or from allowable prices pursuant to § 150.76. In determining whether a firm is in violation of this paragraph (c), the Council may take into account temporary unforeseen changes in product mix.

(ii) The requirements for prenotification provided in § 150.151 apply with respect to any price increase supported by net allowable increases in costs other than food raw material costs.

(3) A firm subject to this section may not exceed its base period profit margin as defined in § 150.31 whether or not that firm increases the price of any item above the adjusted freeze price of that item, the base price of that item or any other price authorized under this title.

(4) (i) Food raw material purchased and resold without change in form may be excluded in computing the total sales revenue during the base period. Food raw material purchased and resold without change in form shall be excluded in computing food or food raw material units and food raw material costs for any fiscal quarter ending after the effective date of this section.

(ii) The cost of freight and insurance in connection with the purchase of food raw material ("freight-in") may either be included in or excluded from food raw material costs during the base cost period as defined in § 150.607 but the treatment of "freight-in" shall be consistent as between the base cost period and each fiscal quarter ending after the effective date of this section. The cost of freight and insurance in connection with food sales ("freight-out") may either be included in or excluded from total sales revenues during the base period as defined in § 150.603 but the treatment of "freight-out" shall be consistent as between the base period and each fiscal quarter ending after the effective date of this section.

(iii) A firm which uses the futures markets in a nonspeculative manner to hedge against price risks may include as a food raw material cost during the base cost period (as defined in § 150.607) any net loss as a result of nonspeculative hedging activities with respect to the food raw material concerned during the base cost period, and may include as an offset to food raw material costs any net gain as a result of nonspeculative hedging activities with respect to the food raw material concerned during the base cost period. Similarly, any net hedging losses by that firm with respect to food markets during the base period (as defined in § 150.603) may be included as an offset to total sales revenues during the base period and any net hedging gains by that firm with respect to food markets during the base period may be included in total sales revenues during the base period. However, a firm which includes any net loss pursuant to the preceding two sentences shall include as an offset any net gain as a result of nonspeculative hedging activities in accordance with the preceding two sentences. Any net hedging losses with respect to the food raw material concerned during the fiscal quarter concerned may be included as a food raw material cost for the fiscal quarter concerned and any net hedging gains with respect to the food raw material concerned during the fiscal quarter concerned shall be included as an offset to food raw material costs for the fiscal quarter concerned. Any net hedging losses with respect to the food market concerned during the fiscal quarter concerned may be included as a food raw material cost for the fiscal quarter concerned and any net hedging gains with respect to the food market concerned during the fiscal quarter concerned shall be included as an offset to food raw material costs for the fiscal quarter concerned.

(5) For purposes of paragraph (c) of this section, the base period with respect to a new product line shall be the fiscal quarter in which the first sale occurs. The price rules of this section apply with respect to that new product line beginning with the first day after the base period. However, if a firm acquires another firm, the total sales revenues during the base period established by the acquired firm with respect to each of its product lines shall be the total sales revenues during the base period for the acquiring firm for each of those product lines and the rules of paragraph (c) of this section apply with respect to each of those product lines immediately upon acquisition.

(d) *Options and business practices.*—(1) The exercise of the options with regard to § 150.606(b), the determination of the base period, the exclusion of certain food raw materials in the computation of total sales revenues during the base period, and the method of calculating food or food raw material units shall be made as follows:

(i) In the case of a price category I or II firm, the option selected in each case shall be set forth in the initial report submitted to the Council pursuant to paragraph (e) of this section; and

(ii) In the case of a price category III firm, the option selected in each case shall be recorded in a document placed among the firm's records.

No change in the exercise of any of these options may be made without the prior written approval of the Council or the Internal Revenue Service.

(2) Any calculations made pursuant to this section must be reconciled with any change in customary business practices adopted and implemented by the firm.

(e) *Reporting and recordkeeping.*—(1) *Monthly report.*—Each price category I and II firm to which this section applies shall submit monthly reports with information on costs and sales in accordance with forms and instructions issued by the Council. A monthly report shall be submitted within 30 days after the close of each accounting month except the month which concludes a fiscal quarter. The initial report submitted shall include the following information:

(i) A description of the product lines of the firm and related four-digit SIC codes;

(ii) The four consecutive fiscal quarters selected for the base period;

(iii) A statement as to whether certain food raw materials were excluded from the computation of total sales revenue during the base period pursuant to § 150.606(c)(4)(i).

(2) *Action by the Council on monthly report.*—If it appears to the Council, upon examination of a monthly report submitted pursuant to this section, that a firm's revenues with respect to a product line are at a rate that would, when projected for the fiscal quarter, exceed the revenues permitted by this section and the firm fails to demonstrate, to the satisfaction of the Council, that it will not exceed the revenues permitted by this section for that quarter or that any excess will be justified on the basis of seasonal patterns or will be attributable to revenues derived from the sale of exempt items the Council may suspend authority to implement price increases and order price reductions if necessary to assure compliance with the provisions of paragraph (c) of this section. In determining whether a firm is in violation pursuant to paragraph (e) of this section, the Council may take into account temporary unforeseen changes in product mix.

(3) *Quarterly and annual reports.*—Each price category I and II firm to which this section applies shall submit reports with information on costs, sales and profits in accordance with forms and instructions issued by the Council within 45 days after the end of each fiscal quarter or within 90 days after the end of each fiscal year.

(4) *Recordkeeping.*—Each price category III firm to which this section applies shall prepare and maintain at its principal place of business sufficient records to determine compliance with this section.

§ 150.607 Food manufacturing: Other price rules.

(a) *General Rule.*—Except as provided in paragraphs (b) and (c) of this section and in § 150.606, Subparts E, F, G and H of this part apply to the manufacturing activities of firms subject to this section.

(b) *Modifications to Subparts E, F, G, and H for Firms Using § 150.606.*—(1) Prenotification is not required with respect to increases in food raw material costs. Food raw materials may not be used as allowable costs for purposes of prenotification.

(2) The base cost period is the next succeeding fiscal quarter following the base period as defined in § 150.603 in which costs were incurred with respect to the product line concerned. The base cost period with respect to a new product is the fiscal quarter in which the new product concerned was first sold in arms-length trading between unrelated persons.

(3) The rules for determining maximum prices for items in a product line do not apply. The price of an item shall be determined solely in accordance with § 150.606(c).

(4) The price of an item which qualities as a "new product" pursuant to § 150.103, or as a "cusfom product" pursuant to § 150.104, shall be determined solely in accordance with § 150.606(c)

(5) Section 150.76 is inapplicable to the food manufacturing activities of firms subject to this subpart.

(c) *Subpart E Modifications for other firms.*—Subpart E of this Part applies with respect to the food manufacturing activities of firms which elect pursuant to § 150.606(b) to price in accordance with that subpart, except that "adjusted freeze price" means:

(1) With respect to food subject to Subpart I of Part 140,

(i) The highest price lawfully charged for that item prior to the effective date of this subpart, except that temporary special sales, deals and allowances in effect during the freeze base period may be excluded in the computation; and

(ii) In the case of a seasonal item priced in accordance with § 140.13(d)(2) of this chapter, the highest price lawfully charged for that item before the effective date of this subpart, except that when that price is reduced to the nonseasonal price as required by § 140.13(e) of this chapter that reduced price becomes the adjusted freeze price for that item; or

(2) With respect to meat subject to Subpart M of Part 130,

(i) The ceiling price as defined in § 130.123 of this chapter;

(ii) In the case of an imported meat item priced in accordance with § 130.121 (b) of this title, the highest price lawfully charged for that item before the effective date of this subpart;

(iii) In the case of a meat item priced in accordance with § 130.127 or § 130.128 of this chapter, the highest price lawfully charged for that item before the effective date of this subpart; and

(iv) In the case of a meat item priced in accordance with an exception granted pursuant to the provisions of Part 130 of this chapter, the highest price lawfully charged for that item before the effective date of this subpart.

§ 150.608 Regulated milk and milk products.

(a) *Definitions.*—For purposes of this section:

"Regulated milk and milk products" means milk and milk products with respect to which the minimum price is established or the minimum and maximum prices are established by a regulatory agency.

"Regulatory agency" means any commission, board, or other legal body established in any State or the District of Columbia, which has jurisdiction to order increases, or reductions, or both, in the prices charged for fluid milk and milk products.

"Milk and milk products" includes fluid milk (other than raw milk), low-fat milk, nonfat (skim) milk, buttermilk, cream, half-and-half, chocolate milk, and cottage cheese.

"Regulated seller of milk and milk products" means any seller of milk and milk products whose minimum selling prices are fixed by a regulatory agency and includes a firm engaged in processing, distributing, wholesaling, or retailing.

(b) *General rule.*—Notwithstanding any other provision of this part, but subject to paragraph (c) of this section, a regulated seller of milk and milk products may charge any price with respect to any item if that price has been approved as a minimum price by a regulatory agency. A regulated seller of fluid milk and milk products which is a prenotification firm, whose minimum prices for such products to its customers are established by that regulatory agency, may sell milk and milk products at the minimums so established without prenotifying.

(c) *Report by regulatory agency.*—A regulatory agency which establishes minimum prices for sellers of milk and milk products must furnish to the Council at least 15 days before the proposed increases are to be effective—

(1) A statement of the types of price increases subject to its jurisdiction and generally describing the method used for establishing prices;

(2) A certification as to each price increase it approves (in the order granting the increase or in a separate document) of the following:

(i) The former price, the date it was established, the new price, the percentage increase, and the proposed effective date of the new price;

(ii) That the increase is the minimum required to assure a continued, adequate supply of pure and wholesome milk and milk products; and

(iii) That the increases established by the regulatory agency will not result in total sales revenues which exceed the amount permitted under § 150.606(c).

(d) *Industry averages.*—If a price increase by the regulatory agency is premised on cost or other data compiled on the basis of industry averages or samples of the industry which it regulates, compliance with § 150.606(c) may be based on that industry data. However, the Council reserves the right to require the regulatory agency to submit, or to require any regulated seller of milk and milk products to provide, any additional information that the Council considers relevant, including requesting the regulatory agency to obtain from the industry or the same sample on which its increases were predicated, the following information:

(1) For processors—the base period profit margin and the profit margin in a period reflecting the new prices; or

(2) For wholesalers or retailers—the customary initial percentage markup reflected by the allowed price increases; the gross margin realized during the pricing base period; the gross margin realized by the allowed price increases; the profit margin in the base period, and the profit margin in the period reflecting the new prices.

(e) *Effective date of price increases.*—At any time within 10 days after receiving a report under paragraph (c) of this section the Council may take any action provided in paragraph (f) of this section, or it may take no action in which case the price increases permitted by this section may become effective on the date specified in the regulatory agency order.

(f) *Council Actions.*—With respect to any price increase permitted by this section, the Council may—

(1) Require the regulatory agency to furnish additional information concerning the increase;

(2) Delay the effective date of the increase pending further Council action, but not for longer than 15 days after receiving the additional information requested under paragraph (f)(1) of this section;

(3) Suspend all or part of the increase pending further action by the Council or the regulatory agency; or

(4) Approve, reject, limit, rescind, reduce, or modify the increase.

§ 150.609 Marketing cooperatives and market risk-sharing transactions.

(a) A marketing cooperative as defined in § 150.204(b) is subject to the pricing rules in § 150.606 with respect to its food manufacturing activities. For purposes of computing food raw material costs, a marketing cooperative shall use the imputed allowable costs determined in accordance with § 150.204(d).

(b) A firm which is engaged in market risk-sharing transactions as defined in § 150.204(b) with respect to food manufacturing activities, and which is not otherwise a marketing cooperative as defined in § 150.204(b), is subject to the pricing rules in § 150.606 with respect to those transactions. For purposes of computing raw materials costs, that firm shall use the imputed allowable costs determined in accordance with § 150.-204(d).

(c) The limitation prescribed in § 150.204(c)(1) applies upon the effective date of this subpart without regard to whether a price in excess of the base price, adjusted freeze price or other authorized price is charged.

§ 150.1 [Amended]

2. Section 150.1(b) is amended by substituting "September 9, 1973," for "September 11, 1973," in the two places where the latter date appears.

§ 150.201 [Amended]

3. Section 150.201(e) is amended by adding "or Q," after "Notwithstanding Subparts A, E, K,".

§ 150.201 [Amended]

4. Section 150.304(e) is amended by deleting the period and adding the following:

", until 11:59 p.m., e.s.t., September 9, 1973."

§ 150.307 [Deleted]

5. Section 150.307 is deleted.

6. The Appendix to Subpart K is amended by adding the following merchandise categories:

197 Dairy.
198 Delicatessen.
199 Grocery.
200 Meat, fish, and poultry.
201 Produce.
202 General merchandise, nonfood, sold in connection with food retailing.

B. Part 155 of Title 6 of the Code of Federal Regulations is amended in § 155.21(b)(1) to read as follows:

§ 155.21 Purpose and scope.

* * * * *

(b) * * *

(1) Prenotifications and reports filed pursuant to subparts H, K, L, N, P, or Q of part 150;

* * * * *

[FR Doc.73-19364 Filed 9-7-73;3:30 pm]

Title 7—Agriculture

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

[Lemon Reg. 602]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Shipments

This regulation continues the minimum size requirements currently in effect through September 29, 1973, during the period September 30, 1973, through September 28, 1974. The minimum size requirements for lemons would continue at 1.82 inches in diameter (size 235's in cartons). The requirements are those which have been found to provide consumers with lemons of acceptable size, maturity and juice content.

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

(2) The recommendations of the Lemon Administrative Committee reflect its appraisal of the crop and current and prospective marketing conditions after consideration of factors having a bearing thereon as required by said marketing agreement and order. The committee estimates that the 1973–74 season crop of lemons will be 37,450 carlots. It further estimates that regulated fresh market channels will require about 32 percent of this volume, and the remaining 68 percent will be available for utilization in processing, export, and other outlets. The volume and size composition of the crop is such that ample supplies are available in a broad range of sizes to satisfy demand in regulated channels and in other markets. The committee advises that lemons smaller than 235's have negligible sales opportunity in fresh form, because they are costly to prepare for market and have lower juice yield than larger lemons. The minimum size requirements are designed to assure consumers of adequate supplies of fruit of acceptable sizes, maturity and juice content and to improve returns to growers consistent with the declared policy of the act.

(3) It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553). Shipments of lemons grown in the production area are currently being regulated as to size by the provisions of Lemon Regulation 499, Amendment 1, which, unless continued, will expire on September 29, 1973. The minimum size requirements prescribed by this section are the same as those currently in effect, and to be of maximum benefit in the current season such requirements should be continued in effect during the period September 30, 1973, through September 28, 1974. Notice of rulemaking concerning this section, with an effective period as herein specified, was published in the FEDERAL REGISTER (38 FR 22149) and no objection to either this section or such effective period was received. Compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

§ 910.902 Lemon Regulation 602.

Order.—(a) From September 30, 1973, through September 28, 1974, no handler shall handle any lemons grown in District 1, District 2, or District 3, which are of a size smaller than 1.82 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the lemons in any type of container may measure smaller than 1.82 inches in diameter.

(b) As used in this section "handle", "handler", and "District 1", "District 2", and "District 3" each shall have the same meaning as when used in the said amended marketing agreement and order.

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

Dated September 6, 1973, to become effective September 30, 1973.

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

[FR Doc.73-19279 Filed 9-10-73;8:45 am]

PART 930—CHERRIES GROWN IN MICHIGAN, NEW YORK, WISCONSIN, PENNSYLVANIA, OHIO, VIRGINIA, WEST VIRGINIA, AND MARYLAND

Harvest Adjustment and Release Period

This amendment changes the 10-day free and restricted percentage adjustment and reserve pool release period from September 15–25 to November 1–11. The proposal was submitted by the Cherry Administrative Board, established pursuant to Marketing Order No. 930 (7 CFR, Part 930), regulating the handling of cherries grown in Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The board, in proposing such amendment, reported that under the present provision, the time between the completion of the cherry harvest and the date the recommendation must be made for an adjustment or release is insufficient for the compilation and verification of crop data and marketing information. The release date, as contained in the amendment would provide adequate time for such fact gathering and analysis.

Notice was published in the FEDERAL REGISTER issue of August 27, 1973 (38 FR 22897), that the Department was giving consideration to proposed amendment to the rules and regulations (Subpart—Rules and Regulations, 7 CFR, Part 930.101 through 930.161) effective pursuant to the applicable provisions of said Marketing Order No. 930 to establish November 1–11 as the 10-day revision of percentages and release period. The currently provided period is September 15–25. No written data, views, or

arguments were filed with respect to said proposed amendment.

After consideration of all relevant matter presented, including the proposal set forth in the notice, the recommendations and information submitted by the board, and upon other available information, it is hereby found that the amendment, as hereinafter set forth, of said rules and regulations is in accordance with said marketing order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) It is essential that the new release period be established before the beginning of the currently specified release period so as to provide adequate time for the necessary compilation and analysis of data relating to the cherry supply so that an appropriate recommendation regarding the release of reserve pool cherries may be made; (2) notice was given of the proposed amendment through publicity in the production area and by publication in the August 28, 1973, issue of the FEDERAL REGISTER and no objection to such proposed change was received; and (3) compliance with this amendment will not require of handlers any preparation that cannot be completed by the effective time hereof.

Order.—A new § 930.110 is added to read as follows:

§ 930.110 After harvest adjustment and release period.

The 10-day period provided in § 930.53 paragraphs (a) and (b) (1) for the revision of percentages and release of reserve pool cherries shall be November 1–11, of the fiscal period.

Dated September 7, 1973, to become effective September 12, 1973.

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

[FR Doc.73-19327 Filed 9-10-73;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 214—NONIMMIGRANT CLASSES
PART 238—CONTRACTS WITH TRANSPORTATION LINES

Nonimmigrants Transits

Pursuant to section 552 of Title 5 of the United States Code (80 Stat. 383) and the authority in 8 U.S.C. 1103 and 8 CFR 2.1, amendments, as set forth herein, are made in Parts 214 and 238 of Chapter I of Title 8 of the Code of Federal Regulations.

In Part 214, § 214.2(c) (1) is amended to relieve the restriction that a nonimmigrant applicant for admission under the transit without visa privilege must continue his journey within 8 hours after his arrival in this country. The amendment provides that if there is no scheduled transportation within 8 hours after an applicant's arrival in the United States continuation of his journey thereafter on the first available transport will be satisfactory. The amendment also provides for limited intermediate stops.

Pursuant to section 238(d) of the Immigration and Nationality Act, agreements have been entered into between the Acting Commissioner of Immigration and Naturalization and "JAT-YUGOSLAV AIRLINES" and "POMAIR N.V.," transportation lines operating to ports of the United States, to guarantee the passage through the United States in immediate and continuous transit of aliens destined to foreign countries. In Part 238, § 238.(b) is, therefore, amended by adding the two specified lines to the listing of signatory transportation lines.

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

In § 214.2, paragraph (c) (1) is amended to read as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

* * * * *

(c) *Transits*—(1) *Without visas.*—An applicant for admission under the transit without visa privilege must establish that he is admissible under the immigration laws; that he has confirmed and onward reservations to at least the next country beyond the United States, and that he will continue his journey on the same line or a connecting line within 8 hours after his arrival; however, if there is no scheduled transportation within that 8-hour period, continuation of the journey thereafter on the first available transport will be satisfactory. Transfers from the equipment on which an applicant arrives to other equipment of the same or a connecting line shall be limited to 2 in number, with the last transport departing foreign (but not necessarily nonstop foreign), and the total period of waiting time for connecting time for connecting transportation shall not exceed 8 hours except as provided above. Notwithstanding the foregoing, an applicant, if seeking to join a vessel in the United States as a crewman, shall be in possession of a valid "D" visa and a letter from the owner or agent of the vessel he seeks to join, shall proceed directly to the vessel on the first available transportation and upon joining the vessel shall remain aboard at all times until it departs from the United States.

Except for transit from one part of foreign contiguous territory to another part of the same territory, application for direct transit without a visa must be made at one of the following ports of entry: Buffalo, N.Y.; Niagara Falls, N.Y.; Boston, Mass.; New York, N.Y.; Philadelphia, Pa.; Baltimore, Md.; Washington, D.C.; Norfolk, Va.; Atlanta, Ga.; Miami, Fla.; Port Everglades, Fla.; Tampa, Fla..; New Orleans, La.; San Antonio, Tex.; Dallas, Tex.; Houston, Tex.; Brownsville, Tex.; San Diego, Calif.; Los Angeles, Calif.; San Francisco, Calif.; Honolulu, Hawaii; Seattle, Wash.; Portland, Oreg.; Great Falls, Mont.; St. Paul, Minn.; Chicago, Ill.; Detroit, Mich.; Denver, Colo.; Anchorage, Alaska; Fairbanks, Alaska; San Juan, P.R.; Ponce, P.R.; Charlotte Amalie, V.I.; Christiansted, V.I.; Agana, Guam. The privilege of transit without a visa may be authorized only under the conditions that the transportation line, without the prior consent of the Service, will not refund the ticket which was presented to the Service as evidence of the alien's confirmed and onward reservations; that the alien will not apply for extension of temporary stay or for adjustment of status under section 245 of the Act, and that until his departure from the United States responsibility for his continuous actual custody will lie with the transportation line which brought him to the United States unless at the direction of the district director he is in the custody of this Service or other custody approved by the Commissioner.

* * * * *

§ 238.3 [Amended]

The listing of transportation lines in paragraph (b) *Signatory lines* of § 238.3 *Aliens in immediate and continuous transit* is amended by adding the following transportation lines in alphabetical sequence: "JAT-YUGOSLAV AIRLINES" and "POMAIR N.V."

Compliance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the amendment to § 214.2(c) (1) relieves restrictions and the amendment to § 238.3(b) adds transportation lines to the listing.

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

Dated September 6, 1973.

JAMES F. GREENE,
Acting Commissioner.

[FR Doc.73-19251 Filed 9-10-73;8:45 am]

Title 9—Animals and Animal Products

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

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

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS), AFRICAN SWINE FEVER, AND HOG CHOLERA: PROHIBITED AND RESTRICTED IMPORTATIONS

Countries Declared To Be Free of Rinderpest, Foot-and-Mouth Disease and Swine Vesicular Disease

Statement of consideration.—The purpose of these amendments is to add the Trust Territory of the Pacific Islands to the list of countries declared to be free

of rinderpest and foot-and-mouth disease in § 94.1 and to the list of countries considered to be free of swine vesicular disease in § 94.12. These actions will provide for the importation of swine, cattle, sheep, and other ruminants and fresh chilled or frozen meats thereof into the United States without complying with §§ 94.1, 94.12, 94.13, and 94.14 but subject to other applicable provisions of this Part and of Part 92.

Pursuant to section 2 of the act of February 2, 1903, as amended, section 306 of the act of June 17, 1930, as amended, and sections 2, 3, 4, and 11 of the act of July 2, 1962 (19 U.S.C. 1306; 21 U.S.C. 111, 134a, 134b, 134c, 134f), Part 94, Title 9, Code of Federal Regulations, is hereby amended as follows:

1. Section 94.1(a)(2) is amended by adding thereto the name of the Trust Territory of the Pacific Islands after the reference to "Trinidad."

2. Section 94.12(a) is amended by adding thereto the name of the Trust Territory of the Pacific Islands after the reference to "Luxembourg."

(Sec. 306, 46 Stat. 689, as amended; sec. 2, 32 Stat. 792, as amended; secs. 2, 3, 4, and 11, 76 Stat. 129, 130, 132 (19 U.S.C. 1306; 21 U.S.C. 111, 134a, 134b, 134c, 134f); 37 FR 28464, 28477.)

Effective date.—The foregoing amendments shall become effective September 6, 1973.

The amendments relieve certain restrictions presently imposed but no longer deemed necessary to prevent the introduction and dissemination of the contagion of rinderpest, foot-and-mouth disease and swine vesicular disease, and must be made effective immediately to be of maximum benefit to affected persons.

It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

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

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

[FR Doc.73-19277 Filed 9-10-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-SW-45]

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

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a 700-foot transition area at Falfurrias, Tex.

On July 18, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 19131) stating the Federal Aviation Administration proposed to designate the Falfurrias, Tex., transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through 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., November 8, 1973, 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 163°T 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.

In the notice of proposed rulemaking, the extension of the transition area was erroneously given as the 171°T radial instead of the 163°T. Action is hereby being taken to correct the radial.

(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, Tex., on August 30, 1973.

A. H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.73-19186 Filed 9-10-73;8:45 am]

[Airspace Docket No. 73-CE-12]

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

Alteration of Transition Area

On page 19414 of the FEDERAL REGISTER dated July 20, 1973, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Lincoln, Nebraska.

Interested persons were given 30 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., November 8, 1973.

(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 August 31, 1973.

JOHN M. CYROCKI,
Director, Central Region.

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

LINCOLN, NEBRASKA

That airspace extending from 700 feet above the surface within a 9-mile radius of Lincoln Municipal Airport (latitude 40°50'45" N., longitude 96°45'20" W.); within the area bounded by a line five miles west of and parallel to the Lincoln ILS localizer south course clockwise along a 17-mile arc centered on the Lincoln Municipal Airport to a line 2 miles east of and parallel to the Lincoln VORTAC 015° radial; and within 5 miles west and 9 miles east of the Lincoln ILS localizer south course, extending from the 9 mile radius area to 13 miles south of the OM; that airspace extending upward from 1,200 feet above the surface bounded by a line starting at the intersection of longitude 97°25'00" W., and the south edge of V-138, thence northwest to longitude 97°42'00" W., latitude 41°00'00" N., thence north to latitude 41°05'00" N., and the southeast edge of V-220, thence northeast following the southeast edge of V-220 until intercepting the south edge of V-172, thence east to longitude 96°22'00" W., and the south edge of V-172, thence south to longitude 96°22'00" W., latitude 41°15'00" N., thence along a 35-mile arc from the Lincoln Municipal Airport clockwise to the point of beginning, excluding that portion which overlies the Beatrice, Nebraska, Fremont, Nebraska, Columbus, Nebraska, and Omaha, Nebraska, transition areas.

[FR Doc.73-19189 Filed 9-10-73;8:45 am]

[Airspace Docket No. 73-CE-13]

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

Alteration of Transition Area

On pages 19130 and 19131 of the FEDERAL REGISTER dated July 18, 1973, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Trenton, Missouri.

Interested persons were given 30 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., November 8, 1973.

(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 August 31, 1973.

JOHN M. CYROCKI,
Director, Central Region.

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.

[FR Doc.73-19188 Filed 9-10-73;8:45 am]

[Docket No. 9471, Amdt. 91-116]

PART 91—GENERAL OPERATING AND FLIGHT RULES

ATC Transponder Requirements; Correction

Amendment 91-116, issued on May 25, 1973, and published in the FEDERAL REGISTER on June 4, 1973 (38 FR 14672) added several changes, to Part 91 of the Federal Aviation Regulations, affecting the use of ATC transponder equipment in U.S. airspace. One of these changes amended § 91.90(b) to add requirements that become effective after January 1, 1975. However, in reorganizing § 91.90(b)(2)(iii), there was an inadvertant omission of one provision of the regulation that is currently effective, that will remain effective until January 1, 1975, and for which no change was proposed in the Notice or intended in the amendment. The omitted provision stated that the currently effective requirement does not apply to "IFR flights operating to or from a secondary airport located within the terminal control area," or to IFR flights operating to or from an airport outside of the terminal control area "but which is in close proximity to the terminal control area."

Accordingly, § 91.90(b)(2)(iii) is corrected to read as follows:

§ 91.90 Terminal control areas.

* * * * *

(b) *Group II terminal control areas.* * * *

(2) *Equipment requirements.* * * *

(iii) On and before the applicable dates specified in paragraphs (a) and (b)(2) of § 91.24, an operable coded radar beacon transponder having at least a Mode 3/A 64-code capability, replying to Mode 3/A interrogation with the code specified by ATC. On and before those dates, this requirement is not applicable to helicopters operating within the terminal control area, or to VFR aircraft operating within the terminal control area, or to IFR flights operating to or from a secondary airport located within the terminal control area, or to IFR flights operating to or from an airport outside of the terminal control area but which is in close proximity to the terminal control area, when the commonly used transition, approach, or departure procedures to such airport require flight within the terminal control area. After the applicable dates in paragraphs (a) and (b)(2) of § 91.24, that section shall be complied with, notwithstanding the exceptions in this section.

* * * * *

Issued in Washington, D.C., on August 31, 1973.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.73-19185 Filed 9-10-73;8:45 am]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 13180; Amdt. 95-237]

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 October 11, 1973 as follows:

1. By amending Subpart C as follows:

§95.101 AMBER FEDERAL AIRWAY 1

Is amended to read in part:

FROM	TO	MEA
Pastille Lake, Alas. LF/RBN	*Farewell, Alas. LF/RBN	10000
*8600—MCA Farewell LF/RBN, E-bound		
Farewell, Alas. LF/RBN	McGrath, Alas. LFR	4000

§95.115 AMBER FEDERAL AIRWAY 15

Is amended to read in part:

FROM	TO	MEA
Burwash, Yt. LFR	Northway, Alas. LFR	*#9600
*8400—MOCA		
#For that airspace over U.S. territory		

§95.1001 DIRECT ROUTES—U.S.

Is amended to delete:

FROM	TO	MEA
Columbus, Miss. VOR	Hamilton, Ala. VOR	2200

§95.1001 DIRECT ROUTES—U.S.

Is amended by adding:

FROM	TO	MEA
Columbus, Miss. VOR	*Beaverton INT, Ala.	2200
*3000—MRA		
*Beaverton INT, Ala.	Hamilton, Ala. VOR	2200
*3000—MRA		

Bahama Routes

1 Line is amended to read in part:

Malcolm INT Bh.	Eleuthera, Bh. NDB	*2000
*1300—MOCA		

6 Line is amended to read in part:

FROM	TO	MEA
Eleuthera, Bh. NDB	Malcolm INT, Bh.	*2000
*1300—MOCA		

20 Line is amended to read in part:

FROM	TO	MEA
Eleuthera, Bh. NDB	Malcolm INT, Bh.	*2000
*1300—MOCA		

§95.5000 HIGH ALTITUDE RNAV ROUTES

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION		TRACK ANGLE	MEA	MAA
J807R is amended to read in part:						
Belle Terre, N.Y. W/P	98.8	49.5	Belle Terre	010/190 to COP	18000	45000
Cherry Plain, N.Y. W/P				009/189 to Cherry Plain		

§95.5500 HIGH ALTITUDE RNAV ROUTES

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION		TRACK ANGLE	MEA	MAA
J926R is amended to read in part:						
Golden, Colo. W/P	118	56	Golden	234/054 to COP	18000	45000
Redstone, Colo. W/P				232/052 to Redstone		
J988 is amended to read in part:						
Belle Terre, N.Y. W/P	98.8	49.5	Belle Terre	010/190 to COP	18000	45000
Cherry Plain, N.Y. W/P				009/189 to Cherry Plain		

§95.6011 VOR FEDERAL AIRWAY 11 is amended to read in part:

FROM	TO	MEA
Brookley, Ala. VOR *1600—MOCA	Greene County, Miss. VOR	*2000
Mobile, Ala. VOR Via W alter, *1600—MOCA	Green County, Miss. VOR Via W alter.	*2000
Greene County, Miss. VOR *1700—MOCA	Richton INT, Miss.	*2000

§95.6014 VOR FEDERAL AIRWAY 14 is amended to read in part:

FROM	TO	MEA
Billings INT, Mo. Via S alter. *2700—MOCA	Springfield, Mo. VOR Via S alter.	*2900

§95.6020 VOR FEDERAL AIRWAY 20 is amended by adding:

FROM	TO	MEA
U.S. Mexican Border *1500—MOCA	McAllen, Tex. VOR	*2000

§95.6039 VOR FEDERAL AIRWAY 39 is amended to read in part:

FROM	TO	MEA
Myrtle Beach, S.C. VOR *1600—MOCA	Fayetteville, N.C. VOR	*3000 MAA—5000

§95.6063 VOR FEDERAL AIRWAY 63 is amended to read in part:

FROM	TO	MEA
Billings INT, Mo. *2700—MOCA	Springfield, Mo. VOR	*2900

§95.6070 VOR FEDERAL AIRWAY 70 is amended to read in part:

FROM	TO	MEA
Denham INT, La. *1400—MOCA	Tickfaw INT, La.	*1600
Tickfaw INT, La. *1400—MOCA	Picayune, Miss. VOR	*1900
Picayune, Miss. VOR *1600—MOCA	Greene County, Miss. VOR	*2000

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

FROM	TO	MEA
Billings INT, Mo. Via W alter. *2700—MOCA	Springfield, Mo. VOR Via W alter.	*2900

§95.6072 VOR FEDERAL AIRWAY 72 is amended to read in part:

FROM	TO	MEA
Mansfield, Ohio VOR	Akron, Ohio VOR	3000

§95.6093 VOR FEDERAL AIRWAY 93 is amended to read in part:

FROM	TO	MEA
Baltimore, Md. VOR	Jarrettsville INT, Md.	2300

§95.6097 VOR FEDERAL AIRWAY 97 is amended to read in part:

FROM	TO	MEA
Joliet, Ill. VOR *2100—MOCA	Tiger INT, Ill.	*2500
Tiger INT, Ill. *2200—MOCA	Woodstock INT, Ill.	*2700

§95.6132 VOR FEDERAL AIRWAY 132 is amended to read in part:

FROM	TO	MEA
Forney, Mo. VOR *2600—MOCA	Lenox INT, Mo.	*3000

§95.6143 VOR FEDERAL AIRWAY 143 is amended to read in part:

FROM	TO	MEA
Martinsburg, W.Va. VOR	Lancaster, Pa. VOR	5000

§95.6149 VOR FEDERAL AIRWAY 149 is amended to read in part:

FROM	TO	MEA
Turner INT, Pa.	Allentown, Pa. VOR	5000

§95.6155 VOR FEDERAL AIRWAY 155 is amended to read in part:

FROM	TO	MEA
Blythewood INT, S.C. *1900—MOCA	Chesterfield, S.C. VOR	*2300

§95.6163 VOR FEDERAL AIRWAY 163 is amended by adding:

FROM	TO	MEA
U.S. Mexican Border *1300—MOCA	Brownsville, Tex. VOR	*2000

§95.6190 VOR FEDERAL AIRWAY 190 is amended to read in part:

FROM	TO	MEA
Springfield, Mo. VOR *2800—MOCA	Maples, Mo. VOR	*3000

§95.6209 VOR FEDERAL AIRWAY 209 is amended to read in part:

FROM	TO	MEA
Yerbo INT, Ala. *1800—MOCA	Kewahee, Miss. VOR	*2000

§95.6218 VOR FEDERAL AIRWAY 218 is amended by adding:

FROM	TO	MEA
Grand Rapids, Mich. VOR *2600—MOCA	Minneapolis, Minn. VOR	*5500

§95.6280 VOR FEDERAL AIRWAY 280 is amended by adding:

FROM	TO	MEA
U.S. Mexican Border *6100—MOCA	El Paso, Tex. VOR	*8000

§95.6359 VOR FEDERAL AIRWAY 359 is added to read:

FROM	TO	MEA
U.S. Mexican Border *2500—MOCA	Laredo, Tex. VOR	*3000

§95.6429 VOR FEDERAL AIRWAY 429 is amended to read in part:

FROM	TO	MEA
Joliet, Ill. VOR *2100—MOCA	Tiger INT, Ill.	*2500
Tiger INT, Ill. *2200—MOCA	Woodstock INT, Ill.	*2700

§95.7011 JET ROUTE NO. 11 is amended by adding:

FROM	TO	MEA	MAA
U.S. Mexican Border	Tucson, Ariz. VORTAC	18000	45000

§95.7013 JET ROUTE NO. 13 is amended to delete:

FROM	TO	MEA	MAA
El Paso, Tex. VORTAC	Truth or Consequences, N.Mex. VOR	18000	45000

§95.7013 JET ROUTE NO. 13 is amended by adding:

FROM	TO	MEA	MAA
U.S. Mexican Border	Truth or Consequences, N.Mex. VORTAC	18000	45000

§95.7022 JET ROUTE NO. 22 is amended by adding:

FROM	TO	MEA	MAA
U.S. Mexican Border	Laredo, Tex. VORTAC	18000	45000

§95.7026 JET ROUTE NO. 26 is amended by adding:

FROM	TO	MEA	MAA
U.S. Mexican Border	El Paso, Tex. VORTAC	18000	45000

§95.7152 JET ROUTE NO. 152 is amended to read in part:

FROM	TO	MEA	MAA
Harrisburg, Pa. VORTAC	Int. 107M rad Harrisburg VORTAC & 066M rad Westminster 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-218 is amended by adding:			
Grand Rapids, Minn. VOR	Minneapolis, Minn. VOR	80	Minneapolis
V-375 is amended by adding:			
Roanoke, Va. VOR	Gordonsville, Va. VOR	48	Roanoke

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

Issued in Washington, D.C. on September 4, 1973.

JAMES M. VINES,
Chief, Aircraft Programs Division.

[FR Doc.73-19212 Filed 9-10-73;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

[Reg. PR-137, Amdt. 19]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Dismissal of an Application Following Denial of Motion for Expedited Hearing or for Order To Show Cause

In notice of proposed rulemaking PDR-35/ODR-6,[1] the Board proposed to amend Part 302 of the Procedural Regulations (14 CFR, Part 302) to provide for dismissal, without prejudice, of applications filed under section 401 of the Act following denial of a motion for expedited hearing or for an order to show cause with respect to any such application, where the Board finds that the underlying application, or any other section 401 application considered in connection therewith, is not likely to be designated for hearing within three years after its

[1] 38 FR 20266, July 30, 1973 (Docket 25728).

filing, and to further provide for refund of the filing fees for such dismissed applications.[2]

Pursuant to the notice, comments have been filed by United Air Lines, supporting the proposal, and Delta Air Lines, opposing it. Upon consideration, the Board has determined to adopt the rule as proposed. The tentative findings and conclusions set forth in PDR-35/ODR-6 are incorporated herein and made final.

Delta's basic argument is that the Federal Aviation Act requires that the dismissals contemplated by the subject rule may be made only after notice and hearing. However, we find the argument unpersuasive, since dismissals under the subject rule would reflect only an administrative determination that the application is not likely to be reached, rather than an adjudication on the merits of the application. Indeed, the purely administrative nature of the rule is demonstrated by the fact that such dismissals would be without prejudice to refiling of an application and would be accompanied by a refund of the filing fee. Moreover, as explained in the notice, the subject rule merely extends an established administrative practice, Rule 911 already provides for the dismissal of applications that have not been set for hearing within three years after the date of filing (14 CFR 302.911), and Rules 12(d)-(e) provide for dismissal in whole or in part of § 401 applications which are denied consolidation (14 CFR 302.12 (d)-(e)).

Since the rule is procedural and dismissals thereunder will be without prejudice and will be accompanied by a refund of the filing fee, so that the rule imposes no substantial burden on any person, we find that it may be made effective immediately.

Accordingly, the Civil Aeronautics Board hereby amends Part 302 of its Procedural Regulations (14 CFR, Part 302) adopted and effective September 5, 1973, as follows:

Amend § 302.911 by inserting, following paragraph (b), a new paragraph (b-1) to read as follows:

§ 302.911 Dismissal of certain stale applications filed under section 401.

* * * * *

(b-1) *Mandatory dismissal of applications found likely to become stale.*—Following denial of a motion for an expedited hearing or for an order to show cause with respect to an application subject to dismissal, pursuant to the provisions of paragraph (a) of this section, the Board, upon finding that such application, or any other such application which has been considered in connection with the motion, is not likely to be designated for hearing before it becomes stale, pursuant to the provisions of paragraph (b) of this section, shall dismiss the application or applications as to which such finding has been made.

* * * * *

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; (49 U.S.C. 1324).)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc. 73-19259 Filed 9-10-73;8:45 am]

[Reg. OR-78, Amdt. 38]

PART 389—FEES AND CHARGES FOR SPECIAL SERVICES

Refund of Fee Following Dismissal of Application After Denial of Motion for Expedited Hearing or for Order To Show Cause

By Procedural Regulation PR-137, issued contemporaneously with this rule, Part 302 has been amended to provide for dismissal, without prejudice, of certain applications under section 401 of the Act following denial of a motion for an expedited hearing or for an order to show cause with respect to any such application. The amendment herein extends to such dismissals the provisions in Part 389 allowing refund of filing fees upon dismissal of section 401 applications in specified circumstances.

Since this regulation is a rule of agency organization and relieves a burden, the rule may be made effective immediately.

Accordingly, the Civil Aeronautics Board hereby amends Part 389 of its Organization Regulations (14 CFR, Part 389) adopted and effective September 5, 1973, as follows:

Amend § 389.25(a)(1) to read as follows:

§ 389.25 Schedule of filing and license fees.

(a) *Certificates of public convenience and necessity.*—(1) The filing fee for an application, under section 401 of the Act, (i) for a certificate of public convenience and necessity to engage in air transportation, or (ii) to amend, modify, renew, or transfer a certificate or to abandon a route or part thereof, is $200. The fee will be refunded, on request, if the application is withdrawn prior to hearing, is dismissed under the stale-application rules of paragraphs (b) or (b-1) of § 302.911 of this chapter, is dismissed pursuant to the denial of consolidation rule of § 302.12(e) of this chapter, or is otherwise dismissed by the Chief Administrative Law Judge prior to hearing under the authority delegated to him in § 385.10(b) of this chapter.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; (49 U.S.C. 1324), and Title V of the Independent Offices Appropriation Act of 1952, 65 Stat. 290; (31 U.S.C. 483a).)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-19258 Filed 9-10-73;8:45 am]

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[2] Issued concurrently with this rule is OR-78, amending Part 389 to provide for refund of filing fees.

Title 21—Food and Drugs

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

SUBCHAPTER C—DRUGS

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Hexylcaine Hydrochloride Injection, Veterinary

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (8-018V) filed by Merck Sharp & Dohme Research Laboratories, Div. of Merck & Co., Inc., Rahway, N.J. 07065, proposing revised labeling for the safe and effective use of hexylcaine hydrochloride injection, veterinary for use as an anesthetic in mature cattle, in horses, and in dogs. The supplemental application is approved.

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

§ 135b.90 Hexylcaine hydrochloride injection, veterinary.

(a) *Specifications.*—Hexylcaine hydrochloride injection, veterinary contains 1 percent or 5 percent hexylcaine hydrochloride in a sterile aqueous solution.

(b) *Sponsor.*—See code No. 023 in § 135.501(c) of this chapter.

(c) *Conditions of use.*—(1) The drug is used as a long-lasting anesthetic for epidural anesthesia of mature cattle, of horses, and of dogs; for infiltration anethesia (field blocking) of cattle, of horses, and of dogs; and for nerve block anesthesia of cattle and of horses.

(2) The drug is administered by injection. For epidural anesthesia, it is administered to mature cattle at a dosage level of 0.2 to 0.6 milligram per pound of body weight to effect, to horses at a dosage level of 0.2 to 0.4 milligram per pound of body weight to effect, and to dogs at a dosage level of 0.5 to 1 milligram per pound of body weight to effect. For infiltration anesthesia (field blocking) and for nerve block anesthesia, either the 1 percent solution or a 2 percent solution prepared from the 5 percent solution is administered to effect.

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

Effective date.—This order shall be effective on September 11, 1973.

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

Dated August 31, 1973.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.73-19213 Filed 9-10-73;8:45 am]

Title 24—Housing and Urban Development

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

[Docket No. R-73-234]

INTEREST RATES

Notice of Increase; Correction

Amendments to Chapter II were published at 38 FR 22891 on August 27, 1973, increasing the maximum rate of interest which may be charged on a mortgage insured by this Department from 7 percent to 7¾ percent.

In these amendments, on page 22892 of the FEDERAL REGISTER, reference was made to Parts 1000 and 1100. However, these Parts have been superseded by Parts 205 and 244.

Accordingly, the Part numbers for "Mortgage Insurance for Land Development" and "Mortgage Insurance for Group Practice Facilities" are changed to Part 205 and 244 respectively, and the section numbers for "Maximum interest rate" for each of these parts is changed to §§ 205.50 and 244.45 respectively.

SHELDON B. LUBAR,
Assistant Secretary-Commissioner for Housing Production and Mortgage Credit.

[FR Doc.73-19240 Filed 9-10-73;8:45 am]

Title 29—Labor

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

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Approval of the Virgin Islands Plan

Background.—Part 1902 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) whereby the several States as defined in the Act (29 U.S.C. 652(7)) may submit for approval, plans to assume responsibilities for the development and enforcement of occupational safety and health standards.

On November 28, 1972, the Virgin Islands submitted a comprehensive developmental occupational safety and health plan in accordance with these procedures and on March 5, 1973, the plan was formally submitted to the Assistant Secretary. On March 20, 1973, a notice was published in the FEDERAL REGISTER (38 FR 7369) concerning the submission of the plan and the fact that the question of its approval was in issue before the Assistant Secretary.

The plan involves the enactment and implementation of legislation in the Virgin Islands to effectuate a program in that territory which will in most respects be patterned after the one administered by the Occupational Safety and Health Administration of the United States Department of Labor in accordance with the above-mentioned Act. The new program will be administered by the Virgin Islands Department of Labor. The principal distinctions between the Federal and the proposed territorial program are that:

(1) Administrative review of proposed penalties in the Virgin Islands will not be by an independent commission. Rather, they will be reviewed by the agency with overall responsibility for the administration of the program. This method of enforcement has been approved in the past (see the New Jersey decision, January 26, 1973; 38 FR 2426);

(2) In addition to employers who are held responsible for safety and health violations under the Federal program, owners, lessors, agents and managers who control premises used as places of employment in the Virgin Islands will also be subject to the penalties provided under this program. The funding of this program component will, however, be subject to the limitations discussed in the New Jersey decision, supra. That is, it will be necessary to determine in considering any grant application under section 23(g) of the Federal Act what portion of this program component substantially relates to employees and their places of employment in issues covered by the Federal standards because the Federal share of the funding of the State program will have to be based on an amount not exceeding the cost of this base. In addition, other sources of financing would operate to reduce the Federal share; and

(3) The Virgin Islands program will not extend to certain issues of occupational health and environmental control (Subpart G of 29 CFR, Part 1910 and Subpart D of 29 CFR, Part 1926) and Safety and Health for Maritime Employment (29 CFR 1910.13–16 and 29 CFR, Parts 1915–1918). See 29 CFR 1902.2(c) which authorizes these limitations on the scope of the plan.

Interested persons were afforded thirty days by the notice published on March 20, 1973, to submit written comments concerning the plan. Further, interested persons were afforded an opportunity to request an informal hearing with respect to the plan or any part thereof, upon the basis of substantial objections to the contents of the plan. No submissions or requests were received in response to the notice.

Since the Virgin Islands Plan was submitted the following significant actions with respect thereto have occurred:

(1) The territorial legislature has enacted the organic law forming an appropriate basis for the implementation of the proposed program;

(2) An amendment to the law has been introduced to correct an oversight which established a maximum fine of $1,000 rather than $10,000 for willful violations;

(3) A revised updated time table for implementation of the plan has been submitted for inclusion in the plan; and

(4) Preparation of draft regulations has been commenced. These regulations will remedy a deficiency with respect to the extent to which advance notice of inspections may be authorized (see Page SP 12 of the plan) by limiting such notice to those instances authorized under the Federal law and regulations (29 CFR 1903.6) in accordance with 29 CFR 1902.3(f).

Decision.—The Virgin Islands plan is hereby approved after careful consideration under section 18 of the Act and 29 CFR, Part 1902.

This decision incorporates requirements of the Act and implementing regulations applicable to State plans generally. It also incorporates intentions as to continued Federal enforcement of Federal standards in areas covered by the Plan and the State's developmental schedule as set out in § 1952.253 below.

Pursuant to § 1902.20(b)(iii) of Title 29, Code of Federal Regulations, the present level of Federal enforcement in the Virgin Islands will not be diminished before the legislation beomes effective on October 1, 1973, and the Standards become effective on January 1, 1974. Among other things, the U.S. Department of Labor will continue to investigate catastrophes and fatalities, investigate valid complaints under section 8(f), continue its Target Industry and Target Health Hazard programs, and inspect a cross section of all industries on a random basis. An evaluation of the State plan, as implemented, will be made on a continuing basis to assess the appropriate level of Federal enforcement activity. Federal enforcement authority will continue to be exercised after the above dates to the degree necessary or appropriate to assure adequate occupational safety and health protection to employees in the Virigin Islands.

At no time will Federal responsibilities with respect to the issues excluded from the plan (see § 1952.250(a)) be affected as a result of this approval.

Rather, the Occupational Safety and Health Administration will continue to administer and enforce these issues as if there were no State program operating within the Virgin Islands.

Part 1952 is hereby amended by adding thereto a new Subpart S reading as follows:

Subpart S—The Virgin Islands

AUTHORITY.—Sec. 18, Pub. L. 91-956, 84 Stat. (29 U.S.C. 667).

Subpart S—The Virgin Islands

§ 1952.250 Description of the Plan.

(a) The Virgin Islands Occupational Safety and Health program will be administered and enforced by the Virgin Islands Department of Labor (hereafter called the agency). It will cover all activities of employees and places of private and public employment except those subject to Subpart G of Part 1910 and Subpart D of Part 1926 of this chapter relating to occupational health and en-

vironmental control and §§ 1910.13–1910.16 and Parts 1915–1918 of this chapter relating to maritime employment.

(b) (1) The Plan requires employers of one of more employees to furnish them employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm, and to comply with all occupational safety and health standards promulgated or issued by the agency. The standards adopted by the United States Department of Labor covering issues within the scope of the plan will be adopted by the agency. The Plan also directs employees to comply with all occupational safety and health standards and regulations that are applicable to their own actions and conduct.

(2) The Plan also requires each owner, lessor, agent or manager of any premises used in whole or in part as a place of employment to comply with safety and health standards and regulations established under the program.

(c) The Plan includes procedures for providing prompt and effective standards for the protection of employees against new and unforeseen hazards and for furnishing information to employees on hazards, precautions, symptoms, and emergency treatment; and procedures for variances and the protection of employees from hazards. It provides employer and employee representatives an opportunity to accompany inspectors and call attention to possible violations, before, during, and after inspections, protection of employees against discharge or discrimination in terms and conditions of employment, notice to employees or their representatives when no compliance action is taken upon complaints, including informal review, notice to employees of their protections and obligations, adequate safeguards to protect trade secrets, prompt notice to employers and employees of alleged violations of standards and abatement requirements, effective remedies against employers and owners, and the right to review alleged violations, abatement periods, and proposed penalties with opportunity for employee participation in the review proceedings; procedures for prompt restraint or elimination of imminent danger conditions, and procedures for inspection in response to complaints.

(d) (1) The Plan includes a legal opinion that it will meet the requirements of the Occupational Safety and Health Act of 1970, and is consistent with the laws of the Virgin Islands.

(2) A merit system of personnel administration will be used.

(3) A program of education, training, and consultation for employers and employees will be developed.

(4) The Plan is supplemented by the inclusion of implementing legislation (Virgin Islands Act No. 3421) and bill number 6003 to correct section 14(e) thereof and a revised implementation time table.

§ 1952.251 Where the Plan may be inspected.

A copy of the plan may be inspected and copied during normal business hours at the following locations: United States Department of Labor, Office of Federal and State Operations, Occupational Safety and Health Administration, Room 305, 400 First Street NW., Washington, D.C. 20210; Regional Office, Occupational Safety and Health Administration, Room 3445, 1515 Broadway, New York, New York 10036; Department of Labor, Government of the Virgin Islands, Dronigan's Gade, Charlotte Amalie, St. Thomas, Virgin Islands 00801; and Department of Labor, Government of the Virgin Islands, Hospital Street, Christiansted, St. Croix, Virgin Islands 00820.

§ 1952.252 Level of Federal enforcement.

Pursuant to § 1902.20(b)(iii) of this chapter, the present level of Federal enforcement in the Virgin Islands will not be diminished until the standards take effect. Among other things, the U.S. Department of Labor will continue to investigate catastrophes and fatalities, investigate valid complaints under section 8(f) of the Occupational Safety and Health Act of 1970, continue its target industry and target health hazard programs, and inspect a cross-section of all industries on a random basis. Thereafter, Federal enforcement will be carried out to the degree necessary to assure adequate job safety and health protection.

§ 1952.253 Developmental schedule.

The following is a summary of the major developmental steps provided by the plan:

(a) Commencement of recruitment and staff training	September 10, 1973.
	October 1, 1973.
(b) Effective date of implementing legislation	January 1, 1974.
(c) Procedural and interpretative, regulations and standards to become effective	January 1, 1974.
	July 15, 1974.
(d) Enforcement program to be operational	July 1, 1975.
(e) Public employee program to be operational	
(f) Program to be fully implemented	

Signed at Washington, D.C., this 31st day of August 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-19281 Filed 9-10-73;8:45 am]

Title 31—Money and Finance: Treasury

CHAPTER I—MONETARY OFFICES, DEPARTMENT OF THE TREASURY

PART 91—REGULATIONS GOVERNING CONDUCT IN OR ON THE BUREAU OF THE MINT BUILDINGS AND GROUNDS

Miscellaneous Amendments

The Bureau of the Mint has determined to amend its regulations governing conduct in or on Mint buildings and grounds to reflect the transfer of the Old U.S. Mint Building, 88 Fifth Street, San Francisco, California, to the Treasury Department from the General Services Administration on April 5, 1972; and the transfer of the United States Mint, 16th and Spring Garden Streets, Philadelphia, Pennsylvania, to the General Services Administration on November 2, 1970, as surplus property.

The Old San Francisco Mint was deactivated in 1937 and some of its operations moved to 155 Hermann Street in San Francisco. It has recently been restored as a national landmark building for further use by the Mint. The Mint's numismatic services and data processing have been transferred from the Mint annex building in San Francisco to the Old Mint Building and the Bureau of the Mint is developing an educational and historical museum open to the public. It is expected that official entertainment may take place in connection with museum activities, and since existing regulations prohibit the consumption of alcoholic beverages on Mint property, § 91.8 is being amended to permit the Director to grant a written permit for appropriate official occasions. This is consistent with the General Services Administration building regulations, 41 CFR 101–19–306, concerning buildings under the jurisdiction of that agency.

Accordingly, Part 91 is amended by deleting the citation of authority following the table of contents, since this merely summarizes material contained in § 91.1.

Part 91 is further amended by amending § 91.1 to read as follows:

§ 91.1 Authority.

The regulations in this part governing conduct in and on the Bureau of the Mint buildings and grounds located as follows: U.S. Mint, Colfax, and Delaware Streets, Denver, Colorado; U.S. Bullion Depository, Fort Knox, Kentucky; U.S. Assay Office, 32 Old Slip New York, New York; U.S. Mint, 5th and Arch Streets, Philadelphia, Pennsylvania; U.S. Assay Office, 155 Hermann Street, and the Old U.S. Mint Building, 88 Fifth Street, San Francisco, California; and U.S. Bullion Depository, West Point, New York; are promulgated pursuant to the authority vested in the Secretary of the Treasury, including 5 U.S.C. 301, and that vested in him by delegation from the Administrator of General Services, 38 FR 20650 (1973), and in accordance with the authority vested in the Director of the Mint by Treasury Department Order No. 177–25 Revision 2), dated August 8, 1973, 38 FR 21947 (1973).

Part 91 is further amended by amending § 91.2 to read as follows:

§ 91.2 Applicability.

The regulations in this part apply to the buildings and grounds of the Bureau of the Mint located as follows: U.S. Mint, Colfax and Delaware Streets, Denver, Colorado; U.S. Bullion Depository, Fort Knox, Kentucky; U.S. Assay Office, 32 Old Slip, New York, New York; U.S.

Mint, Fifth and Arch Streets, Philadelphia, Pennsylvania; U.S. Assay Office, 155 Hermann Street, and the Old U.S. Mint Building, 88 Fifth Street, San Francisco, California; and U.S. Bullion Depository, West Point, New York; and to all persons entering in or on such property. Unless otherwise stated herein, the Bureau of the Mint buildings and grounds shall be referred to in these regulations as the "property".

Part 91 is further amended by amending § 91.8 to read as follows:

§ 91.8 Alcoholic beverages, narcotics, hallucinogenic and dangerous drugs.

Entering or being on the property, or operating a motor vehicle thereon by a person under the influence of alcoholic beverages, narcotics, hallucinogenic or dangerous drugs is prohibited. The use of any narcotic, hallucinogenic or dangerous drug in or on the property is prohibited. The use of alcoholic beverages in or on the property is prohibited except on occasions and on property upon which the Director of the Mint has for appropriate official uses granted and exemption permit in writing.

The Mint finds that notice and public procedure are not necessary under 5 U.S.C. 553(a), since the regulations pertian to the management of public property.

Effective date.—These amendments shall become effective on September 11, 1973.

Dated September 6, 1973.

[SEAL] MARY BROOKS,
Director of the Mint.

[FR Doc.73-19272 Filed 9-10-73;8:45 am]

CHAPTER VI—BUREAU OF ENGRAVING AND PRINTING, DEPARTMENT OF THE TREASURY

PART 605—REGULATIONS GOVERNING CONDUCT ON BUREAU OF ENGRAVING AND PRINTING BUILDING AND GROUNDS AND BUREAU OF ENGRAVING AND PRINTING ANNEX BUILDING AND GROUNDS

Miscellaneous Amendments

These amendments delete from Part 605 the reference to obsolete delegation orders of the Administrator of General Services and the Secretary of the Treasury and insert in lieu thereof references to recently revised delegation orders. In accordance with 5 U.S.C. 553(a), notice and public procedure thereon are found to be impractical, unnecessary and not required since the amendments pertain to the management of public property.

1. The authority paragraph following the table of contents is amended by deleting "35 FR 14426" and inserting in lieu thereof "38 FR 20650"; and by deleting "(Revision 1) 35 FR 15312" and inserting in lieu thereof "(Revision 2) 38 FR 21947". As amended, the paragraph reads as follows:

AUTHORITY.—The provisions of this Part 605 issued under 5 U.S.C. 301; Delegation, Administrator, General Services, 38 FR 20650, Treasury Department Order 177-25 (Revision 2), 38 FR 21947.

2. Section 605.1 is amended by deleting "35 FR 14426 (1970)" and inserting in lieu thereof "38 FR 20605 (1973)" and by deleting "(Revision 1) 35 FR 15312 (1970)" and inserting in lieu thereof "(Revision 2) 38 FR 21947 (1973)". As amended, § 605.1 reads as follows:

§ 605.1 Authority.

The regulations in this part governing conduct in and on the Bureau of Engraving and Printing Building and grounds and the Bureau of Engraving and Printing Annex Building and grounds located in Washington, D.C. at 14th and C Streets SW., are promulgated pursuant to the authority vested in the Secretary of the Treasury, including 5 U.S.C. 301 and that vested in him by delegation from the Administrator of General Services, 38 FR 20650 (1973), and in accordance with the authority vested in the Director of the Bureau of Engraving and Printing by Treasury Department Order No. 177-25 (Revision 2), dated August 8, 1973, 38 FR 21947 (1973).

Effective date.—This amendment shall become effective on September 11, 1973.

Dated September 6, 1973.

[SEAL] JAMES A. CONLON,
Director, Bureau of Engraving and Printing.

[FR Doc.73-19273 Filed 9-10-73;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CCGD3-1-R2]

PART 127—SECURITY ZONES

Gravesend Bay, New York; Termination

This amendment terminates the security zones in the waters of Gravesend Bay, New York, surrounding the wrecked vessels Exxon Brussels and Sea Witch. The security zones are no longer needed because the vessels have been removed to a shipyard and no longer pose a navigational hazard to other vessels. Prior notice of the establishment of the security zones was given in the FEDERAL REGISTER of June 8, 1973, on page 15049.

Accordingly, Part 127 of Chapter I of Title 33 of the Code of Federal Regulations is amended by revoking § 127.302.

(46 Stat. 220, as amended, (1, 63 Stat. 503), 6(b), 80 Stat. 937; (50 U.S.C. 191, 49 U.S.C. 1655(b)); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249, 3 CFR, 1949-1953 Comp. 356, 778, 873, 3 CFR, 1964-1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.46(b).)

Effective date.—This amendment is effective on July 11, 1973.

Dated July 11, 1973.

FRANK OLIVER,
Captain, U.S. Coast Guard, Captain of the Port of New York.

[FR Doc.73-19228 Filed 9-10-73;8:45 am]

Title 39—Postal Service

CHAPTER III—POSTAL RATE COMMISSION

[Docket No. RM74-1; Order 37]

PART 3000—STANDARDS OF CONDUCT

PART 3001—RULES OF PRACTICE AND PROCEDURE

Ex Parte Communications

The Postal Rate Commission has decided to amend its rules governing ex parte communications,[1] so as to authorize certain communications in hearings held under the Postal Reorganization Act, 39 U.S.C. 3624 and 3661(c), specifically communications on procedural matters between the Officer of the Commission (or his staff) who has been designated to represent the interests of the general public on the one hand, and other participants in a proceeding, on the other hand.

The Commission's rules now contain two sections governing ex parte communications. Both sections prohibit communications to all Commission employees, including the Officer who has been designated, pursuant to the Postal Reorganization Act, 39 U.S.C. 3624(a) to represent the interests of the general public in certain proceedings before the Commission. The Assistant General Counsel, Litigation (AGCL), is the staff member so designated in all cases to date.

Commission experience has demonstrated that in certain hearing situations a prohibition against communications concerning purely procedural matters with the AGCL serves no useful purpose and results in undue complications and needless delay in the Commission's formal hearing processes.

Under the hearing procedures followed by the Commission, the parties to a proceeding are encouraged to engage in extensive pretrial development of the evidence by active utilization of available discovery processes, requests for interrogatories, and informal requests for clarification of exhibit material. The utilization of these procedures is essential to expedite the hearing process by avoiding the extensive cross-examination and delay which would result if clarification of exhibits was accomplished through formal hearing procedures.

Our experience establishes that full utilization of our pretrial procedures can best be accomplished if there is substantial informal contact between the parties; such contacts are needed for discussion of the mechanics of pretrial procedures (e.g., how much time is required to respond to a discovery request) and for the implementation of these procedures (e.g., to discuss the nature of available information, or to seek clarification of exhibits). These informal contacts frequently involve only two parties.

The AGCL is an indispensable participant during the pretrial stage. The present ex parte rules, however, hamper his effective participation by prohibiting any

[1] 39 CFR 3000.735-501 and 3001.7.

discussions between the AGCL and another participant, unless all other participants have been given actual notice and an opportunity to attend the discussions. These requirements have been cumbersome, have led to delay, and in some situations, have operated to deter the holding of otherwise desirable informal exchanges between counsel on matters of procedure.

Given these circumstances, we have concluded that when procedural matters are involved, the ex parte prohibition on AGCL does not serve a useful purpose. By their nature, procedural matters are preliminary and any decisions reached by counsel concerning them will be reflected only in the mechanical presentation of evidence for the record, but not in the evidence itself. And, it is the evidence of record, publicly available to all parties, which forms the basis for AGCL and other participants to take positions on the substantive issues of the proceeding.[3]

Moreover, so far as we are aware only one other regulatory agency, the Federal Power Commission, imposes a prohibition on ex parte communications to a staff counsel who is participating in hearing procedures. The Federal Power Commission's prohibition, however, does not extend to communications to a staff counsel relating to matters of procedure only.[3]

The Commission's ex parte rules (§ 3000.735–501) were promulgated for the Commission by the Civil Service Commission, pursuant to Executive Order 11570. We have concluded, for the reasons expressed above, that the limited amendment here proposed is consistent with that Order, including the Order's requirement that the regulations provide for "strict control" of ex parte contacts with the Commission and its employees.[4]

As a precautionary measure we will require the AGCL to maintain records of any meetings held under the exemption proposed herein. This requirement is consistent with Executive Order 11570 which indicates that the control of ex parte contacts "shall include but not be limited to the maintenance of public records of such contacts which fully identify the individual involved and the nature of the pulblic matter discussed."

Finally, the Commission finds that the amendment herein ordered involves matters of agency organization, procedure and practice, and that, accordingly, the notice requirements of the Administrative Procedure Act, 5 U.S.C. 553, do not apply. We further find that good cause exists for making these amendments effective immediately.

Accordingly, pursuant to section 3603 of the Postal Reorganization Act, 39 U.S.C. 3603, it is ordered that Parts 3000 and 3001 of the Commission's Regulations (39 CFR Parts 3000, 3001) are hereby amended, as follows, said amendment to become effective on September 11, 1973.

1. Section 3000.75 is amended to read as follows:

§ 3000.735–501 Ex parte communications prohibited.

(a) An employee shall not, either in an official or unofficial capacity, participate in any ex parte communication—either oral or written—with any person regarding (1) a particular matter (substantive or procedural) at issue in contested proceedings before the Commission or (2) the substantive merits of a matter that is likely to become a particular matter at issue in contested proceedings before the Commission. A particular matter is at issue in contested proceedings before the Commission when it is a subject of controversy in a hearing held under 39 U.S.C. 3624 or 3661(c). However, this section does not prohibit participation in off-the-record proceedings conducted under regulations adopted by the Commission for hearings held under 39 U.S.C. 3624 or 3661(c).

(b) The prohibitions of this section do not apply to a communication between a participant or a limited participator and the Officer of the Commission designated to represent the interest of the general public (or his staff, or the technical staff designated to supported him), if such communication relates to matters of procedure only, including matters arising in the course of requests for interrogatories or discovery and informal requests for clarification of evidentiary material. Said Officer shall file with the Commission a monthly report briefly describing any ex parte communication received pursuant to this exception, and this report, which shall be a public record of the Commission, shall identify the individuals involved and the nature of the subject matter discussed.

2. Section 3000.735–502 is amended to add the following new sentence at the end of the section:

§ 3000.735–502 Public record of ex parte communications.

* * * This section does not apply to ex parte communications under paragraph 3000.735–501(b).

* * * * *

3. Section 3001.7(a) of the Commission regulations is amended to read as follows:

§ 3001.7 Ex parte communications.

(a) *Prohibition.*—To avoid the possibility or appearance of impropriety or of prejudice to the public interest and persons involved in proceedings pending before the Commission, no person who is a party to any on-the-record proceeding or who is granted limited participation in accordance with § 3001.19(a) or his counsel, agent, or other person acting on his behalf, nor any interceder, shall volunteer or submit to any member of the Commission or member of his personal staff, to the presiding officer, or to any employee of the Commission, any ex parte off-the-record communication regarding any matter, either substantive or procedural, which is at issue, or any substantive matter which is likely to be at issue in the on-the-record proceeding, except as authorized by law; and no Commissioner, member of his personal staff, presiding officer, or employee of the Commission, shall request or entertain any such communication. For the purposes of this section, the term "on-the-record proceeding" means a proceeding noticed pursuant to § 3001.17. The prohibitions of this paragraph shall apply from the date of issuance of such notice. The prohibitions of this section do not apply to a communication between a participant or a limited participator and the Officer of the Commission designated to represent the interest of the general public (or his staff or the technical staff designated to support him), if such communication relates to matters of procedure only, including matters arising in the course of requests for interrogatories or discovery and informal requests for clarification of evidentiary material. Said Officer shall file with the Commission a monthly report briefly describing any ex parte communication received pursuant to this exception, and this report, which shal lbe a public record of the Commission, shall identify the individuals involved and the nature of the subject matter discussed.

* * * * *

These regulations were approved by the United States Civil Service Commission August 23, 1973, and are effective on September 11, 1973.

(Sec. 3603 Postal Reorganization Act, 84 Stat 759 (39 U.S.C. 3603; 5 U.S.C. 552, 553), 80 Stat. 383, 384; Executive Order 11570, 35 FR 18183.)

By the Commission.

JOSEPH A. FISHER,
Secretary.

[FR Doc.73–19214 Filed 9–10–73;8:45 am]

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[3] Procedural matters of the type discussed in the text, constitute the main procedural matters on which ex parte meetings are likely to be held. However, our proposed rule is intended to apply to other procedural matters as well. By definition, procedural matters do not extend to the ultimate substantive issues in a case, and we see no basis for concluding that ex parte discussions on these matters would prejudice the public interest or the interest of other participants.

[3] See Order No. 479, —— FPC ——, issued April 6, 1973. The prohibition imposed by other agencies are generally limited to communications to employees involved in the decisional process of the agency. *See*, e.g., 47 CFR 1.1201 et seq. (FCC); 17 CFR 200.110 et seq. (SEC); 46 CFR 502.170 (FMC).

[4] In our Decision in Docket RM73–2, 38 FR 4324, issued February 13, 1973, we concluded that a proposed amendment of the Standards of Conduct to exempt the Litigation Division would be inconsistent with Executive Order No. 11570. Our Decision in that proceeding was directed to a much broader proposal than the amendment adopted herein which, in our judgment, is entirely consistent with our prior Decision. To the extent the views expressed herein go beyond those expressed in Commission testimony before the Subcommittee on Postal Service of the House Committee on Post Office and Civil Service (Hearings on Status and Performance of the United States Postal Service, June 28, 1972), our present views are based on additional study of the problem, and on our experience in the current mail classification case, Docket MC73–1.

Title 45—Public Welfare

CHAPTER IX—ADMINISTRATION ON AGING, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 909—NUTRITION PROGRAM FOR THE ELDERLY

Postponement of Application of Certain Standards and Organization Changes

These amendments to the regulation for the Nutrition Program for the Elderly allow postponement of the application of certain standards for nutrition projects, and make organizational changes to reflect statutory changes and reorganization within the Department of Health, Education, and Welfare.

The first amendment set out below permits States, under certain conditions, to fund nutrition projects for the elderly, for periods of up to 90 days, even though the projects do not comply fully with certain requirements previously prescribed in regulations for such projects.

The amendment is designed to encourage the prompt initiation of nutrition projects and the start of their essential work of serving nutritious meals to the elderly. The requirements that may be postponed deal with staffing of the projects, and supporting social services. These requirements were prescribed by the Commissioner to make nutrition projects as comprehensive as possible, in order to meet a range of pressing needs of the elderly. They are still considered important to an effective nutrition program.

However, the central purpose of the program is the provision of meals that meet ⅓ of the current Recommended Dietary Allowances, in congregate settings that reduce social isolation, and in view of the current pressing needs of some of the elderly for nutritional services, it seems appropriate to provide meals at once, even if all related social services are not fully available. On this basis the amendment provides a phase-in period, on a project-by-project basis, at the option of the State agency, for completing staffing, and provision of the full range of nutrition-related supporting social services. States are expected to take steps to assure that any project which is granted a postponement for staffing requirements is conducting an affirmative recruiting program which will insure having an adequate number of persons on its staff in the shortest possible period of time.

The additional amendments reflect the transfer of the Administration on Aging from the Social and Rehabilitation Service to the Office of Human Development within the Office of the Secretary, and the transfer by the Older Americans Comprehensive Services Amendments of 1973 (Pub. L. 93–29, Sec. 704(c)), of authority to operate this program from the Secretary to the Commissioner on Aging. These amendments to the regulation make no substantive change in the program.

It is the policy of the Department that notice of proposed rulemaking procedures be observed in the promulgation of rules and regulations governing grant programs. Compliance with these procedures is inappropriate in the present instance. Delay in availability of postponement authority would delay the prompt delivery of meals to the elderly, and would thus thwart the principal aim of the amendment. The amendment provides for optional relaxation of a requirement, and so imposes no new rule to which State or local agencies would wish to object. Since the relaxation of the rule is permitted only temporarily, the amendment does not represent a serious weakening of the requirements originally published. The amendments dealing with organization simply conform the locus of authority for the program to the existing organization of the Department and the requirements of law. Accordingly, the amendments shall become effective at once.

Part 909 of Chapter IX of Title 45 is amended as follows:

1. A new § 909.34a, is added immediately after § 909.34, as follows:

§ 909.34a Temporary postponement of certain requirements.

(a) If the State agency determines that a project would be prevented from beginning the prompt service of meals to elderly persons by having to comply immediately with requirements under the State plan under §§ 909.35(a) and 909.42 (a), the State agency, in making a grant or contract under this part, may postpone temporarily compliance with any or all of those requirements. However, it may not postpone requirements under portions of § 909.35(a) dealing with employment of persons aged 60 or over and members of minority groups.

(b) Such a postponement may be granted by the State agency for an initial period not to exceed ninety days from the beginning date of the project, and, with the approval of the Commissioner, for one additional period not to exceed ninety days.

(c) Such a postponement may be granted only if a State agency makes a determination that the recipient of the grant or contract is taking positive steps to comply with the requirements, and that compliance within the postponement period is feasible.

(d) The Commissioner may approve a continuation of the initial postponement if the State agency shows that the recipient of the grant or contract is taking positive steps to comply with the requirements, and that compliance within the postponement period is feasible, and that the State agency will accept review and technical assistance as deemed appropriate by the Commissioner. At the end of the second 90-day postponement period, no further postponement shall be granted.

(e) The State agency shall report in writing any initial postponement for ninety days or less to the Commissioner within five days.

2. Wherever the term "of the Social and Rehabilitation Service" appears, it is revised to read "in the Office of Human Development." Wherever the term "Secretary" appears, it is revised to read "Commissioner."

3. Section 909.6 is revised to read as follows:

§ 909.6 Plan submission and approval.

The State plan and all amendments thereto shall be submitted by a duly authorized officer of the State agency to the Commissioner each fiscal year in accordance with such procedures as he may prescribe. Any State plan or amendments meeting the requirements of Title VII of the Act and of this part shall be approved.

(Sec. 2, Pub. L. 92–258, 86 Stat. 88–95; Sec. 704(c), Pub. L. 93–29, 87 Stat. 57 (42 U.S.C. 3045–3045l.)

Effective date.—These regulations shall be effective on September 11, 1973.

Dated August 28, 1973.

ARTHUR S. FLEMMING,
Commissioner on Aging.

Approved August 28, 1973.

STANLEY B. THOMAS, Jr.,
Assistant Secretary for Human Development.

Approved September 5, 1973.

FRANK CARLUCCI,
Acting Secretary.

[FR Doc.73–19235 Filed 9–10–73;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 0—COMMISSION ORGANIZATION

Order Regarding Office of Executive Director

In the matter of editorial amendment of Part 0 of the Commission's Statement of Organization with respect to the Office of the Executive Director.

This Order is being issued to reflect organization changes in the Office of the Executive Director adopted in previous action by the Commission.

This amendment relates to internal Commission organization, and hence, the prior notice, procedure, and effective date provisions of the Administrative Procedure Act are not applicable. Authority for the promulgation of this amendment is contained in section 4(i) and 5 (b) and (d) of the Communications Act of 1934, as amended, and in § 0.231(d) of the Commission's rules.

Accordingly, it is ordered, Effective September 17, 1973, that in Part 0 of Chapter I of Title 47 of the Code of Federal Regulations, Section 0.12 is amended as follows:

§ 0.12 Units in the Office.

* * * * *

(k) Procurement Division.

Adopted September 4, 1973.

Released September 5, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JOHN M. TORBET,
Executive Director.

[FR Doc.73–19247 Filed 9–10–73;8:45 am]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS: GENERAL RULES AND REGULATIONS

Order Regarding Applications for Radio Stations

In the matter of amendment of Footnote US117 in Part 2 of the Commission's Rules to Require the Prior Coordination of Applications for Radio Stations in the 407–409 MHz Band in the Vicinity of the Boulder, Colorado, Solar Observatory.

1. Footnote US117 to the Table of Frequency Allocations, § 2.106 of the rules, sets forth special coordination requirements for proposed radio facilities in the 406–410 MHz band to be operated in the vicinity of radio astronomy observatories listed in the footnote. The Interdepartment Radio Advisory Committee (IRAC), acting on a request of the U.S. Department of Commerce, has recommended that footnote US117 be amended in the Commission's rules to add the Boulder, Colorado, Solar Observatory to the list of observatories contained in the note.

2. The Boulder observatory is owned and operated by the Department of Commerce for the purpose of obtaining solar data of importance to Government and the scientific community. Measurements involve the use of sensitive radio receiving equipment tuned to operate in the 406–410 MHz range. The special coordination procedure contained in US117 would minimize the chance of harmful interference being caused to the observatory by certain transmitting stations which are also authorized to operate in this band.

3. The 406–410 MHz band is allocated nationally for both Government and non-Government use. However, non-Government use of the band is limited to the radio astronomy service and to the transmission of hydrological and meteorological data in cooperation with Federal agencies on certain frequencies listed in footnote US13.

4. To extend the coordination procedure to the Boulder observatory without unduly restricting Government radio operations in the area, the IRAC concluded that the provisions of US117 should apply in this particular case to the smaller band segment 407–409 MHz. The only non-Government operation permitted within this narrower band is radio astronomy, to which the procedures of US117 do not apply. Therefore, as non-Government interests are not affected, the proposed amendment is being adopted herein without prior public notice.

5. Accordingly, pursuant to authority contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended, *It is ordered*, That effective October 12, 1973, footnote US117 to the Table of Frequency Allocations, § 2.106 of the Commission's rules, is amended as set forth in the Appendix.

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

Adopted August 29, 1973.

Released August 31, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

Part 2 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

In § 2.106, footnote US117 is amended to read as follows:

§ 2.106 Table of frequency allocations.

* * * * *

US1117 In the Band 406–410 MHz, all new authorizations will be limited to a maximum of 7 watts per kHz of necessary bandwidth; existing authorizations as of November 30, 1970, exceeding this power are permitted to continue in use.

New authorizations in this band for stations, other than mobile stations, within the following areas are subject to prior coordination by the applicant with the Secretary of the Committee on Radio Frequencies of the National Academy of Science:

Arecibo Observatory: Rectangle between latitudes 17°30′ N. and 19°00′ N. and between longitudes 65°10′ W. and 68°00′ W.

Boulder, Colorado Solar Observatory (407–409 MHz only): Rectangle between latitudes 39°30′ N. and 40°30′ N. and longitudes 104° 30′ and 106°00′ W. or the Continental Divide whichever is further east.

Five College Radio Astronomy Observatory: Rectangle between latitudes 41°40′ N. and 42°50′ N. and between longitudes 71°20′ W. and 73°20′ W.

Owens Vally Radio Observatory: Two contiguous rectangles one between latitudes 36° N. and 37° N. and longitudes 117°40′ W. and 118°30′ W., and the second between latitudes 37° N. and 38° N. and longitudes 118° W. and 118°50′ W.

Pennsylvania State University Radio Astronomy Observatory: Rectangle between latitudes 40°00′ N. and 41°40′′ N. and longitudes 77°15′ W. and 78°40′ W.

Sagamore Hill Radio Observatory: Rectangle between latitudes 42°10′ N. and 43°00′ N. and longitudes 70°31′ W. and 71°31′ W.

Bermillion River Observatory: Rectangle between latitudes 38°35′ N. and 41°31′ N. and longitudes 86°15′ W. and 89°30′ W. The non-Government use of this band is limited to the radio astronomy service and as provided by footnote US13.

[FR Doc. 73-19243 Filed 9-10-73;8:45 am]

PART 89—PUBLIC SAFETY RADIO SERVICES

PART 93—LAND TRANSPORTATION RADIO SERVICES

Type Acceptance of Radiolocation Equipment; Order Extending Time

In the matter of rules requirement in Parts 89 and 93 for type acceptance of radiolocation equipment authorized after January 1, 1973.

[1] Commissioners Johnson and Reid absent.

1. Sections 89.117(b) and 93.109(b) of the Public Safety and Land Transportation Radio Services, respectively, require that all new equipment authorized in radiolocation systems after December 31, 1972, be of a type that is listed in the Commission's Radio Equipment List and approved for licensing in the Part that governs the service in which the equipment is to be operated.

2. It appears that some difficulties may have been experienced in obtaining timely type-acceptance. In order to provide additional time to obtain type-acceptance for radiolocation equipment, the date by which this type-acceptance is required is extended to January 1, 1974. All applications received prior to that date will be granted. All applications received after that date will be returned to the respective applicants informing them that non-type accepted equipment may not be authorized.

3. Accordingly, pursuant to the authority delegated in Section 0.331(b)(1) of the Commission's Rules, *It Is Ordered*, That the date for which type-acceptance of radiolocation equipment is required is extended until January 1, 1974.

Adopted August 31, 1973.

Released September 4, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] CHARLES A. HIGGINBOTHAM,
Acting Chief, Safety and Special Radio Services Bureau.

[FR Doc.73-19248 Filed 9-10-73;8:45 am]

[Docket No. 19073; FCC 73-859]

PART 23—INTERNATIONAL FIXED PUBLIC RADIOCOMMUNICATION SERVICES

Report and Order

Correction

In FR Doc. 73-17286 appearing at page 22477 in the issue of Tuesday, August 21, 1973, make the following change: In the fourth line of § 23.15(b)(3), "40 plus 10 log" should read "43 plus 10 log."

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 1; Amdt. 1-77]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Delegation of Functions With Respect to Marine Protection, Research, and Sanctuaries Act of 1972; Correction

In the FEDERAL REGISTER of August 1, 1973 (38 FR 20449), the Department of Transportation published a delegation to the Commandant of the Coast Guard of functions vested in the Secretary of Transportation by certain sections of the Marine Protection, Research, and Sanctuaries Act of 1972 (Pub. L. 92-532). In-

advertently, the delegation was included as a new subparagraph (4) of paragraph (o) of § 1.46 of Part 1 of Title 49 of the Code of Federal Regulations; it should have been included as a new subparagraph (5), since there was already a subparagraph (4).

In consideration of the foregoing, a new subparagraph (5) is designated, to read as follows:

§ 1.46 Delegations to Commandant of the Coast Guard.

* * * * *

(o) Carry out the functions vested in the Secretary by the following statutes:

* * * * *

(5) Sections 104 (a) and (g), 107(c), 108, 201, and 302(a) of the Marine Protection, Research, and Sanctuaries Act of 1972 (Public Law 92-532) relating to ocean dumping."

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

Effective date.—The effective date of this amendment is September 11, 1973.

Issued in Washington, D.C., on August 20, 1973.

J. THOMAS TIDD,
Acting General Counsel.

[FR Doc.73-19238 Filed 9-10-73;8:45 am]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Delegation of Functions Relating to Retired Serviceman's Survivor Benefit Plan; Correction

In the FEDERAL REGISTER of August 22, 1972 (37 FR 16874), the Department of Transportation published a delegation to the Commandant of the Coast Guard of authority to prescribe regulations relating to the designation and leasing of rental housing pursuant to 14 U.S.C. 475(c) and Executive Order 11645. The delegation was included as a new paragraph (p) in 49 CFR 1.46. In the FEDERAL REGISTER of October 19, 1972 (37 FR 22377), the Department published a delegation to the Commandant to carry out the functions vested in the Secretary of Transportation by Pub. L. 92-425 and Executive Order 11687, relating to the Retired Serviceman's Survivor Benefit Plan. Unmindful of its (p)'s and (q)'s, the Department likewise included this delegation as paragraph (p) in 49 CFR 1.46; it should have been included as a new paragraph (q).

In consideration of the foregoing, paragraphs (p) and (q) of § 1.46 of Part 1 of Title 49 of the Code of Federal Regulations are revised to read as follows:

§ 1.46 Delegations to Commandant of the Coast Guard.

* * * * *

(p) Prescribe regulations relating to the designation and leasing of rental housing pursuant to 14 U.S.C. 475(c) and Executive Order 11645 (37 FR 2923), without approval by the President or the Secretary.

(q) Carry out the functions vested in the Secretary by Pub. L. 92-425 and Executive Order 11687 (37 FR 21479), relating to the Retired Serviceman's Survivor Benefit Plan.

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

Effective date.—The effective date of this amendment is September 11, 1973.

Issued in Washington, D.C., on August 23, 1973.

J. THOMAS TIDD,
Acting General Counsel.

[FR Doc.73-19239 Filed 9-10-73;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1123, Amdt. 1]

PART 1033—CAR SERVICE

Northwestern Oklahoma Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 31st day of August 1973.

Upon further consideration of Service Order No. 1123 (38 FR 5174), and good cause appearing therefor:

It is ordered, That § 1033.1123 *Service Order No. 1123* (Frank W. Pollock, Jr., d/b/a Northwestern Oklahoma Railroad Co., authorized to operate over certain trackage abandoned by Missouri-Kansas-Texas Railroad 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., February 28, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date.—This amendment shall become effective at 11:59 p.m., August 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.73-19271 Filed 9-10-73;8:45 am]

SUBCHAPTER B—PRACTICE AND PROCEDURE

[Ex Parte No. 274 (Sub-No. 1)]

PART 1121—ABANDONMENT OF RAILROAD LINES

Special Procedures; Correction

AUGUST 30, 1973.

The purpose of this corrected order is not only to add but also to correct certain paragraphs of the publication of the FEDERAL REGISTER, Volume 37, No. 15, Saturday, January 22, 1972, at page 1046. The additions will also reflect the changes set forth in the corrected order issued by the Commission August 22, 1972, and republished in the FEDERAL REGISTER September 16, 1972, Volume 37, No. 181, Saturday, at page 18918. The additions and corrections for the January 22, 1972 issue are as follows:

1. Page 1046, delete last paragraph, and insert the following:

It is ordered, That Part 1121 of Title 49 of the Code of Federal Regulations be, and it is hereby amended by designating §§ 1121.1 through 1121.5 (the only regulations in this part) issued on March 31, 1971 (36 FR 7741), as Subpart A, and which has been modified in § 1121.1 Notice with the addition of an environmental statement immediately prior to the last complete sentence beginning with the words "Any protests":

In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), "Implementation Nat'l Environmental Policy Act, 1969," 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (B)(1)-(5), 340 I.C.C. 431, 461.

§ 1121.1 [Amended]

Immediately following the Notice in § 1121.1(s)(3), add a new item "(4)":

* * * * *

(4) Will granting the authority sought in this application constitute a major Federal action having a significant effect upon the quality of the human environment? [Yes] [No] If yes, a statement complying with the requirements of 49 CFR 1100.250 as promulgated in *Implementation Nat'l Environmental Policy Act, 1969,* 340 I.C.C. 431, must be attached to this application.

and by adding Subpart B and Subpart C as follows:

§ 1121.21 [Amended]

2. Page 1047, § 1121.21(c) add the following two sentences at the end of the 4th paragraph ending with "for such hearings":

In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), Implementation Nat'l Environmental Policy Act, 1969, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission

action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (B) (1)-(5), 340 I.C.C. 431, 461.

3. Page 1047, § 1121.21(c) add the following paragraph (i) after paragraph (h):

(i) *Environmental Statement.*—Will granting the authority sought in this application constitute a major Federal action having a significant effect upon the quality of the human environment? [Yes] [No] If yes, a statement complying with the requirements of 49 CFR 1100.250 as promulgated in *Implementation Nat'l Environmental Policy Act, 1969,* 340 I.C.C. 431, must be attached to this application.

4. Page 1047, Subpart C, correct title to read as follows:

Subpart C—Special Relief for Railroads Proposing Abandonments Where There Is No Significant and Material Public Objection

5. Page 1047, § 1121.30, *Scope of special rules.* Change last 3 lines at end of paragraph after word "where" to read:

§ 1121.30 Scope of special rules.

* * * there is no significant and material public objection; and certain other procedural matters with respect thereto.

§ 1121.31 [Amended]

6. Page 1048, § 1121.31(c) at end of 5th paragraph ending with "for such hearings" add the following two sentences:

In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation Nat'l Environmental Policy Act, 1969,* 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (B) (1)-(5), 340 I.C.C. 431, 461.

7. Page 1048, § 1121.31, add paragraph (h) at the end of paragraph (g) as follows:

(h) *Environmental Statement.*—Will granting the authority sought in this application constitute a major Federal action having a significant effect upon the quality of the human environment? [Yes] [No] If yes, a statement complying with the requirements of 49 CFR 1100.250 as promulgated in *Implementation Nat'l Environmental Policy Act, 1969,* 340 I.C.C. 431, must be attached to this application.

8. Page 1048, § 1121.33, delete last sentence, and insert the following sentence:

§ 1121.33 Defective or inadequate notice.

* * * The applicant may publish, post, and serve a notice with appropriate modification unless the Commission has already determined that significant and material public objection has been registered against the proposed abandonment, in which event the Commission will so notify the applicant, thereby precluding further use of this Subpart C for the application.

9. Page 1048, § 1121.34(b), delete entire paragraph and insert the following:

§ 1121.34 No public objection, waivers, certification.

* * * * *

(b) *Waiver of additional fee.*—Where there is no significant and material public objection, the balance of the filing fee for an application (long form) under subpart A of this part shall be waived.

* * * * *

10. Page 1048, in § 1121.35, delete paragraphs (a), (b), (c), and (d) and insert the following:

§ 1021.35 Public objection, withdrawal, refiling.

(a) *Partial withdrawal.*—Where there is significant and material public objection as to only a part of the line being proposed for abandonment, the applicant, with the consent of the protestants, may rerequest that, that part of the application be withdrawn, and that a certificate be issued permitting abandonment of the remainder of the line sought to be abandoned.

(b) A notice upon which there is significant and material public objection, in whole or in part, is without prejudice to applicant's right to file and prosecute an application for the same authority, or any portion thereof, pursuant to the provisions of subparts A or B of this part.

(c) *Application may be dismissed.*—Where public objection has been found significant and material, and no application under subparts A or B is filed, the application under these rules will be deemed to have been withdrawn and will be dismissed.

(d) *No refiling within one year.*—A notice to which public objection has been found significant and material, may not be refiled under this subpart C sooner than one year from the last publication date as provided in § 1121.32(a).

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

[FR Doc.73-19270 Filed 9-10-73;8:45 am]

SUBCHAPTER B—PRACTICE AND PROCEDURE

[Ex Parte 275]

PART 1115—ISSUANCE OF SECURITIES, ASSUMPTION OF OBLIGATIONS, AND FILING OF CERTIFICATES AND REPORTS

Expanded Definition of Term "Securities"

Correction

In FR Doc. 73-18749 appearing at page 23953 in the issue for Wednesday, September 5, 1973, in the first column the third paragraph should read as follows:

It further appearing, that since the proposed amendments to existing regulations relate to matters of practice and procedure resulting from the herein proceeding, further notice and public proceedings under 5 U.S.C. 533 are not necessary and good cause exists for making the amendments effective on October 23, 1973.

In the second column the first paragraph should read as follows:

It is ordered, That the term securities as found in section 20a of the Interstate Commerce Act be henceforth interpreted as including, among other things, all agreements creating a present or future interest in or indebtedness of a carrier, or in property owned, leased or otherwise employed by a carrier, and as additionally including, but not being limited to, loan agreements, credit agreements, mortgages, chattel mortgages, advances, deeds of trust, equipment trusts, security agreements, purchase agreements whose terms do not provide for full payment of the purchase price at consummation and leases of operating property or real property, but shall not at this time be interpreted to include agreements entered into for the sole purpose of acquiring motor carrier operating property;

Proposed Rules

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

CANNED RED TART PITTED CHERRIES

United States Standards for Grades

Notice is hereby given that the United States Department of Agriculture is proposing a revision of the United States Standards for Grades of Canned Red Tart Pitted Cherries (7 CFR 52.771–52.783). This grade standard is issued under authority of the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090, as amended (7 U.S.C. 1624)), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this Act upon request of the applicant and upon payment of a fee to cover the cost of such service.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal should file the same in duplicate by Nov. 1, 1973, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submittals made pursuant to this notice will be available for public review at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

NOTE.—Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

Statement of consideration leading to the proposed revision.—Current grade standards for canned red tart pitted cherries, which were last amended to become effective June 16, 1972, provide for only two grade classifications above Substandard. These are designated as U.S. Grade A (or "U.S. Fancy") and U.S. Grade C (or "U.S. Standard"). The National Red Cherry Institute has formally petitioned the Department to change these standards to add a third classification to be designated as U.S. Grade B (or "U.S. Choice").

Other changes requested by the Institute include redefining "blemished cherry" under the factor of "Freedom from defects" to be the same as the definition proposed by the Federal Food and Drug Administration in their standards of quality for canned cherries, and to adjust the allowances in the various quality factors for the different grade classifications to be as nearly as possible the same for grade standards for both canned and frozen red tart pitted cherries.

In order that grade standards may better serve the marketing of canned red tart pitted cherries, the following changes are proposed:

1. A third grade classification above Substandard, to be designated as "U.S. Grade B" (or "U.S. Choice"), would be added.

2. The score points and allowances would be realigned to accommodate the new grade classification.

3. "Blemished cherry" under the factor of "Freedom from defects" would be redefined to be the same as the proposed definition in the Food and Drug standard of quality for canned cherries.

4. Sample unit sizes for determination of compliance with requirements for the various quality factors would be provided.

5. A different format would be used, including a table, for listing allowances for the various quality factors to make them more understandable.

IDENTITY AND GRADES

Sec.
52.771 Identity.
52.772 Grades.

LIQUID MEDIA AND BRIX MEASUREMENTS

52.773 Liquid media and Brix measurements.

FILL OF CONTAINER

52.774 Fill of container.

SAMPLE UNIT SIZE

52.775 Sample unit size.

FACTORS OF QUALITY

52.776 Ascertaining the grade of a sample unit.
52.777 Ascertaining the rating for the factors which are scored.
52.778 Color.
52.779 Freedom from pits.
52.780 Defects.
52.781 Character.

ALLOWANCES FOR QUALITY FACTORS

52.782 Allowances for quality factors.

LOT COMPLIANCE

52.783 Ascertaining the grade of a lot.

SCORE SHEET

52.784 Score sheet for canned red tart pitted cherries.

AUTHORITY: Agricultural Marketing Act of 1946, sec. 205, 60 Stat. 1090, as amended; (7 U.S.C. 1624).

IDENTITY AND GRADES

§ 52.771 Identity.

"Canned red tart pitted cherries" means the canned product prepared from clean, sound, and mature pitted cherries of the red sour varietal group (Prunus cerasus), as such product is defined in the standard of identity for canned cherries (21 CFR 27.30), issued pursuant to the Federal Food, Drug, and Cosmetic Act.

§ 52.772 Grades.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of canned red tart pitted cherries that have at least the following attributes:

(1) Reasonably good color;
(2) Practically free from pits;
(3) Practically free from defects;
(4) Good character;
(5) Normal flavor and odor; and
(6) Score not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

Canned red tart pitted cherries of this grade may contain not more than eight cherries per sample unit that are less than 9/16 inch (14 mm) in diameter.

(b) "U.S. Grade B" (or "U.S. Choice") is the quality of canned red tart pitted cherries that have at least the following attributes:

(1) Good color;
(2) Reasonably free from pits;
(3) Reasonably free from defects;
(4) Reasonably good character;
(5) Normal flavor and odor; and
(6) Score not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

Canned red tart pitted cherries of this grade may contain not more than 15 cherries per sample unit that are less than 9/16 inch (14 mm) in diameter.

(c) "U.S. Grade C" (or "U.S. Standard") is the quality of canned red tart pitted cherries that have at least the following attributes:

(1) Fairly good color;
(2) Fairly free from pits;
(3) Fairly free from defects;
(4) Fairly good character;
(5) Normal flavor and odor; and
(6) Score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

There is no size requirement for canned red tart pitted cherries of this grade.

(d) "Substandard" is the quality of canned red tart pitted cherries that fail to meet the requirements of "U.S. Grade C."

LIQUID MEDIA AND BRIX MEASUREMENTS

§ 52.773 Liquid media and Brix measurements.

(a) Brix measurement requirements for the liquid media in canned red tart pitted cherries are not incorporated in

the grades of the finished product since sirup, or any other liquid medium, as such, is not a factor of quality for the purpose of the grades. The designation of liquid packing media and Brix measurements, where applicable, are as follows:

Designations	*Brix measurement*
Water (cherry juice and water).	Not applicable.
Cherry juice	Not applicable.
Slightly sweetened water.	Less than 18°.
Slightly sweetened cherry juice.	Less than 18°.
Light sirup	18° or more, but less than 22°.
Light cherry juice sirup.	18° or more, but less than 22°.
Heavy sirup	22° or more, but less than 28°.
Heavy cherry juice sirup.	22° or more, but less than 28°.
Extra heavy sirup	28° or more, but less than 45°.
Extra heavy cherry juice sirup.	28° or more, but less than 45°.

(b) The densities of the packing media, as listed in this section, are measured on the refractometer, expressed as percent by weight sucrose (degrees Brix) with correction for temperature to the equivalent at 20° C. (68° F.), but without correction for invert sugars or other substances. The degrees Brix of the packing media may be determined by any other method which gives equivalent results.

(c) Brix determination is made on the packing media 15 days or more after the cherries are canned or on the blended homogenized slurry of the comminuted entire contents of the container if canned for less than 15 days.

Fill of Container

§ 72.774 Fill of container.

(a) *FDA requirements.*—Canned red tart pitted cherries shall meet the fill of container requirements as set forth in the regulations of the Food and Drug Administration (21 CFR 27.32).

(b) *Recommended minimum drained weights.*—(1) *General.*—The minimum drained weight recommendations for the various container sizes and types of packing media as listed in Table I of this section are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purpose of these grades.

(2) *Definitions.*

Sample average—Average of all the drained weights of the sample containers representing a lot.

$\overline{X}_d$—A specified minimum sample average drained weight.

LL—Lower limit for individual container drained weight.

(3) *Method for ascertaining drained weight.*—The drained weight of canned red tart pitted cherries is determined by emptying the contents of the container upon a U.S. Standard No. 8 circular sieve of proper diameter containing eight meshes to the inch (0.0937 inch (2.3 mm) ±3 percent, square openings) so as to distribute the product evenly over the sieve. Without shifting the product, incline the sieve at an angle of 17° to 20° to facilitate drainage and allow to drain for two minutes. The weight of drained cherries is the weight of the sieve and product less the weight of the dry sieve. A sieve eight inches in diameter is used for No. 3 size containers (404 × 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than No. 3 size containers.

(4) *Compliance with recommended minimum drained weights.*—A lot of canned red tart pitted cherries is considered as meeting the minimum drained weight recommendations when the following criteria are met:

(i) The sample average meets the specified minimum sample average drained weight (designated as "$\overline{X}_d$" in Table I); and

(ii) The number of sample containers which fail to meet the minimum drained weight for individual containers (designated as "LL" in Table I) does not exceed the applicable acceptance number specified in Table II.

TABLE I—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED RED TART PITTED CHERRIES

Container designation	Packed in Water		Packed in sirup or slightly sweetened water	
	LL	$\overline{X}_d$	LL	$\overline{X}_d$
	Ounces		*Ounces*	
No. 303	10.7	11.0	9.9	10.2
No. 303 Cylinder	14.0	14.4	12.7	13.1
No. 2	13.1	13.5	12.3	12.7
No. 10	71.2	72.0	69.4	70.2

TABLE II—SINGLE SAMPLING PLANS AND ACCEPTANCE NUMBER

Sample Size (No. of sample containers).	3	6	13	21	29	38	48	60
Acceptance numbers	0	1	2	3	4	5	6	7

(c) *Recommended fill weights.*—(1) *General.*—The minimum fill weight recommendations for the various container sizes in Table III of this section are not incorporated in the grades of the finished product since fill weight, as such, is not a factor of quality for the purpose of these grades.

(2) *Definitions.*

Subgroup	A group of sample containers representing a portion of a sample.
$\overline{X}'_{min}$	A specified minimum lot average fill weight.
$LWL_{\overline{X}}$	Lower warning limit for subgroup averages.
$LRL_{\overline{X}}$	Lower reject limit for subgroup averages.
LWL	Lower warning limit for individual fill weight measurements.
LRL	Lower reject limit for individual fill weight measurements.
$\overline{R}'$	A specified average range value.
R_{max}	A specified maximum range for subgroups.

(3) *Method for ascertaining fill weight.*—The fill weight of canned red tart pitted cherries is determined in accordance with the U.S. Standards for Inspection by Variables and the U.S. Standards for Determination of Fill Weights.

(4) *Compliance with recommended fill weights.*—Compliance with the recommended fill weights for canned red tart pitted cherries shall be in accordance with the U.S. Standards for Inspection by Variables and the U.S. Standards for Determination of Fill Weights.

TABLE III—RECOMMENDED FILL WEIGHT VALUES FOR CANNED RED TART PITTED CHERRIES

Container designation	Fill weight values in ounces							
	$\overline{X}'_{min}$	$LWL_{\overline{X}}$	$LRL_{\overline{X}}$	LWL	LRL	$\overline{R}'$	R_{max}	Sampling allowance code
No. 303	12.9	12.6	12.4	12.2	11.8	0.80	1.70	F
No. 303 Cylinder	16.8	16.4	16.2	15.9	15.4	1.10	2.20	H
No. 2	15.8	15.4	15.2	14.9	14.4	1.10	2.20	H
No. 10	86.7	85.9	85.5	85.0	84.1	2.00	4.20	P

Sample Unit Size

§ 52.775 Sample unit size.

Compliance with requirements for the size and the various quality factors is based on the following sample unit sizes for the applicable factor:

(a) Size, color, pits, and character—20 ounces of drained cherries.

(b) Defects (other than harmless extraneous material)—100 cherries.

(c) Harmless extraneous material—The total contents of each container in the sample.

Factors of Quality

§ 52.776 Ascertaining the grade of a sample unit.

(a) *General.*—The grade of a sample unit of canned red tart pitted cherries is ascertained by considering the factor of flavor and odor of the product and the requirement for size (in U.S. Grade A and U.S. Grade B) which are not scored; the ratings for the factors of color, freedom from pits, defects, and character, which are scored; and the limiting rules which may be applicable.

(b) *Factors rated by score points.*—The relative importance of each factor

which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

Factors:	Points
Color	20
Freedom from pits	20
Defects	30
Character	30
Total score	100

(c) *Definition.*—"Normal flavor and odor" means that the flavor and odor are characteristic of canned red tart pitted cherries and that the product is free from objectionable flavors and objectionable odors of any kind.

§ 52.777 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.778 Color.

(a) (*A*) *classification.*—Canned red tart pitted cherries that have a good color may be given a score of 18 to 20 points. "Good color" means a practically uniform color that is bright and typical of canned red tart pitted cherries which have been prepared and processed from properly ripened cherries.

(b) (*B*) *classification.*—Canned red tart pitted cherries that have a reasonably good color may be given a score of 16 or 17 points. Canned red tart pitted cherries that fall into this clasification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means a reasonably uniform color, typical of canned red tart pitted cherries which have been properly prepared and processed and which color may range from a slight yellowish-red color to a slightly mottled reddish brown.

(c) (*C*) *classification.*—Canned red tart pitted cherries that have a fairly good color may be given a score of 14 or 15 points. Canned red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means a fairly uniform color typical of canned red tart pitted cherries which have been properly processed and which color may range from a brownish cast to mottled shades of brown.

(a) (*SStd.*) *classification.*—Canned red tart pitted cherries that fail to meet the color requirements for U.S. Grade C may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.779 Freedom from pits.

(a) *General.*—The factor of freedom from pits concerns the degree of freedom from pits and pit fragments.

(b) *Definitions.*—(1) A "pit," for the purposes of the allowances in this section, is a whole cherry pit or portions of pits computed as follows:

(i) A single piece of pit shell, whether or not within or attached to a whole cherry, that is larger than one-half pit shell is considered as one pit;

(ii) A single piece of pit shell, whether or not within or attached to a whole cherry, that is not larger than one-half pit shell is considered as one-half pit;

(iii) Pieces of pit shell, within or attached to a whole cherry, when their combined size is larger than one-half pit shell are considered as one pit; and

(iv) Pieces of pit shell, within or attached to a whole cherry, when their combined size is not larger than one-half pit shell are considered as one-half pit.

(2) "Drained cherries" means pitted cherries that have been drained of packing medium by the method prescribed in this subpart.

(c) (*A*) *classification.*—Canned red tart pitted cherries that are practically free from pits may be given a score of 18 to 20 points. "Practically free from pits" means that the number of pits that may be present in the drained cherries does not exceed the allowances for this classification as set forth in Table IV.

(d) (*B*) *classification.*—Canned red tart pitted cherries that are reasonably free from pits may be given a score of 16 or 17 points. Canned red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from pits" means that the number of pits that may be present does not exceed the allowances for this classification as set forth in Table IV.

(e) (*C*) *classification.*—Canned red tart pitted cherries that are fairly free from pits may be given a score of 14 or 15 points. Canned red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly free from pits" means that the number of pits that may be present in the drained cherries does not exceed the allowances for this classification as set forth in Table IV.

(f) (*SStd.*) *classification.*—Canned red tart pitted cherries that fail to meet the requirements of U.S. Grade C may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.780 Defects.

(a) *General.*—The factor of defects refers to the degree of freedom from harmless extraneous material, mutilated cherries, and cherries blemished by scab, hail injury, discoloration, scar tissue, or by other means.

(1) "Cherry" means a whole cherry, whether or not pitted, or portions of such cherries which in the aggregate approximate the average size of the cherries.

(2) "Harmless extraneous material" means any vegetable substance (including, but not being limited to, a leaf or a stem, and any portions thereof) that is harmless.

(3) "Mutilated cherry" means a cherry that is so pitter-torn or damaged by other means that the entire pit cavity is exposed and the appearance of the cherry is seriously affected.

(4) "Minor blemished cherry" means any cherry blemished with skin discoloration (other than scald) having an aggregate area of a circle 9/32 inch (7 mm) or less in diameter which more than slightly affects the appearance of the cherry but does not extend into the fruit tissue.

(5) "Blemished cherry" means any cherry blemished by skin discoloration (other than scald) which in the aggregate exceeds the area of a circle 9/32 inch (7 mm) in diameter. A cherry affected by skin discoloration extending into the fruit tissue or by scab, hail injury, scar tissue, or other abnormality, regardless of size, is considered a blemished cherry.

(b) (*A*) *classification.*—Canned red tart pitted cherries that are practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that the number of defects that may be present does not exceed the number specified for the type of defects in Table IV.

(c) (*B*) *classification.*—Canned red tart pitted cherries that are reasonably free from defects may be given a score of 24 to 26 points. Canned red tart pitted cherries that fall into this classification may not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the number of defects that may be present does not exceed the number specified for the type of defects in Table IV.

(d) (*C*) *classification.*—If the canned red tart pitted cherries are fairly free from defects, a score of 21 to 23 points may be given. Canned red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the number of defects that may be present does not exceed the number specified for the type of defects in Table IV.

(e) (*SStd.*) *classification.*—Canned red tart pitted cherries that fail to meet the requirements for Grade C for any reason may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.781 Character.

(a) *General.*—The factor of character refers to the degree of ripeness and the physical characteristics of the flesh of the cherries.

(b) (*A*) *classification.*—Canned red tart pitted cherries that have a good character may be given a score of 27 to 30 points. "Good character" means that the cherries are thick-fleshed and have a firm, tender texture.

(c) (*B*) *classification.*—Canned red tart pitted cherries that have a reasonably good character may be given a score of 24 to 26 points. Canned red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the cherries may be reasonably thick-fleshed and may be slightly soft.

(d) (*C*) *classification.*—Canned red tart pitted cherries that have a fairly good character may be given a score of 21 to 23 points. Canned red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the cherries may be thin-fleshed, and may be soft but not mushy, or slightly tough but not leathery.

(e) (*SStd.*) *classification.*—Canned red tart pitted cherries that fail to meet the requirements for U.S. Grade C may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

ALLOWANCES FOR QUALITY FACTORS

§ 52.782 Allowances for quality factors.

TABLE IV—ALLOWANCES FOR QUALITY FACTORS

Factor	Sample unit size	Maximum number permissible for the respective grade					
		A		B		C	
Pits	Per 20 ozs.	Not more than 2 in any sample unit.	Sample average 1 per 40 ozs.	Not more than 3 in any sample unit.	Sample average 1 per 30 ozs.	4 or more in any sample unit.	Sample average 1 per 20 ozs.
Defects: Total—multilated, plus minor blemished plus blemished	Per 100 cherries.	10		15		20	
Blemished—limited to Harmless extraneous material.	Total contents.	3 Average 1 piece per 60 oz. net contents.		7 Average 1 piece per 40 oz. net contents.		15 Average 1 piece per 20 oz. net contents.	

LOT COMPLIANCE

§ 52.783 Ascertaining the grade of a lot.

The grade of a lot of canned red tart pitted cherries covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.87).

SCORE SHEET

§ 52.784 Score sheet for canned red tart pitted cherries.

Size and kind of container
Container mark or identification
Label
Net weight (ounces)
Vacuum (inches)
Drained weight (ounces)
Sirup designation (extra heavy, heavy, etc.)
Brix measurement
Size [1]

Factors		Score points
Color	20	(A) 18-20; (B) [2] 16-17; (C) [2] 14-15; (SStd.) [2] 0-13
Freedom from pits	20	(A) 18-20; (B) [2] 16-17; (C) [2] 14-15; (SStd.) [2] 0-13
Freedom from defects	30	(A) 27-30; (B) [2] 24-26; (C) [2] 21-23; (SStd.) [2] 0-20
Character	30	(A) 27-30; (B) [2] 24-26; (C) [2] 21-23; (SStd.) [2] 0-20
Total score	100	

Normal flavor
Grade

[1] See size limitation for U.S. Grade A and U.S. Grade B.
[2] Indicates limiting rule.

Dated September 4, 1973.

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

[FR Doc.73-19131 Filed 9-10-73;8:45 am]

[7 CFR Part 52]

FROZEN RED TART PITTED CHERRIES

United States Standards for Grades

Notice is hereby given that the United States Department of Agriculture is proposing a revision of the United States Standards for Grades of Frozen Red Tart Pitted Cherries (7 CFR 52.801–52.812). This grade standard is issued under authority of the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090, as amended (7 U.S.C. 1624)), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this Act upon request of the applicant and upon payment of a fee to cover the cost of such service.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal should file the same in duplicate by Nov. 1, 1973, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submittals made pursuant to this notice will be available for public review at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

NOTE.—Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

Statement of consideration leading to the proposed revision.—The National Red Cherry Institute formally requested the Department to revise the grade standards for frozen red tart pitted cherries to provide for three grade classifications above Substandard. Current grade standards which have been in effect since June 15, 1964, provide for two grade classifications above Substandard. These are designated as "U.S. Grade A" (or "U.S. Fancy") and "U.S. Grade C" (or "U.S. Standard"). It was requested that a "U.S. Grade B" (or "U.S. Choice") classification be included. Members of the Institute suggest there is a definite need for a quality level between the current Grade A and Grade C levels.

The request from the Institute also suggested the definition for "blemished cherry" under the factor of " Freedom from defects" be redefined for more clarity. It was also suggested that the requirements for the various quality factors and grade classifications be as nearly as possible the same for the grade standards for both frozen and canned red tart pitted cherries.

In accordance with the request from the National Red Cherry Institute, the proposed revision would make the following changes from the current standards:

1. A "U.S. Grade B" (or "U.S. Choice") classification would be added.

2. Score points and allowances for the various quality factors would be realigned to accommodate the new Grade B classification.

3. The definition of "blemished cherry" would be redefined and clarified.

4. Sample unit sizes for determination of compliance with requirements for the various quality factors would be included.

5. A slightly different format would be used, including a table, for listing allowances for the various quality factors which will provide for easier reading.

6. Allowances in the various quality factors for the different grade classifications would be aligned as closely as possible with those of the grade standards for canned red tart pitted cherries.

The proposed revision is as follows:

PRODUCT DESCRIPTION AND GRADES

Sec.
52.801 Product description.
52.802 Grades of frozen red tart pitted cherries.

SAMPLE UNIT SIZE

52.803 Sample unit size.

FACTORS OF QUALITY

52.804 Ascertaining the grade of a sample unit.
52.805 Ascertaining the rating for each factor.
52.806. Color.
52.807 Freedom from pits.
52.808 Freedom from defects.
52.809 Character.

ALLOWANCES FOR QUALITY FACTORS

52.810 Allowances for quality factors.

LOT COMPLIANCE

52.811 Ascertaining the grade of a lot.

SCORE SHEET

52.812 Score sheet for frozen red tart pitted cherries.

AUTHORITY: Agricultural Marketing Act of 1946, sec. 205, 60 Stat. 1090, as amended (7 U.S.C. 1624).

PRODUCT DESCRIPTION AND GRADES

§ 52.801 Product description.

Frozen red tart pitted cherries is the food prepared from properly matured cherries of the domestic (Prunus cerasus) red sour varietal group which have been washed, pitted, sorted, and properly drained; may be packed with or without a nutritive or a non-nutritive packing medium or dry sugar; and are frozen and stored at temperatures necessary for the preservation of the product.

§ 52.802 Grades of frozen red tart pitted cherries.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of frozen red tart pitted cherries of which not more than eight cherries per sample unit may be less than 9/16 inch (14 mm) in diameter, and that:

(1) Possess a good red color;
(2) Are practically free from pits;
(3) Are practically free from defects;
(4) Have a good character;
(5) Possess a normal flavor; and
(6) Score not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" (or "U.S. Choice") is the quality of frozen red tart pitted cherries of which not more than 15 cherries per sample unit may be less than 9/16 inch (14 mm) in diameter, and that:

(1) Possess a reasonably good red color;
(2) Are reasonably free from pits;
(3) Are reasonably free from defects;
(4) Have a reasonable good character;
(5) Possess a normal flavor; and
(6) Score not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U.S. Grade C" (or "U.S. Standard") is the quality of frozen red tart pitted cherries that:

(1) Possess a fairly good red color;
(2) Are fairly free from pits;
(3) Are fairly free from defects;
(4) Have a fairly good character;
(5) Possess a normal flavor; and
(6) Score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(d) "Substandard" is the quality of frozen red tart pitted cherries that fail to meet the requirements of U.S. Grade C.

SAMPLE UNIT SIZE

§ 52.803 Sample unit size.

Compliance with requirements for size and the various quality factors is based on the following sample unit sizes for the applicable factor:

(a) Size, color, pits, and character—20 ounces of drained cherries.

(b) Defects (other than harmless extraneous material)—100 cherries.

(c) Harmless extraneous material—The total contents of each container in the sample.

FACTORS OF QUALITY

§ 52.804 Ascertaining the grade of a sample unit.

(a) The grade of frozen red tart pitted cherries is determined immediately after thawing to the extent that the cherries may be separated easily and the cherries are free from ice and solidified packing media. The grade is determined by considering in addition to the requirements of the respective grade (including the requirement for size in U.S. Grade A and U.S. Grade B), the respective ratings of the factors of color, pits, absence of defects, the total score, and the limiting rules which may be applicable.

(b) The relative importance of each factor is expressed numerically on a scale of 100. The maximum number of points that may be given each factor is:

Factors:	Points
Color	20
Freedom from pits	20
Freedom from defects	30
Character	30
Total score	100

(c) "Normal flavor" means that the flavor is characteristic of frozen red tart pitted cherries and that the product is free from objectionable flavors of any kind.

§ 52.805 Ascertaining the rating for each factor.

The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range for the rating of each factor is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.806 Color.

(a) (*A*) *Classification.*—Frozen red tart pitted cherries that possess a good red color may be given a score of 18 to 20 points. "Good red color" means that the frozen cherries possess a color that is bright and typical of properly ripened cherries and that is practically uniform in that the number of cherries that vary markedly from this color due to oxidation, improper processing, or other causes, or that are undercolored, does not exceed the number specified in Table I.

(b) (*B*) *Classification.*—Frozen red tart pitted cherries that possess a reasonably good red color may be given a score of 16 or 17 points. Frozen red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good red color" means that the cherries possess a color that is reasonably bright and typical of properly ripened cherries and that is reasonably uniform in that the number of cherries that vary markedly from this color due to oxidation, improper processing, or other causes, or that are undercolored, does not exceed the number specified in Table I.

(c) (*C*) *Classification.*—If the frozen red tart pitted cherries possess a fairly good red color, a score of 14 to 15 points may be given. Frozen red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good red color" means that the frozen cherries possess a color that is fairly bright and typical of properly ripened cherries and that is fairly uniform in that the number of cherries that vary markedly from this color due to oxidation, improper processing, or other causes, or that are undercolored, does not exceed the number specified in Table I.

(d) (*SStd.*) *Classification.*—Frozen red tart pitted cherries that fail to meet the requirements of U.S. Grade C may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.807 Freedom from pits.

(a) *General.*—The factor of freedom from pits concerns the degree of freedom from pits and pit fragments.

(b) *Definitions.* (1) A "pit" for the purpose of the allowances in this subpart is a whole pit or portions of pits computed as follows:

(i) A single piece of pit shell, whether or not within or attached to a whole cherry, that is larger than one-half pit shell is considered as one pit;

(ii) A single piece of pit shell, whether or not within or attached to a whole cherry, that is not larger than one-half pit shell is considered as one-half pit;

(iii) Pieces of pit shell, within or attached to a whole cherry, when their combined size is larger than one-half pit shell are considered as one pit; and

(iv) Pieces of pit shell, within or attached to a whole cherry, when their combined size is not larger than one-half pit shell are considered as one-half pit.

(2) "Drained cherries" means pitted cherries that are substantially free from any adhering sirup, sugar, or other packing medium.

(c) (*A*) *Classification.*—Frozen red tart pitted cherries that are practically free from pits may be given a score of 18 to 20 points. "Practically free from pits" means that the number of pits that may be present does not exceed the allowances for this classification specified in Table I.

(d) (*B*) *Classification.*—Frozen red tart pitted cherries that are reasonably free from pits may be given a score of 16 or 17 points. Frozen red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from pits" means that the number of pits that may be present does not exceed the number specified in Table I.

(e) (*C*) *Classification.*—Frozen red tart pitted cherries that are fairly free

from pits may be given a score of 14 or 15 points. Frozen red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly free from pits" means that the number of pits that may be present does not exceed the number specified in Table I.

(f) (*SStd.*) *Classification.*—Frozen red tart pitted cherries that fail to meet the requirements for U.S. Grade C may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.808 Freedom from defects.

(a) *General.*—The factor of freedom from defects refers to the degree of freedom from harmless extraneous material, mutilated cherries, and cherries blemished by scab, hail injury, discoloration, scar tissue, or by other means.

(1) "Cherry" means a whole cherry, whether or not pitted, or portions of such cherries which in the aggregate approximate the average size of the cherries.

(2) "Harmless extraneous material" means any vegetable substance (including, but not being limited to, a leaf or a stem and any portions thereof) that is harmless.

(3) "Mutilated cherry" means a cherry that is so pitter-torn or damaged by other means that the entire pit cavity is exposed and the appearance of the cherry is seriously affected.

(4) "Minor blemished cherry" means any cherry blemished with discoloration (other than scald) having an aggregate area of a circle $\frac{9}{32}$ inch (7 mm) or less in diameter which more than slightly affects the appearance of the cherry but does not extend into the fruit tissue.

(5) "Blemished cherry" means any cherry blemished by skin discoloration (other than scald) which in the aggregate exceeds the area of a circle 9/32 inch (7 mm) in diameter. A cherry affected by skin discoloration extending into the fruit tissue or by scab, hail injury, scar tissue, or other abnormality, regardless of size, is considered a blemished cherry.

(b) (*A*) *Classification.*—Frozen red tart pitted cherries that are practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that the number of defects that may be present does not exceed the number specified for the applicable type of defect in Table I.

(c) (*B*) *Classification.*—Frozen red tart pitted cherries that are reasonably free from defects may be given a score of 24 to 26 points. Frozen red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the number of defects that may be present does not exceed the number specified for the applicable type of defect in Table I.

(d) (*C*) *Classification.*—Frozen red tart pitted cherries that are fairly free from defects may be given a score of 21 to 23 points. Frozen red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the number of defects that may be present does not exceed the number specified for the applicable type of defect in Table I.

(e) (*SStd.*) *Classification.*—Frozen red tart pitted cherries that fail to meet the requirements for Grade C may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.809 Character.

(a) *General.*—The factor of character refers to the degree of ripeness of the cherries and the physical characteristics of the flesh of the cherries.

(b) (*A*) *Classification.*—Frozen red tart pitted cherries that have a good character may be given a score of 27 to 30 points. "Good character" means that the cherries are thick-fleshed and have a firm, tender texture.

(c) (*B*) *Classification.*—Frozen red tart pitted cherries that have a reasonably good character may be given a score of 24 to 26 points. Frozen red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the cherries may be reasonably thick-fleshed and slightly soft.

(d) (*C*) *Classification.*—Frozen red tart pitted cherries that have a fairly good character may be given a score of 21 to 23 points. Frozen red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the cherries may be thin-fleshed and may be soft but not mushy, or slightly tough but not leathery.

(e) (*SStd.*) *Classification.*—Frozen red tart pitted cherries that fail to meet the requirements for Grade C may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

ALLOWANCES FOR QUALITY FACTORS

§ 52.810 Allowances for quality factors.

TABLE I—ALLOWANCES FOR QUALITY FACTORS

Factor	Sample unit size	Maximum number permissible for the respective grade		
		A	B	C
Color: Very markedly or undercolored.	Per 20 ozs.	10	22	37
Pits	Per 20 ozs.	Not more than 2 in any sample unit. Sample average 1 per 40 ozs.	Not more than 3 in any sample unit. Sample average 1 per 30 ozs.	4 or more in any sample unit. Sample average 1 per 20 ozs.
Defects: Total—mutilated, minor blemished, and blemished	Per 100 cherries.	10	15	20
of which Blemished—limited to harmless extraneous material.	Total contents.	3 Average 1 piece per 60 oz. net contents.	7 Average 1 piece per 40 oz. net contents.	15 Average 1 piece per 20 oz. net contents.

LOT COMPLIANCE

§ 52.811 Ascertaining the grade of a lot.

The grade of a lot of frozen red tart pitted cherries covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.87).

SCORE SHEET

§ 52.812 Score sheet for frozen red tart pitted cherries.

FACTORS	SCORE POINTS	
Color	20	(A) 18-20 (B) [2] 16-17 (C) [2] 14-15 (SStd.) [2] 0-13
Freedom from pits	20	(A) 18-20 (B) [2] 16-17 (C) [2] 14-15 (SStd.) [2] 0-13
Freedom from defects	30	(A) 27-30 (B) [2] 24-26 (C) [2] 21-23 (SStd.) [2] 0-20
Character	30	(A) 27-30 (B) [2] 24-26 (C) [2] 21-23 (SStd.) [2] 0-20
Total score	100	

Size and kind of container _____
Container mark or identification _____
Label (style of pack, ratio of fruit to sugar, etc. if shown) _____
Net weight (ounces) † _____
Size [1] _____

Normal flavor _____
Grade _____

[1] See size limitation for U.S. Grade A and U.S. Grade B.
[2] Indicates limiting rule.

Dated September 4, 1973.

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

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[7 CFR Part 52]

STANDARDS FOR GRADES OF FROZEN ASPARAGUS

Notice of Proposed Rule Making

Subpart—United States Standards for Grades of Frozen Asparagus

Notice of Proposed Rulemaking

Notice is hereby given that the United States Department of Agriculture is considering an amendment to the United States Standards for Grades of Frozen Asparagus (7 CFR 52.381-52.395) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (sec. 205, 60 Stat. 1090, as amended (7 U.S.C. 1624)).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendments should file the same in duplicate by October 31, 1973 with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

NOTE.—Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

Statement of Consideration Leading to the Proposed Amendment.—The U.S. Department of Agriculture has received a request from the American Frozen Food Institute (AFFI) to revise slightly the United States Standards for Grades of Frozen Asparagus which have been in effect since April 8, 1970.

Currently, tough fiber development of one (1) inch or less is classified as a "minor" defect, that over one inch and up to two (2) inches is a "major" defect, and any over two inches is a "severe" defect. AFFI requests that the "minor" category be eliminated and any tough fiber be classified as at least a major defect.

Because "tough fiber" adversely affects the eating quality of frozen asparagus, the Department concurs that a more restrictive allowance for this defect is justified. Such reclassification would noticeably reduce the amount of tough fiber development that would be permitted in the U.S. Grade A and U.S. Grade B frozen asparagus. The amendment proposed is:

Table V of this subpart is revised to read as follows:

TABLE V
CLASSIFICATION OF DEFECTS
CHARACTER—DAMAGE

Quality factors	Defects	Classification		
		Minor	Major	Severe
Character	Spears and tips styles:			
	In grade A only: Reasonably well developed (worse than plate 1 but not worse than plate 2 or 3)	×		
	In all grades:			
	Poorly developed (worse than plate 2 or 3):			
	Seedy		×	
	Flowered			×
	Cut spears or Cuts and Tips style:			
	In all grades:			
	Poorly developed (worse than plate 2 or 3):			
	Seedy	×		
	Flowered		×	
	Tough fiber development:			
	2 inches or less		×	
	More than 2 inches or woody units of any length			×
Damage	Shattered Heads—broken or shattered to the extent that it is definitely noticeable	×		
	Misshapen—badly crooked or affected in appearance by doubles or malformations	×		
	Poorly Cut—angle of cut less than 45 degrees—cut is ragged or partially cut	×		
	Discoloration, mechanical injury, pathological or damaged by other means to the extent that the appearance and eating quality of a unit is affected:			
	Slightly	×		
	Materially		×	
	Seriously			×

For interpretative guides, see USDA illustrations of "Stages of Development in Frozen Asparagus," which are a part of this document.

(Sec. 205, 60 Stat. 1090, as amended, (7 U.S.C. 1624).)

Dated September 4, 1973.

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

[FR Doc.73-19177 Filed 9-10-73;8:45 am]

[7 CFR, Part 932]

OLIVES GROWN IN CALIFORNIA

Proposed Expenses, Rate of Assessment, and Carryover of Unexpended Funds

This notice invites written comments relative to the proposed Olive Administrative Committee expenses of $825,000 and an assessment rate of $15.00 per ton of regulated California olives to support committee activities during the 1973-74 fiscal year under marketing Order No. 932. It is also proposed that unexpended assessment income from 1972-73 and prior years be carried over as a committee reserve.

Consideration is being given to the following proposals submitted by the Olive Administrative Committee, established under the marketing agreement, as amended, and Order No. 932, as amended (7 CFR, Part 932), regulating the handling of olives grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that the expenses that are reasonable and likely to be incurred by the Olive Administrative Committee during the period September 1, 1973, through August 31, 1974, will amount to $825,000.

(b) That the Secretary of Agriculture fix the rate of assessment for said period, payable by each first handler in accordance with § 932.39, at $15.00 per ton of olives.

(c) Unexpended assessment funds in excess of expenses incurred during the fiscal year ended August 31, 1973, and prior years shall be carried over as a reserve in accordance with the applicable provisions of § 932.40.

(d) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than September 20, 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 September 6, 1973.

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

[FR Doc.73-19278 Filed 9-10-73;8:45 am]

[7 CFR Part 981]

ALMONDS GROWN IN CALIFORNIA

Revision of Reporting Requirements, and Approval To Establish, Maintain, and Use an Operating Reserve

Notice is given of a proposal to amend Subpart—Administrative Rules and Regulations (7 CFR 981.441–981.482; 38 FR 9987) by revising handler reporting requirements, and to amend Subpart—Budget of Expenses and Rate of Assessment (7 CFR 981.322) by including approval for the Almond Control Board to establish, maintain, and use an operating reserve. The subparts are pursuant to the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981), hereinafter collectively referred to as the "order", regulating the handling of almonds grown in California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal is based on a unanimous recommendation of the Almond Control Board.

The California almond industry is seeking ways to improve the accuracy of its crop estimates. For some time, there has been growing concern in the industry about the difference between estimates of California's almond production and actual production. The Control Board must have an accurate estimate of this production to make annual marketing policy recommendations to the Secretary. Handlers need an accurate estimate of the crop to contract sales with their customers.

To obtain more accurate crop estimates, it is necessary to accumulate data on the quantity of almonds produced in each California county. To achieve this, it is proposed that handlers indicate the county of production on the receipt which they issue pursuant to § 981.71 of the order to a producer for each lot of almonds received. Handlers are required to submit a copy of every receipt to the Control Board to enable it to establish a handler's reserve obligation and to obtain statistical information necessary for the conduct of its operations. The proposed requirements to include this additional information on the receipt form would be set forth in § 981.471 of the administrative rules and regulations.

In addition, it is proposed that handlers submit a summary report to the Control Board three times a year of the quantity of almonds received for their own account, by variety and county of production. This proposed requirement would be set forth in § 981.472.

It is also proposed that the Control Board be given approval to establish, maintain, and use an operating reserve fund pursuant to § 981.81(c). Pursuant to paragraph (c), the operating reserve fund is for marketing promotion including paid advertising, and for the maintenance and functioning and other authorized activities of the Board. For these respective activities, the amount applicable to these purposes shall not exceed approximately one crop year's budgeted expenses for such activities. The approval to establish, maintain, and use the operating reserve would be set forth as a new § 981.300 in Subpart—Budget of Expenses and Rate of Assessment.

Funds for the operating reserve are obtained from any money collected as assessments during any crop year and not expended at the end of the crop year's operations, pursuant to § 981.81 (b). It is proposed that unexpended assessment funds in excess of expenses incurred during the crop year ended June 30, 1973, be retained in the operating reserve fund.

All persons who desire to submit written data, views, or arguments in connection with the proposal should file them, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, to be received not later than September 21, 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)).

The proposal is to amend Subpart—Administrative Rules and Regulations (7 CFR 981.441–981.482; 38 FR 9987) and Subpart—Budget of Expenses and Rate of Assessment (7 CFR 981.322) as follows:

1. In § 981.471, redesignate paragraphs (a), (b), and (c) as paragraphs (b), (c), and (d), and add a new paragraph (a) reading as follows:

§ 981.471 Records of receipts.

(a) Each handler, on receiving almonds for his own account, shall issue to the person from whom so received a receipt for these almonds. In addition to the information required to be shown on the receipt pursuant to § 981.71, the receipt shall also show the county in which the almonds were produced.

* * * * *

2. Redesignate the provisions in § 981.472 as paragraph (a), and add a new paragraph (b) reading as follows:

§ 981.472 Report of almonds received.

* * * * *

(b) Each handler shall submit a summary report of almonds received during the following periods:

July 1 to December 31;
January 1 to March 31;
April 1 to June 30.

Each summary report shall be submitted to the Control Board within 30 days after the end of the reporting period and shall show the quantity of almonds received during the reporting period by variety and county of production.

3. Add a new § 981.300 reading as follows:

§ 981.300 Operating reserve.

(a) Approval is hereby given for the Board to establish and maintain an operating reserve fund for marketing promotion including paid advertising, and for the maintenance and functioning and other authorized activities of the Board. For the foregoing respective activities, the amount applicable to these purposes shall not exceed approximately one crop year's budgeted expenses for such activities. Approval is hereby given for the Board to use funds accumulated in the operating reserve fund for these activities.

(b) Unexpended assessment funds in excess of expenses incurred during the crop year ended June 30, 1973, shall be retained in an operating reserve fund in accordance with applicable provisions of §§ 981.80 and 981.81.

Dated September 5, 1973.

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

[FR Doc.73-19211 Filed 9-10-73;8:45 am]

Agricultural Stabilization and Conservation Service

[7 CFR Part 722]

EXTRA LONG STAPLE COTTON

Proposed Determinations Regarding 1974 Crop

The Secretary of Agriculture is preparing to make the following determinations with respect to the 1974 crop of extra long staple cotton (referred to as ELS cotton):

a. Amount of the national marketing quota.

b. Amount of the national acreage allotment.

c. Apportionment of the national acreage allotment to States and counties.

d. Date or period for conducting the national marketing quota referendum.

e. Unrestricted use sales policy.

f. Loan level and payment rate.

g. Detailed operating provisions to carry out the price support program.

The first four determinations above are to be made pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.):

(a) *National marketing quota.*—Section 347(b)(1) of the act requires the Secretary to proclaim the amount of the national marketing quota for the 1974 crop of ELS cotton by October 15, 1973. Such marketing quota shall be the number of standard bales of ELS cotton equal to the sum of the estimated domestic consumption and estimated exports, less estimated imports, for the 1974–75 marketing year, which begins August 1, 1974, plus such additional number of bales, if any, as the Secretary determines necessary to assure adequate working stocks in trade channels until ELS cotton from the 1975 crop becomes readily available without resort to Commodity Credit Corporation stocks. The Secretary may reduce the quota so determined for the purpose of reducing surplus stocks, but not below the minimum quota of 82,481 standard bales prescribed under section 347(b)(2) of the act.

(b) *National acreage allotment.*—Section 344(a) provides that the national acreage allotment for the 1974 crop of ELS cotton shall be that acreage determined by multiplying the national marketing quota in bales by 480 pounds (net weight of a standard bale) and dividing the result by the national average yield per acre of ELS cotton for the four calendar years 1969, 1970, 1971, and 1972.

(c) *Apportionment of the national acreage allotment to States and counties.*—Sections 344(b) and (e) provide that the national acreage allotment for the 1974 crop of ELS cotton shall be apportioned to States and counties on the basis of the acreage planted to ELS cotton (including acreage regarded as having been planted) during the five calendar years 1968, 1969, 1970, 1971, and 1972, adjusted for abnormal weather conditions during such period. Section 344(e) further provides that the State committee may reserve not to exceed 10 percent of its State allotment to adjust county allotments for trends in acreage, for counties adversely affected by abnormal conditions, or for small or new farms, or to correct inequities in farm allotments and to prevent hardship.

(d) *Date or period for conducting the national marketing quota referendum.*—Section 343 requires the Secretary to conduct a referendum, by secret ballot, of farmers engaged in the production of ELS cotton during 1973, by December 15, 1973, to determine whether such farmers are in favor of or opposed to the quota. If more than one-third of the farmers voting in the referendum oppose the national marketing quota, such quota shall become ineffective upon proclamation of the results of the referendum. Section 343 further requires the Secretary to proclaim the results of the referendum within 30 days after the date of such referendum.

The following determinations will be made pursuant to the Agricultural Act of 1949, as amended (63 Stat. 1051, as amended; 7 U.S.C. 1421 et seq.):

(e) *Unrestricted use sales policy.*—Section 407 of the act provides that no ELS cotton may be sold at less than 115 percent of the current loan rate.

(f) *Loan level and payment rate.*—Section 101(f) of the act (7 U.S.C. 1441(f)) requires that price support shall be made available to cooperators for the 1968 and each subsequent crop of ELS cotton, if producers have not disapproved marketing quotas therefor, through loans at a level which is not less than 50 percent or more than 100 percent in excess of the loan level established for Middling 1-inch upland cotton of such crop at average location in the United States (except that such loan level for ELS cotton shall in no event be less than 35 cents per pound). On August 27, 1973, the Secretary announced the preliminary national average loan rate of 25.26 cents per pound for Middling 1-inch upland cotton (micronaire 3.5 through 4.9), at average location. Section 101(f) also provides for price support payments at a rate which, together with the loan level established for such crop, shall be not less than 65 percent or more than 90 percent of the parity price for ELS cotton as of the month in which the payment rate is announced. Section 401 of the act (7 U.S.C. 1421) requires that, in determining the level of support in excess of the minimum level prescribed for ELS cotton, consideration shall be given to the supply of the commodity in relation to the demand therefor, the price levels at which other commodities are being supported, the availability of funds, the perishability of the commodity, the importance of the commodity to agriculture, and the national economy, the ability to dispose of stocks acquired through a price support operation, the need for offsetting temporary losses of export markets, and the ability and willingness of producers to keep supplies in line with demand.

(g) *Detailed operating provisions to carry out the price support program.*—Detailed regulations necessary to carry out the price support program on ELS cotton are also being reviewed for 1974. Provisions of this kind in effect under the current program may be found in the regulations providing the terms and conditions for payments on ELS cotton for 1968 and succeeding years (7 CFR 722.700–719 (1973 ed.), as amended by 38 FR 18451) and in the Cotton Loan Program Regulations (7 CFR 1427.1–28 and 1427.104 (1973 ed.), and as amended by 38 FR 13651 and 20090).

Prior to making any of the foregoing determinations and issuing related regulations, consideration will be given to any data, views, and recommendations which are submitted in writing to the Director, Cotton, Rice, and Oilseeds Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C. 20250.

In order to be sure of consideration, all submissions must be received not later than September 20, 1973. All written submissions made pursuant to this notice will be made available for public inspection from 8:15 a.m. to 4:45 p.m., Monday through Friday, in Room 4091, South Building, 14th and Independence Avenue SW., Washington, D.C.

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

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

[FR Doc.73-19293 Filed 9-10-73;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

BLUE RIDGE PARKWAY, NORTH CAROLINA AND VIRGINIA

Parking and Crossing Permits for Hunters

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535 (16 U.S.C. 3)); the Act of June 30, 1936 (49 Stat. 2041 (16 U.S.C. 460a–2, as amended)); 245 DM–1 (34 FR 13879), as amended, National Park Service Order No. 77 (38 FR 7478), as amended; and Regional Director, Southeast Region Order No. 5 (37 FR 7721), it is proposed to amend § 7.34(d) of Title 36 of the Code of Federal Regulations as is set forth below.

The purpose of the amendment is to conform the periods during which the Superintendent, Blue Ridge Parkway, may issue permits for hunter parking and crossing, generally, with the applicable hunting seasons of the States of Virginia and North Carolina—to the extent that such hunter uses will not interfere with other recreational uses of the parkway. Due to the nature and extent of these other parkway uses at certain peak seasons, it has been determined that hunter parkway and crossing permits should be limited to the periods October 15–February 28 and April 15–May 15.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Superintendent, Blue Ridge Parkway, Post Office Box 7606, Asheville, N.C. 28807, on or before Oct. 11, 1973.

It is proposed to amend paragraph (d) of § 7.34 to read as follows:

§ 7.34 Blue Ridge Parkway.

* * * * *

(d) *Parking and crossing permits for hunters.*—During the hunting seasons prescribed by the States of North Carolina and Virginia (but not to exceed the periods October 15 through February 28 and April 15 through May 15), hunters may, under permits issued by the Superintendent, park vehicles in designated parking areas and cross Parkway lands from and to their vehicles with dogs on leash, firearms with breach or chamber open, and wildlife lawfully killed on lands adjacent to the Parkway. The loading or unloading of any hunter, dog, or game from any point within the Parkway boundaries other than at previously designated parking areas is prohibited.

* * * * *

GRANVILLE B. LILES,
Superintendent, Blue Ridge Parkway.

[FR Doc.73-19215 Filed 9-10-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 73-196P]

RAHWAY RIVER, N.J.

Proposed Drawbridge Operation Regulations

At the request of the Central Railroad Company of New Jersey, the Coast

Guard is considering amending the regulations for the railroad bridge across the Rahway River, mile 2.0, to permit certain periods when at least 4 hours' notice is required. The draw is presently required to open on signal. This change is being considered because of limited navigation during the times proposed.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Commander (oan), Third Coast Guard District, Governors Island, New York, N.Y. 10004. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Third Coast Guard District.

The Commander, Third Coast Guard District, will forward any comments received before October 16, 1973, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by adding a new paragraph (g) to § 117.210 to read as follows:

§ 117.210 Raritan River and Arthur Kill and their navigable tributaries, bridges.

* * * * *

(g) Rahway River, mile 2.0, Central Railroad Company of New Jersey. The draw shall open on signal except that from December 1 through March 31, and from 10 p.m. to 6 a.m. from April 1 through November 30, the draw shall open on signal if at least 4 hours' notice is given.

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

Dated September 5, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.73-19230 Filed 9-10-73;8:45 am]

[33 CFR Part 117]

[CGD 73-195P]

ALABAMA RIVER, ALA.

Proposed Drawbridge Operation Regulations

The Coast Guard is considering revising the regulations for the Louisville and Nashville Railroad Company drawbridge, mile 293.3, Alabama River, to require at least 24 hours' notice before the draw is required to open for the passage of vessels. The draw is presently required to open on signal. This change is being considered because the draw has not opened for at least 8 years and also because other bridges in this reach of the Alabama River have been placed on the 24 hour notice provision.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Commander (oan), Eighth Coast Guard District, Customhouse, New Orleans, Louisiana 70130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Eighth Coast Guard District.

The Commander, Eighth Coast Guard District, will forward any comments received before October 16, 1973, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revised by adding a new subparagraph (12-a) immediately after subparagraph (12) of paragraph (i) of § 117.245 to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(i) * * *

(12-a) Alabama River, Ala., Louisville and Nashville railroad bridge, mile 293.3. The draw shall open on signal if at least 24 hours' notice is given.

* * * * *

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

Dated September 5, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.73-19229 Filed 9-10-73;8:45 am]

[33 CFR Part 117]

[CGD 73-198P]

ASHEPOO RIVER, S.C.

Proposed Drawbridge Operation Regulations

At the request of the Seaboard Coast Line Railroad Company, the Coast Guard is considering revising the regulations for the bridge across the Ashepoo River, mile 32.0, to permit the draw to remain closed to the passage of vessels. The draw has not been opened for the passage of vessels since 1939.

Interested persons may participate in the proposed rulemaking by submitting written data, views, of arguments to the Commander (oan), Seventh Coast Guard District, room 1018, Federal Building, Miami, Florida 33130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Seventh Coast Guard District.

The Commander, Seventh Coast Guard District, will forward any comments received before October 16, 1973, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by adding a new subparagraph (4) to paragraph (h) of § 117.245 to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(h) * * *

(4) Ashepoo River, S.C.; Seaboard Coast Line drawbridge, mile 32.0. The draw need not open for the passage of vessels and paragraphs (b) through (e) of this section shall not apply to the bridge, provided that the draw shall be returned to full operation within 6 months after notification of the owner by the Commandant to take such action.

* * * * *

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

Dated September 5, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc. 73-19232 Filed 9-10-73;8:45 am]

[33 CFR Part 117]

[CGD 73-197P]

RED RIVER, LA. AND ARK.

Proposed Drawbridge Operation Regulations

The Coast Guard is considering revising the regulations for the drawbridges

across the Red River from mile 66.0, the location of the first drawbridge, to mile 283.1 to require at least 48 hours' notice. Those drawbridges above mile 283.1 would not be required to open for the passage of vessels. This change is being considered because of limited navigation on the Red River from mile 30.6 upward.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Commander (oan), Second Coast Guard District, Federal Building, 1520 Market Street, St. Louis, Missouri 63103. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Second Coast Guard District.

The Commander, Second Coast Guard District, will forward any comments received before October 16, 1973, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by:

(1) Deleting subparagraphs (2), (2–a), (3), (4), (5), (6), and (7) of paragraph (f) of § 117.560.

(2) Adding a new subparagraph (2) to paragraph (f) of § 117.560 to read as follows:

§ 117.560 Mississippi River and its tributaries and outlets; bridges where constant attendance of drawtenders is not required.

* * * * *

(f) * * *

(2) Red River, La. and Ark., mile 66.0 to mile 283.1. At least 48 hours' notice is required. The draws of the bridges need not open for a vessel that arrives at any of these bridges more than 2 hours after the time specified in the notice, unless a second notice of at least 48 hours is given. The draws of the bridges above mile 283.1 need not open for the passage of vessels.

* * * * *

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

Dated September 5, 1973.

W. M. BENKERT,
Read Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.73-19231 Filed 9-10-73;8:45 am]

[33 CFR Part 117]

[CGD 73-199P]

CORTE MADERA CREEK, CAL.

Proposed Drawbridge Operation Regulations

The Coast Guard is considering amending the regulations for the Northwestern Pacific railroad bridge across Corte Madera to require more frequent openings of the draw. The draw is presently required to open if at least 24 hours notice is given on weekdays and at least 72 hours notice is given for Saturdays, Sundays and holidays. The proposed amendment would require the draw to open if at least 24 hours' notice is given at all times except that from May 1 through October 31 on Saturdays, Sundays, and holidays the draw would open on signal from 8 a.m. of the first day of the holiday or weekend to 10 p.m. of the last day of the weekend or holiday. This change is being considered because of a substantial increase of vessels in the area during the period proposed.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Commander (oan), Twelfth Coast Guard District, 630 Sansome Street, San Francisco, California 94126.

Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Twelfth Coast Guard District.

The Commander, Twelfth Coast Guard District, will forward any comments received before October 16, 1973, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising paragraph (e) of § 117.712 to read as follows:

§ 117.712 Tributaries of San Francisco Bay and San Pablo Bay, Cal.

* * * * *

(e) *Corte Madera Creek, Northwestern Pacific railroad bridge near Greenbrae.*— (1) The draw shall open on signal if at least 24 hours' notice has been given. However, from May 1 through October 31 on Saturdays, Sundays, and holidays that are observed on Monday or Friday during this period, the draw shall open on signal from 8 a.m. on the first day of the holiday or weekend until 10 p.m. on the last day of the weekend or holiday. If no drawtender is present during these periods the draw shall be maintained in the fully open position.

(2) The owner of or agency controlling this bridge shall keep conspicuously posted on both sides of the bridge a copy of the provisions of this paragraph together with information stating exactly how the authorized representative may be reached.

* * * * *

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

Dated September 5, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.73-19233 Filed 9-10-73;8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-GL-40]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Hillsboro, Wisconsin.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before October 11, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A new public use instrument approach procedure has been developed for the Kickapoo Airport, Hillsboro, Wisconsin. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Hillsboro, Wisconsin. The new procedure will become effective concurrently with the designation of the transition area.

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

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

HILLSBORO, WISC.

That airspace extending upward from 700 feet above the surface within a 8 mile radius of the Kickapoo Airport (latitude 43°39'24" N., longitude 90°19'41" W.).

This amendment is proposed under the authority of section 307(a) of the Fed-

eral Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Ill., on August 21, 1973.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.73-19187 Filed 9-10-73;8:45 am]

Hazardous Materials Regulations Board

[49 CFR Parts 172, 173]

[Docket No. HM-57; Notice No. 73-6]

CLASSIFICATION AND PACKAGING OF CORROSIVE MATERIALS

Notice of Proposed Rule Making

On March 23, 1972, April 26, 1972, September 16, 1972, May 16, 1973, and August 3, 1973, the Hazardous Materials Regulations Board (the Board) published Docket No. HM-57, Amendment Nos. 171-14, 172-14, 172-20, 173-61, 173-74, 174-14, 175-7, 177-21, 178-26 (37 FR 5946, 8383, and 18918, 38 FR 12807 and 20837) prescribing new regulations for the classification, packaging, marking, labeling, and transportation of corrosive materials. Compliance with these amendments has been authorized as of April 21, 1972. The mandatory effective date is December 31, 1973.

When the Board extended the mandatory effective date to December 31, 1973 (38 FR 12807), it stated that several problems remained to be resolved. On August 3, 1973, the Board published Amendment Nos. 172-20, 173-74, and 178-26 in this docket which resolved several issues. This notice proposes changes to resolve the remaining difficulties except for the one involving materials corrosive only to metals. The Board expects to propose a final resolution in this matter in the near future. In this document, the Hazardous Materials Regulations Board is considering amendment of Parts 172 and 173, to add a new § 173.249a, and to amend §§ 172.5, 173.28, 173.119, 173.244, and 173.245.

Tariff 6D.—The proposed changes to § 172.5 are based on several different sources of information. The primary source is the Air Transport Restricted Articles Tariff No. 6D which is the tariff used by many airlines as their public disclosure on the materials authorized aboard aircraft and the conditions under which they will be transported. The materials listed in Tariff 6D are identified in § 172.5 of this document by abbreviations following the name of the material, i.e., "(Cor)" for Corrosive liquid, "(B)" for ORA B. "ORA B" means "Other Restricted Article, Group B" and is defined in Tariff 6D as "a solid material which, when wet, becomes strongly corrosive so as to be capable of causing damage to aircraft structure." These abbreviations represent the classification given the subject materials in Tariff 6D before July 28, 1973. In a recent revision to Tariff 6D, the classification of a number of materials was changed from ORA B to "corrosive material." These changes have highlighted the existence of discrepancies between the DOT Hazardous Materials Regulations and Tariff 6D regarding corrosive materials. The Board has information regarding certain materials that indicates they may not meet the corrosive material definition. Both publications use the same definition.

Based on the evaluation of the information available to the Board, it is of the opinion that many of the corrosive materials listed in the tariff are properly classed. In an effort to ascertain that the materials listed in § 172.5 as proposed herein meet the corrosive material definition, the Board requests that additional data be made available to it.

The Board is primarily interested in reviewing data representing results of the tests prescribed in § 173.240. It also requests that persons submitting data only on metals testing indicate that the material is not skin corrosive according to the test in § 173.240(a) if this is the case. They should also indicate if the material is corrosive to steel or aluminum, or both. According to the items that are finally added to § 172.5, the Board will make corresponding changes in Part 173 in the final amendment.

As an ancillary action, after the data has been reviewed and classification determinations have been completed through the rule making process, the Department will undertake to notify the Civil Aeronautics Board of all discrepancies. In this manner, it is hoped that Tariff 6D and the DOT Hazardous Materials Regulations will be made more uniform thereby facilitating compliance with all regulations. The Board intends to follow this procedure for all classes of hazardous materials as it proceeds with the updating of its own regulations.

Additional shipping names.—The Board has information on approximately 40 additional materials which could be corrosive, and are not named in this notice. However, on the basis of the information submitted, the Board believes that some of the materials possibly should be classed as flammable liquids or Class B poisons, and is reviewing this matter in more depth. If a material requested by a petitioner to be added to § 172.5 has a Tagliabue Open-Cup (T.O.C.) flash point slightly above 100°F. or between 80°F. and 100°F., the Board did not include the material in the list because of other pending rule making in HM-102. Any person observing that the Board has not provided for a material in this list as he requested, may request further consideration by providing data indicating that the material is not a Class B poison or a flammable liquid (open and closed cup flash point). There is no need to provide such data if these persons anticipate shipping these materials as Class B poisons, n.o.s. or corrosive liquids, n.o.s., as they deem appropriate. If the T.O.C. flash point is 80°F. or below and the material meets the definition in § 173.343, the material would be classed as a flammable liquid or a Class B poison, not a corrosive material.

Additional packagings.—Some persons petitioned the Board to add certain packagings in §§ 173.119(m) and 173.245. On the basis of these petitions and the satisfactory experience gained with the use of these packagings to transport materials similar to those now covered by the regulations, §§ 173.119(m) and 173.245 are proposed to be amended.

Reconditioned drums.—Several petitions were received to amend § 173.28 (h) to provide for the use of series 17 reconditioned drums. This proposal includes a provision for limited use of these drums in a service where they have been successfully used under special permit or for materials not considered corrosive prior to revision of § 173.240.

Small quantities and exemptions.—The Council for Safe Transport of Hazardous Articles (COSTHA) has petitioned the Board for reconsideration of Amendment 173-61 in Docket HM-57 to amend the small quantities exemption provision of § 173.244 to relieve shippers from what it considers an unwarranted burden of regulation when packaging and shipping small quantities of corrosive liquids. The Board believes that the portion of COSTHA's petition relating to exemption from specification packaging requirements when corrosive liquids are packed in inside metal or plastic packagings each not over 32 ounces by volume or weight has merit. It proposes to exempt corrosive liquids when so packaged from specification packaging, by amending § 173.244.

"Low hazard" corrosive liquids.—Several petitions were received requesting that the use of certain non-DOT specification packagings be authorized for corrosive liquids not considered corrosive by shippers prior to revision of § 173.240. These materials have been identified to the Board as presenting a lesser degree of hazard. In this proposal, the Board has agreed with several of the petitioners. However, it has modified the description of the material as presented by petitioners, in an effort to assure that corrosive liquids having a higher degree of hazard would not be shipped under these provisions. A new § 173.249a is proposed to prescribe packaging for these materials. Meanwhile, the Board has been inquiring into the strength of some of the packaging referenced to determine if upgrading of the packaging is warranted and feasible. Depending on the outcome of the Board's review and the records of experience that it gathers regarding the shipment of materials in these packagings, the Board may propose further rule making in this area.

Previously submitted data.—Some data has been provided to the Board indicating that certain materials proposed to be classified as corrosive materials do not meet § 173.240. For example, some aluminum chloride solutions apparently do not meet § 173.240. While the Board does not dispute this data and this data has been made a part of the docket, it desires to obtain the advice of persons

who possess information either supporting or opposing the proposed classification of the materials as corrosive. However, persons who have submitted any data on materials listed in this notice should reaffirm their conclusions by simply referring to the data previously submitted. It is not necessary to resubmit the data. This procedure will permit the Board to have the benefit of the latest data available and it will avoid any oversights caused by the extremely large volume of data that has been developed in this docket.

In consideration of the foregoing, it is proposed to amend 49 CFR Parts 172 and 173 as follows:

PART 172—LIST OF HAZARDOUS MATERIALS CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL MATERIALS SUBJECT TO PARTS 170–189 OF THIS SUBCHAPTER

In § 172.5 the list of hazardous materials would be amended as follows:

§ 172.5 List of hazardous materials.

(a) * * *

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(Add)				
•Acetic acid (Cor) *(aqueous solution)*	Cor	173.244, 173.245	Corrosive	10 gallons.
Acetic acid, glacial (Cor)	Cor	173.244, 173.245	do	Do.
Acetic anhydride (Cor)	Cor	173.244, 173.247	do	1 gallon.
Acetyl bromide (Cor)	Cor	173.244, 173.247	do	Do.
Acetyl iodide (Cor)	Cor	173.244, 173.247	do	Do.
•Acid chloride compound, liquid	Cor	173.244, 173.249a	do	10 gallons.
Acrylic acid	Cor	173.244, 173.245	do	5 pints.
•Alkanesulfonic acid (Cor)	Cor	173.244, 173.245	do	1 gallon.
Aluminum bromide, anhydrous, solid (B).	Cor	173.244, 173.245b	do	100 pounds.
Aluminum chloride, anhydrous, solid (B).	Cor	173.244, 173.245b	do	Do.
•Aluminum chloride solution	Cor	173.244, 173.245	do	10 gallons.
Aluminum phosphate, solid	Cor	173.244, 173.245b	do	100 pounds.
Aminoethylethanolamine	Cor	173.244, 173.245	do	10 gallons.
2-(2-Aminoethoxy) ethanol	Cor	173.244, 173.245	do	Do.
n-Aminoethylpiperazine	Cor	173.244, 173.245	do	Do.
Aminopropyldiethanolamine	Cor	173.244, 173.245	do	Do.
n-Aminopropylmorpholine	Cor	173.244, 173.245	do	Do.
bis-(Aminopropyl) piperazine	Cor	173.244, 173.245	do	Do.
Ammonium hydrogen fluoride, solid (B).	Cor	173.244, 173.245b	do	100 pounds.
•Ammonium hydrogen fluoride solution (B).	Cor	173.244, 173.245	do	5 gallons.
Amyl acid phosphate	Cor	173.244, 173.245	do	10 gallons.
Antimony trichloride, solid (Cor)	Cor	173.244, 173.245b	do	100 pounds.
•Antimony trichloride solution (Cor)	Cor	173.244, 173.245	do	5 pints.
Boron trifluoride-acetic acid complex (Cor).	Cor	173.244, 173.247	do	1 gallon.
Bromoacetic acid, solid (B)	Cor	173.244, 173.245b	do	100 pounds.
•Bromoacetic acid solution (Cor)	Cor	173.244, 173.245	do	1 quart.
n-Butyl acid phosphate (B)	Cor	173.244, 173.245	do	5 gallons.
Butyric acid	Cor	173.244, 173.245	do	10 gallons.
•Calcium hydrogen sulfite solution (B).	Cor	173.244, 173.245	do	5 gallons.
Caustic potash, dry *or* solid. *See* Caustic soda, dry, etc.				
Chloroacetic acid, solid (B)	Cor	173.244, 173.245b	do	100 pounds.
Chlorophenyl trichlorosilane (Cor)	Cor	No exemption, 173.280	do	10 gallons.
Chromic fluoride, solid (B)	Cor	173.244, 173.245b	do	100 pounds.
•Chromic fluoride solution (Cor)	Cor	173.244, 173.245	do	1 gallon.
•Coal tar dye, liquid *(not otherwise specifically named in § 172.5)*	Cor	173.244, 173.249a	do	10 gallons.
•Compounds, cleaning liquid *(containing phosphoric acid, acetic acid, sodium or potassium hydroxide)*	Cor	173.244, 173.249a	do	Do.
Crotonic acid	Cor	173.244, 173.245	do	Do.
Dichloroacetic acid (Cor)	Cor	173.244, 173.245	do	1 quart.
Dichloroacetyl chloride (Cor)	Cor	173.244, 173.247	do	1 gallon.
Dichloroisopropyl ether	Cor	173.244, 173.245	do	10 gallons.
Dichlorophenyl trichlorosilane (Cor)	Cor	No exemption, 173.280	do	Do.
Dichloropropene — dichloropropane mixture.	Cor	173.244, 173.245	do	Do.
Dichloropropene and propylene dichloride mixture.	Cor	173.244, 173.245	do	Do.
Di(2-ethylhexyl) phosphoric acid	Cor	173.244, 173.245	do	Do.
Diisopropylethanolamine	Cor	173.244, 173.245	do	Do.
Diphenylmethylbromide, solid (Cor).	Cor	173.244, 173.245b	do	100 pounds.
•Diphenylmethyl bromide solution (Cor).	Cor	173.244, 173.247	do	1 gallon.
•Dye intermediate, liquid	Cor	173.244, 173.249a	do	10 gallons.
Ferric chloride, solid (B)	Cor	173.244, 173.245b	do	100 pounds.
•Ferric chloride solution	Cor	173.244, 173.245	do	10 gallons.
Fluoboric acid (Cor)	Cor	173.244, 173.264(a)	do	1 gallon.
Fumaryl chloride (Cor)	Cor	173.244, 173.245	do	1 quart.
Hexamethylene diamine, solid (Cor)	Cor	173.244, 173.245b	do	100 pounds.
Hexamethylene imine	Cor	173.244, 173.245	do	10 gallons.
Hexanoic acid	Cor	173.244, 173.245	do	Do.
•Hydrazine solution, *containing more than 50% of water.*	Cor	173.244, 173.245	do	5 gallons.
Iminobispropylamine	Cor	173.244, 173.245	do	10 gallons.
Iodine pentafluoride (Cor)	Cor	No exemption, 713.284	do	100 pounds.
Isobutyric acid	Cor	173.244, 173.245	do	10 gallons.
Isobutyric anhydride	Cor	173.244, 173.245	do	Do.
Isopentanoic acid	Cor	173.244, 173.245	do	Do.
Isopropyl acid phosphate, solid (B)	Cor	173.244, 173.245b	do	100 pounds.
Lead sulfate, solid, *containing more than 5% free acid.*	Cor	173.244, 173.245b	do	Do.
Methyl chloroform	Cor	173.244, 173.245	do	10 gallons.
Methyl dichloroacetate (Cor)	Cor	173.244, 173.245	do	1 quart.
Methyl ethyl pyridine	Cor	173.244, 173.245	do	10 gallons.
Methyl norbornene dicarboxylic anhydride.	Cor	No exemption, 173.245	do	1 quart.
•Mining reagent, liquid (containing 20% or more cresylic acid).	Cor	173.244, 173.249a	do	10 gallons.
Monoethanolamine	Cor	173.244, 173.245	do	Do.
Nonyl phenol	Cor	173.244, 173.245	do	Do.
Phenolsulfonic acid, liquid (Cor)	Cor	173.244, 173.263	do	10 pints.
•Potassium hydrogen fluoride solution (Cor).	Cor	173.244, 173.249	do	5 gallons.
•Potassium fluoride solution (Cor)	Cor	173.244, 173.249	do	Do.
Potassium hydroxide, dry *or* solid. *See* Caustic soda, dry, etc.				
Propionic acid (B)	Cor	173.244, 173.245	do	Do.
Propionic anhydride	Cor	173.244, 173.245	do	10 gallons.
Propylene diamine	Cor	173.244, 173.245	do	Do.
Selenic acid, liquid (Cor)	Cor	No exemption, 173.245	do	5 pints.
Soda lime, solid (B)	Cor	173.244, 173.245	do	100 pounds.
•Sodium fluoride solution (Cor)	Cor	173.244, 173.245	do	5 gallons.
Sodium hydrogen sulfate, solid (B)	Cor	173.244, 173.245b	do	100 pounds.
•Sodium hydrogen sulfate solution (Cor).	Cor	173.244, 173.245	do	1 gallon.
Sodium hydrogen sulfite, solid (B)	Cor	173.244, 173.245b	do	100 pounds.
•Sodium methylate, alcohol mixture	Cor	173.244, 173.245	do	10 gallons.
Sodium monoxide, solid (B)	Cor	173.244, 173.245b	do	100 pounds.
Sodium phenolate, solid	Cor	173.244, 173.245b	do	Do.
Tetraethylenepentamine	Cor	173.244, 173.245	do	10 gallons.
1,2,3,6-tetrahydrobenzaldehyde	Cor	173.244, 173.245	do	Do.
Tetramethylammonium hydroxide, liquid (Cor).	Cor	173.244, 173.245	do	Do.
•Textile treating compound mixture, liquid.	Cor	173.244, 173.249a	do	Do.
Thioglycolic acid (Cor)	Cor	173.244, 173.245	do	1 gallon.
Toluene sulfonic acid	Cor	173.244, 173.245	do	10 gallons.
Trichloroacetic acid, solid (B)	Cor	173.244, 173.245b	do	100 pounds.

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
*Trichloroacetic acid solution (Cor)	Cor	173.244, 173.245	do	1 quart.
1,1,2-trichloroethane	Cor	173.244, 173.245	do	10 gallons.
Trimethyl acetylchloride (Cor)	Cor	173.244, 173.247	do	1 gallon.
Valeric acid	Cor	173.244, 173.245	do	10 gallons.
Valeryl chloride (Cor)	Cor	173.244, 173.245	do	1 gallon.
White acid (*ammonium bifluoride and hydrocloric acid mixture*) (Cor).	Cor	173.244, 173.264(a)	do	Do.
*Zinc chloride solution (Cor)	Cor	173.244, 173.245	do	1 quart.
Zirconium tetrachloride, solid (Change)	Cor	173.244, 173.245b	do	100 pounds.
*Acids, liquid, n.o.s	Cor	173.244, 173.245	do	5 pints.
*Alkaline corrosive liquids, n.o.s	Cor	173.244, 173.249	do	10 gallons.
*Antimony pentachloride solution	Cor	173.244, 173.245	do	5 pints.
*Chromic acid solution	Cor	173.244, 173.245, 173.287	do	1 gallon.
*Cuprietylene-diamine solution	Cor	173.244, 173.249	do	Do.
*Formic acid solution	Cor	173.244, 173.245, 173.289	do	5 gallons.
*Hexamethylene diamine solution	Cor	173.244, 173.249, 173.292	do	10 gallons.

* * * * * *

PART 173—SHIPPERS

1. In Part 173 Table of Contents, § 173.249a would be added to read as follows:

Sec.
173.249a Acid chloride compound, liquid, Coal tar dye, liquid, Cleaning compound, liquid, Dye intermediate, liquid, Mining reagent, liquid, and Textile treating compound mixture, liquid.

2. In § 173.28, the introductory text of paragraph (m) would be amended to read as follows:

§ 173.28 Reuse of containers.

* * * * *

(m) Specifications 17C, 17E, and 17H steel drums (§§ 178.115, 178.116, 178.118 of this subchapter) from which contents have been removed, may be reused as prescribed in this part as packagings for shipment of flammable liquids, flammable solids, oxidizing materials, radioactive materials, and corrosive liquids covered by §§ 173.249 and 173.249a, only if the following requirements, in addition to the other requirements of this section, are complied with prior to each reuse:

* * * * *

3. In § 173.119, paragraph (m)(16) would be added to read as follows:

§ 173.119 Flammable liquids not specifically provided for.

* * * * *

(m) * * *

(16) Specification 6D or 37M (nonreusable container) (§§ 178.102, 178.134 of this subchapter). Cylindrical steel overpacks with an inside specification 2S or 2SL (§§ 178.35, 178.35a of this subchapter) polyethylene container. Authorized only for materials that will not react with polyethylene and result in container failure.

4. In § 173.244, paragraph (a) would be amended to read as follows:

§ 173.244 Exemptions for corrosive materials.

(a) Except corrosive liquids for which no exemption is provided in § 172.5 of this subchapter and unless otherwise provided in this part, corrosive liquids are exempt from specification packaging requirements when packaged:

(1) In inside metal or plastic packaging not over 32 ounces by volume or weight each;

(2) In inside glass bottles having a capacity not over 16 ounces by volume or weight each and enclosed in an inside metal can. This packaging is also exempt from Part 177 of this subchapter, except § 177.817, and from marking and labeling requirements. However, marking name of contents on outside packaging is required for shipments by water.

* * * * *

5. In § 173.245, paragraph (a)(4) would be amended; paragraph (a)(34) would be added to read as follows:

§ 173.245 Corrosive liquids not specifically provided for.

(a) * * *

(4) Specification 5A, 5B, 5C, or 5M (§§ 178.81, 178.82, 178.83, 178.90 of this subchapter). Metal barrels or drums.

* * * * *

(34) Specification 42B (§ 178.107 of this subchapter). Aluminum drum.

6. § 173.249a would be added to read as follows:

§ 173.249a Acid chloride compound, liquid, coal tar dye, liquid, cleaning compound, liquid, dye intermediate, liquid, mining reagent, liquid, and textile treating compound mixture, liquid.

(a) An acid chloride compound subject to this section is a liquid acid chloride compound not otherwise specifically named in § 172.5(a) of this subchapter.

(b) A liquid cleaning compound subject to this section must not contain any corrosive material specifically named in § 172.5(a) of this subchapter, except phosphoric acid, acetic acid, and not over 15 percent sodium or potassium hydroxide.

(c) A liquid dye intermediate is a ring compound, containing amino, hydroxy, sulfonic acid, or quinone group or a combination of these groups, used in the manufacture of dyes, and not otherwise specifically named in § 172.5 of this subchapter.

(d) Liquid acid chloride compound, liquid coal tar dye, liquid cleaning compound, liquid dye intermediate, liquid mining reagent, and liquid textile treating compound mixture must be packaged as follows:

(1) In specification packagings as prescribed in § 173.245.

(2) In packaging meeting all of the specific requirements prescribed in § 173.245 including packaging type and quantity limitations for inside packagings. The packagings are not required to meet the detailed specification requirements of Part 178 of this subchapter except that size and weight limitations for package types as prescribed in Part 178 may not be exceeded.

(3) Removable (open) head fiber drum lined or coated on the inside with a plastic material, not over 55-gallon capacity.

(4) Removable (open) head metal drum, not over 55-gallon capacity.

(5) Removable (open) head polyethylene drum, not over 6.5-gallon capacity.

Interested persons are invited to give their views on these proposals. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, Washington, D.C. 20590. Communications received on or before November 6, 1973, will be considered before final action is taken on these proposals. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, room 6215 Buzzards Point Building, Second and V Streets SW., Washington, D.C., both before and after the closing date for comments.

(Secs. 831–835, title 18, U.S.C., 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(h), and 1655(c)))

Issued in Washington, D.C., on August 31, 1973.

W. J. BURNS,
Director, Office of Hazardous Materials.

[FR Doc.73-19013 Filed 9-10-73;8:45 am]

COST OF LIVING COUNCIL

[6 CFR Ch. I]

RUBBER TIRE, PAPER, AND SOAP AND DETERGENT PRICE INCREASES

Notice of Public Hearings

Notice is hereby given that the Cost of Living Council will hold public hearings to receive comments from interested persons on Rubber Tire, Paper, and Soap and Detergent price increase prenotifications filed with the Cost of Living Council. The hearings will be held in the Cost of Living Council Auditorium, Room 2105, 2000 M Street NW., Washington, D.C. beginning at 9:30 a.m. on Monday, September 17, 1973, for Rubber Tires, Wednesday, September 19, 1973, for Paper, and Friday, September 21, 1973, for Soap and Detergents. The hearings

will explore facts relating to cost justification, the relationship of prices, profits, and capital investment, and the effect of productivity and volume improvement on costs and profits. Attention will also be given to what supply increases might result directly from these price increases.

In connection with these hearings the Council has suspended the running of the 30-day prenotification period on all pending prenotifications of price increases on rubber tires, paper, and soap and detergents (SIC codes 2011—Tire and inner tube; 2822—Synthetic rubber (vulcanizable elastomers); 2296—Tire cord and fabric; 2841—Soap and other detergents; and all of SIC Group 26—Paper and allied products). The firms concerned are being notified individually of the suspension and will again be notified when the suspension is lifted. The Council intends to act promptly on these prenotifications following the hearings.

Nine rubber companies, accounting for 75 percent of industry tire sales, have prenotified price increases of 6.5 percent an average on tires and tubes. Twenty paper companies, accounting for about 35 percent of industry sales, have prenotified price increases of about 5.7 percent on average on paper, paperboard, and converted paper products. Five major soap companies, accounting for about 70 percent of industry sales, have prenotified price increases of 20.3 percent on average on soap and detergent products. The specific prenotifications involved are listed in the prenotification summaries regularly issued by the Cost of Living Council.

These public hearings will be conducted under the authority of section 207(c) of the Economic Stabilization Act of 1970, as amended, which specifies that to the maximum extent possible, formal hearings be conducted for the purpose of acquiring information bearing on a change or a proposed change in prices which have or may have a significantly large impact upon the national economy.

The Cost of Living Council is inviting public participation in the form of written submissions as well as oral presentations. The Council requests all interested persons to submit for Council consideration written suggestions and comments on Rubber Tires not later than September 22, 1973, on Paper not later than September 24, 1973, and on Soap and Detergents not later than September 26, 1973.

All written submissions should be sent to Executive Secretariat, Cost of Living Council, 2000 M Street NW., Washington, D.C. 20508. All written submissions received before 5:00 p.m., e.s.t., on the applicable closing date for comments will be made part of the official record of the hearings.

Any information or data considered by the person furnishing it to be confidential must be submitted in writing, one copy only, before the person's scheduled appearance, or by the applicable closing date for written comments. The Cost of Living Council reserves the right to determine the confidential status of the information or data and to treat it accordingly.

Any person who has an interest in the subject of the hearings, or who is a representative of a group or class of persons which has an interest in the subject of the hearings, may request the opportunity to make an oral presentation by telephoning the Executive Secretariat of the Cost of Living Council at 202–254–8610 before 5:00 p.m., e.s.t., Thursday, September 13, 1973, for the Rubber Tire hearings, Friday, September 14, 1973, for the Paper hearing and Monday, September 17, 1973, for the Soap and Detergent hearings. The person making the request should be prepared to describe the interest concerned; if appropriate to state why he is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted the requested hearing date. Oral presentations may be supplemented by written submissions filed with the Council not later than five days following the applicable hearing date.

The Council reserves the right to select the persons to be heard at the hearings, to schedule their respective presentation, and to establish the procedures governing the conduct of the hearings. Each presentation may be limited, based on the number of persons requesting to be heard.

Each person selected to be heard will be so notified by the Council before 5:00 p.m., e.s.t., September 14, 1973, for the Rubber Tire hearing, September 17, 1973, for the Paper hearing and September 18, 1973, for the Soap and Detergent hearing. Each scheduled witness must send 50 copies of his statement to the Executive Secretariat by 5:00 p.m., e.s.t., on the day preceding the applicable hearing date.

A Cost of Living Council official will be designated to preside at the hearings. They will not be judicial—or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. Any decision made by the Council with respect to the subject matter of the hearings will be based on all information available to the Council, from whatever source received. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and may not exceed 10 minutes each.

Any interested person may submit questions, to be asked of any person making a statement at the hearings, before 5:00 p.m., e.s.t., the day preceding the applicable hearing. Any person who makes an oral statement and who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The Council, or the presiding officer if the question is submitted at the hearings, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Due to wide public interest in the hearings, available space may not accommodate all those who wish to attend; thus members of the general public will be admitted on a first come, first served basis.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the Council and made available for inspection at the Public Reference Facility of the Council, Room 2313, 2000 M Street NW., Washington, D.C., between the hours of 8:30 a.m. and 5:30 p.m., Monday through Friday. Anyone may buy a copy of the transcript from the reporter.

Issued at Washington, D.C., on September 7, 1973.

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

[FR Doc.73-19403 Filed 9-7-73;4:33 pm]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

CERTAIN INERT INGREDIENTS IN PESTICIDE FORMULATIONS

Proposed Exemptions From Requirement of Tolerance

The Administrator of the Environmental Protection Agency has received requests to exempt 29 additional inert (or occasionally active) ingredients in pesticide formulations from tolerance requirements under the provisions of section 408 of the Federal Food, Drug, and Cosmetic Act. Based on a review of the history of use and available information on the chemistry and toxicology of these substances, the Administrator finds these substances useful as adjuvants and, when used in accordance with good agricultural practice, not a hazard to the public health.

Therefore, pursuant to provisions of the act (sec. 408(c), (e) 68 Stat. 512, 514 (21 U.S.C. 346a(c), (e))), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), it is proposed that § 180.1001 be amended by alphabetically inserting new items in the tables in paragraphs (c), (d), and (e), as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * * *

(c) * * *

Inert ingredients	Limits	Uses
• • • • • • •		
3,6-Dimethyl-4-octyn-3,6-diol	Not more than 2.5% of pesticide formulation.	Surfactants, related adjuvants of surfactants.
2-Ethyl-1-hexanol	Not more than 2.5% of pesticide formulation.	Solvent, adjuvant of surfactants.
2,4,7,9-Tetramethyl-5-decyn-4,7-diol	Not more than 2.5% of pesticide formulation.	Surfactants, related adjuvants of surfactants.
• • • • • • •		

(d) • • •

Inert ingredients	Limits	Uses
α-[*p*-(1,1,3,3-Tetramethylbutyl)phenyl] poly(oxypropylene) block polymer with poly(oxyethylene); the poly(oxypropylene) content averages 25 moles, the poly(oxyethylene) content averages 40 moles, the molecular weight averages 3400.		Surfactants, related adjuvants of surfactants.
Polymerized acrylic acid and its ethyl and methyl esters.		Surfactants, related adjuvants of surfactants.
(e) • • •		
α-Alkyl(C_{10}-C_{18})-*omega*-hydroxypoly(oxyethylene); the poly(oxyethylene) content averages 3–20 moles.		Surfactants, related adjuvants of surfactants.
α-Alkyl(C_{12}-C_{15})-*omega*-hydroxypoly(oxyethylene)sulfate and its ammonium, calcium, magnesium, potassium, sodium, and zinc salts; the poly(oxyethylene) content averages 3 moles.		Surfactants, related adjuvants of surfactants.
α-(*p*-Alkylphenyl)-*omega*-hydroxypoly(oxyethylene) produced by the condensation of 1 mole of alkylphenol (alkyl is a mixture of propylene tetramer and pentamer isomers and averages C_{12}) with 6 moles of ethylene oxide		Surfactants, related adjuvants of surfactants.
Alkyl(C_8-C_{18})sulfate and its ammonium, calcium, magnesium, potassium, sodium, and zinc salts.		Surfactants, related adjuvants of surfactants.
Amine salts of alkyl(C_8-C_{24}) benzenesulfonic acid (butylamine; dimethylaminopropylamine; mono- and diisopropylamine; and mono-, di-, and triethanolamine).		Surfactants, related adjuvants of surfactants.
Benzoic acid		Preservative for formulations.
Ethylene dichloride (1,2-dichloroethane).		Solvent, cosolvent.
FD & C Blue No. 1		Dye.
Glycerol monooleate		Surfactants, related adjuvants of surfactants.
α-Lauryl-*omega*-hydroxypoly(oxyethylene) sulfate, sodium salt; the poly(oxyethylene) content is 3–4 moles.		Surfactants, related adjuvants of surfactants.
α-(*p*-Nonylphenyl)-*omega*-hydroxypoly(oxyethylene) sulfate, and its ammonium, calcium, magnesium, potassium, sodium, and zinc salts; the nonyl group is a propylene trimer isomer and the poly(oxyethylene) content averages 4 moles.		Surfactants, related adjuvants of surfactants.
α-*cis*-9-Octadecenyl-*omega*-hydroxypoly(oxyethylene); the octadecenyl group is derived from oleyl alcohol and the poly(oxyethylene) content averages 20 moles.		Surfactants, related adjuvants of surfactants.
Potassium salts of wood rosin acids conforming to Title 21, § 121.2592.		Surfactants, related adjuvants of surfactants.
Polyglyceryl phthalate ester of coconut oil fatty acids.		Surfactants, related adjuvants of surfactants.
Polyoxyethylated sorbitol fatty acid esters; the polyoxyethylated sorbitol solution containing 15% water is reacted with fatty acids limited to C_{12}, C_{14}, C_{16}, and C_{18} containing minor amounts of associated fatty acids; the poly(oxyethylene) content averages 30 moles.		Surfactants, related adjuvants of surfactants.
Sodium dioctylsulfosuccinate		Surfactants, related adjuvants of surfactants.
Sodium hydroxide		Neutralizer.
Sorbitan fatty acid esters (fatty acids limited to C_{12}, C_{14}, C_{16}, and C_{18} containing minor amounts of associated fatty acids) and poly(oxyethylene) derivatives of sorbitan fatty acid esters; the poly(oxyethylene) content averages 16–20 moles.		Surfactants, related adjuvants of surfactants.
Sorbitol		Antidusting agent.
α-Stearoyl-*omega*-hydroxypoly(oxyethylene); the poly(oxyethylene) content averages 8 moles or 40 moles; if a blend of products is used, the average number of moles of ethylene oxide reacted to produce any product that is a component of the blend shall be 8 or 40 moles.		Surfactants, related adjuvants of surfactants.
Tall oil; fatty acids not less than 58%, rosin acids not more than 44%, unsaponifiables not more than 8%.		Surfactants, related adjuvants of surfactants.
α-[*p*-(1,1,3,3-Tetramethylbutyl)phenyl] -*omega*-hydroxypoly(oxyethylene) produced by the condensation of 1 mole of *p*-(1,1,3,3-tetramethylbutyl)phenol with an average of 4–14 or 30–70 moles of ethylene oxide; if a blend of products is used, the average number of moles of ethylene oxide reacted to produce any product that is a component of the blend shall be in the range of 4–14 or 30–70.		Surfactants, related adjuvants of surfactants.
Toluene sulfonic acid and its ammonium, calcium, magnesium, potassium, sodium, and zinc salts.		Surfactants, related adjuvants of surfactants.
Xylene sulfonic acid and its ammonium, calcium, magnesium, potassium, sodium, and zinc salts.		Surfactants, related adjuvants of surfactants.

Any person who has registered or submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request on or before October 10, 1973, that this proposal be referred to an advisory committee in accordance with section 408(e) of the act.

Interested persons may, on or before October 10, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. All written submissions made pursuant to this proposal will be made available for public inspection at the office of the Hearing Clerk.

Dated August 30, 1973.

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

[FR Doc.73-19106 Filed 9-10-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 61]

[Docket No. 19528]

MTS AND WATS

Proposals for New or Revised Classes; Extension of Time for Filing Comments

Order. In the matter of proposals for new or revised classes of Interstate and Foreign Message Toll Telephone Service (MTS) and Wide Area Telephone Service (WATS).

1. We have before us a Motion for Extension of Time in this proceeding filed by the North American Telephone Association (NATA) which requests that the time for filing of comments and reply comments be extended for ninety days, respectively. In support of its motion, NATA states: (1) That in the proposed rulemaking now before the North Carolina Utilities Commission, September 4, 1973, is the date for filing of comments, and hearings are scheduled to convene on October 2, 1973; (2) that the Attorney General of the State of Nebraska issued an opinion on July 18, 1972, that seems to enable carriers to prohibit intrastate interconnection and accordingly, (3) the entire manpower and resources of NATA have been diverted from the urgent questions raised in Docket 19528 to the urgent necessity of protecting the continued economic life and existence of the interconnect industry in these and other state proceedings which are contemplated.

2. We also have before us Extension of Time Statement of Position filed by Communications Certification Laboratory (CCL) which opposes any further extension of time for filing of comments only. In support of its position CCL states: (1) That in hearings before State Commissions of Utah, California, Missouri, Illinois, New York, and Georgia statements have been made urging delay of action by the states until the Commission acts; (2) that other parties have indicated an intent to file comments only and accordingly, (3) there is no justification for further delay.

3. Although we have previously granted two 30 day extensions, the first upon the request of the Ad Hoc Telecommunications Committee (38 FR 13663, May 24, 1973), and the second upon the request of the Association of American Railroads (AAR) (38 FR 18269, July 9, 1973) it appears that the NATA has shown cause for further extension of time. However, considering that the First Supplemental Notice herein was released April 3, 1973 (40 F.C.C. 2d 315), and the granting of the two previous extensions, the full ninety days requested does not appear warranted. *Therefore, it is ordered,* That, pursuant to authority delegated by § 0.303(c) of the Commission's rules, the time for filing of comments in this proceeding is extended from September 17, 1973, to October 17, 1973, and the time for filing of reply comments from November 16, 1373, to December 17, 1973.

4. In the First Supplemental Notice in Docket No. 19528, In the Matter of Proposals for new or revised classes of Interstate and Foreign Message Toll Telephone Service (MTS) and Wide Area Service (WATS), released April 3, 1973, the Commission announced that further proposals would be forthcoming from the Dialer and Answering Devices Advisory Committee and that such proposals would be the subject of comments submitted on or before the due date for filing of comments.

5. The Commission has received a status report, released August 16, 1973, from the Answering Devices Subcommittee in addition to the report of the Dialer Devices Subcommittee, released April 3, 1973. The report of the Answering Devices Subcommittee is not complete. However, the Chairman of the Subcommittee stated that there was no agreement on the procedures and enforcement portion of the Committee's work. The Chairman concluded that it was not possible to obtain a consensus at this time. By this order we are hereby advising parties of the availability of both of these reports and that any comments on these reports should be submitted to the Commission on October 17, 1973. This order hereby amends FCC Notice, Dialer Subcommittee Report, June 29, 1973.

6. DASA Corp., as a member of the Dialer Devices Subcommittee, in its letter to Commissioner R. E. Lee, released July 6, 1973, requested that its comments on the Dialer Devices Subcommittee Report of June 1973 be put forth in public comment. DASA, in its comments objected to severing the question of economics of independently supplied Dialer Devices from the evaluation of the Subcommittee's report. In light of the Dialer Subcommittee Chairman Dempsey's statement that additional views on the Subcommittee's Report may be forthcoming from Subcommittee members, we deem it appropriate that we have the benefit of public comments on the DASA Corp. letter of July 6, 1973.

7. Copies of the following pertinent documents may be obtained from Information Planning Associates at 310 Maple Drive, Rockville, Maryland 20850, telephone 301-340-0250:

a. FCC-CC-INTCN-D/A-73-1 Report of the FCC Dialer Advisory Subcommittee on DC Pulse Dialers, June 1973.

b. Status Report of Chairman of the Answering Devices of the FCC Advisory Committee on Dialer Devices and Automatic Answering Equipment, dated August 16, 1973 (document A-0097).

c. DASA Corp. letter of, released July 6, 1973, to the Honorable Robert E. Lee; Re Report of Dialer Devices Subcommittee on Direct Attachment of Phase I D.C. Pulse Dialers to the Telephone Network.

Adopted August 31, 1973.

Released September 5, 1973.

[SEAL] BERNARD STRASSBURG,
Chief, Common Carrier Bureau.

[FR Doc.73-19249 Filed 9-10-73;8:45 am]

Notices

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

DEPARTMENT OF THE INTERIOR

National Park Service

CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION

Development Policies; Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Cape Cod National Seashore Advisory Commission will be held on Friday, September 21, 1973. The Commission members will assemble at 10:30 a.m. at the Headquarters Building, Cape Cod National Seashore, Marconi Station Area, South Wellfleet, Massachusetts, for a field trip prior to the regular business meeting at the Headquarters Building at 1 p.m.

The Commission was established by Pub. L. 87–126 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Cape Cod National Seashore.

The members of the Commission are as follows:

Mr. Joshua A. Nickerson (Chairman), Chatham, Mass.
Mr. Nathan Malchman (Vice Chairman), Provincetown, Mass.
Mr. Linnell E. Studley (Secretary), Orleans, Mass.
Mr. Ralph A. Chase, Eastham, Mass.
Mr. Arthur W. Brownell, Boston, Mass.
Dr. Norton H. Nickerson, Reading, Mass.
Mr. Stephen R. Perry, Truro, Mass.
Mr. Chester A. Robinson, Jr., Harwich, Mass.
Mr. David F. Ryder, Chatham, Mass.
Mrs. Esther Wiles, Wellfleet, Mass.

The matters to be discussed at this meeting are: (1) The operation of commercial activities of Dick's Lower Cape Gulf Service, (2) the Arthur Joseph sandpit, (3) a proposal for expansion of the North of Highland Camping Area, and (4) a proposal for replacement of the existing hangar at the Provincetown Airport. There will be a review of the 1973 summer season's activities. The Superintendent will give a progress report covering current problems and items of interest, which will be reviewed and discussed.

The meeting will be open to the public. Transportation facilities will not be provided for the tour, but members of the public may participate in the tour by providing their own transportation. Any person may file with the Commission a written statement concerning the matters to be discussed.

Anyone wishing further information concerning this meeting or who wishes to file a written statement may contact Leslie P. Arnberger, Superintendent, Cape Cod National Seashore, South Wellfleet, Mass., at 617–349–3785. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Superintendent, Cape Cod National Seashore, South Wellfleet, Mass.

Dated August 31, 1973.

IRA WHITLOCK,
Acting Associate Director,
National Park Service.

[FR Doc.73–19241 Filed 9–10–73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

NATIONAL ENVIRONMENTAL POLICY ACT REQUIREMENTS

Notice of Issuance of Order

In FR Doc. 73–13455, appearing in the FEDERAL REGISTER issue of July 2, 1973 (38 FR 17519), revised notice was published of the intent of the Maritime Subsidy Board to issue, at a date in the near future, a final opinion and order, to be identified as Docket No. A–75, regarding conformance of the Maritime Administration Tanker Construction Program to the requirements of the National Environmental Policy Act.

The Board hereby gives notice that the Final Opinion and Order in Docket No. A–75 was served on August 30, 1973, and is available to interested persons through the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099–B, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20230.

Dated September 4, 1973.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73–19226 Filed 9–10–73;8:45 am]

Social and Economic Statistics Administration

CENSUS ADVISORY COMMITTEE ON PRIVACY AND CONFIDENTIALITY

Notice of Public Meeting

The Census Advisory Committee on Privacy and Confidentiality will convene on September 17, 1973 at 9:30 a.m. in Room 2113, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee on Privacy and Confidentiality was established on October 7, 1971 to advise the Director, Bureau of the Census, on policy and procedure concerning the purpose and scope of census inquiries and on all aspects of privacy and confidentiality as they relate to the statistical work of the Bureau.

The Committee is composed of 15 members appointed by the Secretary of Commerce.

The agenda for the meeting is: (1) Report on survey of recommendations by Committee Members; (2) Confidential Procedures in Census Bureau field operations; (3) Confidentiality, Archives and related issues, and (4) Privacy issues.

A limited number of seats—approximately 15—will be available to the public. A brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Guidance and Control Officer at least three days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting should contact the Committee Guidance and Control Officer, Mr. Mathew E. Erickson, Legal Advisor, Bureau of the Census, Room 3686, Federal Building 3, Suitland, Maryland. (Mail address: Washington, D.C. 20233) Telephone: 301–763–2818.

EDWARD D. FAILOR,
Administrator, Social and
Economic Statistics Administration.

[FR Doc.73–19282 Filed 9–10–73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

NATIONALLY RECOGNIZED ACCREDITING AGENCIES AND ASSOCIATIONS

List

For the purposes of determining eligibility for Federal assistance, pursuant to Pub. L. 82–550 and subsequent legislation, the U.S. Commissioner hereby publishes additions to the list of recognized accrediting agencies and associations which he determines to be reliable authority as to the quality of training offered by educational institutions or programs either in a geographical area or in a specialized field, and the general scope of recognition granted to the accrediting bodies.

These additions may be added to the list previously promulgated by the Commissioner of Education on February 14, 1973, 38 FR 4428–4430.

ASSOCIATIONS AND AGENCIES RECOGNIZED FOR THEIR INSTITUTIONAL ACCREDITATION OF SCHOOLS, JUNIOR COLLEGES, COLLEGES, AND UNIVERSITIES

COMMISSION ON PUBLIC SECONDARY SCHOOLS, NEW ENGLAND ASSOCIATION OF SCHOOLS AND COLLEGES

COMMISSION ON VOCATIONAL TECHNICAL INSTITUTIONS, NEW ENGLAND ASSOCIATIONS OF SCHOOLS AND COLLEGES

Dated August 20, 1973.

PETER P. MUIRHEAD,
Acting Commissioner of Education.

[FR Doc.73-19227 Filed 9-10-73;8:45 am]

National Institutes of Health

BIOASSAY OPERATIONS SEGMENT ADVISORY GROUP

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Bioassay Operations Segment Advisory Group, National Cancer Institute, September 13-14, 1973, 9:00 a.m. to 4:30 p.m., National Institutes of Health, Building 37, Conference Room 3A15. The meeting will be closed to the public from 9:00 a.m. to 4:30 p.m., September 13, 1973, and from 9:00 a.m. to 12:00 noon, September 14, 1973, to discuss and review eight renewal contract proposals in the field of carcinogen bioassay in accordance with the provisions set forth in section 552(b)4 of Title 5, U.S. Code and section 10(d) of Pub. L. 92-463. The meeting will be open to the public from 1:15 p.m. to 4:30 p.m., September 14, 1973, to discuss the Bioassay Program within the context of the Carcinogenesis Area. 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 A-306, National Institutes of Health, Bethesda, Maryland 20014, 301-496-5471, will provide substantive program information.

Dated September 5, 1973.

JOHN F. SHERMAN,
Deputy Director, National Institutes of Health.

[FR Doc.73-19399 Filed 9-10-73;8:45 am]

CANCER IMMUNOBIOLOGY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Committee on Cancer Immunobiology, National Cancer Institute, September 12, 1973, 8:00 p.m. to 10:00 p.m.; September 13, 1973, 8:30 a.m. to 12:30 p.m., 4:00 p.m. to 6:00 p.m., and 8:00 p.m. to 10:00 p.m.; and September 14, 1973, 8:30 a.m. to 12:30 p.m., National Institutes of Health, Marriott Motel, Dulles International Airport, Virginia. The meeting will be open to the public from 8:00 p.m. to 10:00 p.m., September 12 and from 8:30 a.m. to 12:30 p.m., September 13-14, to discuss programs in cancer immunobiology. Attendance by the public will be limited to space available. The meeting will be closed to the public at all other times to discuss and review approximately eight contract proposals in the field of immunobiology, in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code, and section 10(d) of Pub. 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 open/closed meeting and roster of committee members.

Dorothy B. Windhorst, M.D., Executive Secretary, Building 10, Room 4B-11, National Institutes of Health, Bethesda, Maryland 20014, 301-496-3639 will provide substantive program information.

Dated September 6, 1973.

THOMAS J. KENNEDY, Jr.,
Acting Deputy Director National Institutes of Health.

[FR Doc.73-19398 Filed 9-10-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

SPECIAL PERMITS ISSUED

Pursuant to Docket No. HM-1, rulemaking procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 FR 8277) 49 CFR 170, following is a list of new DOT Special Permits upon which Board action was completed during August 1973:

Special permit No.	Issued to—Subject	Mode or modes of transportation
6786	Shippers registered with this Board to ship large quantities of radioactive materials, n.o.s. in packaging identified as the Thermoelectric Generator Model Nos. URIPS-8A and 8B.	Highway, Rail Cargo-only Aircraft, Cargo Vessel.
6787	Shippers registered with this Board to ship certain poisonous liquids, Class B in DOT-34 polyethylene containers or non-DOT specification reusable, molded, 55 gallon polyethylene containers.	Highway, Rail, Cargo Vessel.
6790	Dow Chemical Company, Midland, Mich., to ship hydrochloric acid in non-DOT specification fiberglass reinforced plastic (FRP) cargo tank.	Highway.
6793	Shippers registered with this Board to ship ortho-chloroaniline, whiskey and other flammable liquids in non-DOT specification portable tanks. (ISO type).	Highway, Cargo Vessel.
6796	Magnaflux Corporation, Chicago, Illinois and the Department of Defense, Washington, D.C., to ship sulfur hexafluoride in non-DOT specification tube head assembly having a 6 to 1 safety factor.	Highway, Passenger-Carrying Aircraft, Cargo-only Aircraft.
6797	American Smelting & Refining Co., New York, N.Y. to ship refined arsenic trioxide in single-trip non-DOT specification 22 gage steel drums of not over 15 gallons capacity.	Rail.
6799	Procter & Gamble Co., Cincinnati, Ohio to ship a flammable liquid in a one-gallon glass bottle surrounded by ⅝ inch thick polystyrene overpacked in a corrugated, fiberboard box.	Highway.
6800	Shippers registered with this Board to ship certain corrosive liquids in non-DOT specification reusable, molded polyethylene containers of 55 gallon capacity.	Highway, Rail, Cargo Vessel.
6803	Shippers registered with this Board to ship anhydrous hydrofluoric acid in DOT Specification 4BW welded steel cylinders.	Highway.
6804	BASF Wyandotte Corporation, Parsippany, New Jersey to ship flammable liquids, n.o.s. and corrosive liquids, n.o.s. in foreign-made non-DOT specification packaging complying with DOT Specification 5, 5B or 6D/2SL, except for marking.	Highway, Rail, Cargo Vessel.
6805	Union Carbide Corporation, Tarrytown, New York, to ship certain gas mixtures in DOT Specification 3AAX steel cylinders.	Highway.

Denied-Subject

1. Request by E. R. Squibb & Sons, Inc., New Brunswick, New Jersey for a waiver of the regulations to permit the use of only "Radioactive White I" and "Radioactive Yellow III" labels.

G. ROUSSEAU,
Alternate Secretary.

[FR Doc.73-19146 Filed 9-10-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23287]

AIR FREIGHT FORWARDERS' CHARTERS INVESTIGATION

Notice of Postponement of Hearing

Notice is hereby given that the hearing in the above-entitled proceeding is postponed indefinitely, and further procedural matters shall be held in abeyance.

Dated at Washington, D.C., September 6, 1973.

[SEAL] RICHARD M. HARTSOCK,
Administrative Law Judge.

[FR Doc.73-19393 Filed 9-10-73;8:45 am]

[Docket No. 25002]

KUONI TRAVEL, LTD. (SWITZERLAND) AND KUONI TRAVEL, INC.

Notice of Prehearing Conference and Hearing

Kuoni Travel Limited (Switzerland), d.b.a. Kuoni Travel, Inc., amendment of foreign air carrier permit travel group charters.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 9, 1973, at 10:00 a.m. (local time) in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before

Administrative Law Judge Joseph L. Fitzmaurice.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before October 1, 1973.

Dated at Washington, D.C., September 6, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-19257 Filed 9-10-73;8:45 am]

[Docket No. 19923 etc.]

LIABILITY AND CLAIM RULES AND PRACTICES INVESTIGATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held before the Board on October 24, 1973, at 10:00 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., September 5, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-19261 Filed 9-10-73;8:45 am]

[Docket No. 25425]

STARLINE AVIATION LTD.

Notice of Postponement of Prehearing Conference and Hearing

Correction

In F.R. Doc. 73-18477, appearing at page 23435 in the issue of Thursday, August 30, 1973, in the fifth line of the second paragraph the time "10:30 a.m." should read "10:00 a.m.".

COMMISSION ON CIVIL RIGHTS

MICHIGAN STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Michigan State Advisory Committee will convene on September 13, 1973, at 4:00 p.m., and reconvene on September 14, 1973, at 10:00 a.m., at the Kellogg Center of the Michigan State University, East Lansing, Michigan 48823.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Midwestern Regional Office of the Commission, Room 1428, 219 South Dearborn Street, Chicago, Illinois 60604.

The purpose of this meeting shall be to plan followup activity to the Revenue Sharing Assembly, prepare a report of the Assembly, and select new projects to be undertaken by the Michigan State Advisory Committee.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., September 6, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-19254 Filed 9-10-73;8:45 am]

NEBRASKA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Nebraska State Advisory Committee will convene at 10:00 a.m. on September 25, 1973, in the Meeting Room adjacent to Main Lobby in the Clayton House, 10 and O Streets, Lincoln, Nebraska 68508.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Central States Regional Office of the Commission, Room 3103, Old Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting shall be to make plans in preparation for a forthcoming factfinding meeting on the Corrections System in Nebraska.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., September 6, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-19256 Filed 9-10-73;8:45 am]

NEW YORK STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the New York State Advisory Committee will convene at 5:00 p.m. on September 18, 1973, at the Phelps Stokes Fund, 10 and East 87 Street, New York, New York 10028.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting shall be to review the status of all New York State Advisory Committee Projects and plan for the release of the report entitle "Puerto Rican and Public Employment in New York State."

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., September 6, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-19255 Filed 9-10-73;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

FLAMMABLE FABRICS ACT

Notice of Institution of Enforcement Policy

On May 14, 1973, the responsibilities of the Federal Trade Commission for enforcement of the Flammable Fabrics Act, as amended (15 U.S.C. 1191-1204), were transferred to the Consumer Product Safety Commission pursuant to section 30(b) of the Consumer Product Safety Act (Pub. L. 92-573), 86 Stat. 1231 (15 U.S.C. 2079(b)).

The Consumer Product Safety Commission intends to discharge its responsibilities under the Flammable Fabrics Act vigorously, expeditiously, and without compromise in order to protect the public from the hazards to life, health, and property caused by dangerously flammable products.

The Consumer Products Safety Commission has determined that its enforcement policy for the Flammable Fabrics Act, as amended, will be to have available for use in each case the full range of enforcement procedures under that act without qualification or modification. Accordingly, notice is given that the Consumer Product Safety Commission hereby institutes an enforcement policy of using in each case arising under the Flammable Fabrics Act any and all appropriate enforcement procedures available under that act.

In order to effectuate this policy, notice is hereby given that the above stated policy is adopted and substituted for any conflicting determinations and policies of the Federal Trade Commission. The following determinations and policies of the Federal Trade Commission insofar as they apply to this Commission are terminated and set aside pursuant to section 30(e)(2) of the Consumer Product Safety Act (86 Stat. 1232 (15 U.S.C. 2079(e)(2))):

1. The Federal Trade Commission's "Flammable Fabrics Enforcement Policy" published as a notice in the FEDERAL REGISTER of November 10, 1971 (36 FR 21544), as amended by a notice published April 25, 1973 (38 FR 10184), which was corrected May 8, 1973 (38 FR 11492).

2. Any Federal Trade Commission policy or directive modifying or interpreting said Enforcement Policy, as amended.

All other rules, regulations, orders, and determinations of the Federal Trade Commission under the Flammable Fabrics Act will continue in effect until modified, terminated, superseded, set aside, or repealed by the Consumer Product Safety Commission, by any

court of competent jurisdiction, or by operation of law.

Dated September 4, 1973.

SAMUEL M. HART,
Acting Secretary, Consumer Product Safety Commission.

[FR Doc.73-19216 Filed 9-10-73;8:45 am]

COST OF LIVING COUNCIL

HEALTH INDUSTRY ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. 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 September 17, 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 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 NW., 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 September 7, 1973.

HENRY H. PERRITT, Jr.,
Executive Secretary, Cost of Living Council.

[FR Doc.73-19402 Filed 9-7-73;4:33 pm]

FEDERAL COMMUNICATIONS COMMISSION

AMATEUR REPEATER STATIONS

Observance of Rules

AUGUST 30, 1973.

There apparently has been some confusion among amateur licensees as to the actual effective date of the rules adopted in Docket 18803. The Commission reiterates what should be clear to all amateur licensees that the rules became effective October 17, 1972. Licensees have been informed in the Report and Order, the Memorandum Opinion and Order, and by several Public Notices and Orders, that full compliance was expected as soon as possible but not later than June 30, subsequently extended to August 30. The Commission adheres to the view that all licensees have had adequate time in which to modify their operations and fully comply with our rules, although there may not have been sufficient time to obtain the licensing authorizations for repeater station, control station, and/or auxiliary link station. Licensees operating such stations under a previous authorization are cautioned their operations must otherwise fully comply with the rules. Licensees and control operators of stations not operated in compliance are subjected to appropriate enforcement action.

An excessive number of problems are being encountered with defective amateur repeater station applications, contributing to wasted effort and lengthy processing delays. The principal problems are lack of standardization, failure to supply the required information, and/or failure to present the information in a manner permitting expeditious processing. Using the experience in processing thousands of these applications, suggested application forms designed to tered errors, are being developed. Whether these forms will be adopted as official FCC forms is undetermined. However, properly prepared applications based upon these suggested forms will be acceptable for processing. Amateurs are encouraged to develop more universally accepted terms and symbols for use in their applications.

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

[FR Doc.73-19246 Filed 9-10-73;8:45 am]

[Docket No. 19744 and 19745; FCC 73R-309]

BELO BROADCASTING CORP. AND WADECO INC.

Memorandum Opinion and Order Enlarging Issues

In re applications of: BELO BROADCASTING CORP. (WFAA-TV), Dallas, Texas; for renewal of broadcast license, WADECO, INC., Dallas, Texas, for construction permit for new television broadcast station.

1. Belo Broadcasting Corporation has filed a second motion to enlarge issues so inquiry can be made whether Wadeco, Inc., has complied with § 1.65 of the rules, has misrepresented facts to the Commission relating to the availability of a loan, and has the necessary qualifications to be a Commission licensee.[1] The petition was not filed within the fifteen day period allowed by § 1.229(b) of the rules and so is untimely, but the Board finds that good cause for the late filing has been shown. Much of the factual information upon which the petition is predicated was acquired at a deposition session held on June 29, 1973, in Dallas, Texas, and the petition was filed promptly thereafter. The Board does not view the depositions as having been conducted to ascertain whether grounds exist for enlargement which would have been contrary to the Commission's ruling on this subject when it adopted the discovery procedures,[2] so we reject Wadeco's opposition in this regard.

2. The § 1.65 issue is requested on the basis of Wadeco's failure to report that two of the persons who had agreed to endorse notes to be issued by the corporation in obtaining a bank loan were released from their agreements at the times they withdrew as stockholders and subscribers of the corporation. Their withdrawal as stockholders and subscribers was reported to the Commission, and Wadeco, in opposition to the petition, contends that this "was sufficient notice that their endorsements of any notes would not be forthcoming." Under other circumstances, the Board might agree with Wadeco's explanation, but the present situation requires a different result. Wadeco's reliance upon a bank loan from Castle Trust Co. has been under question by the Commission since well before the case was designated for hearing, and Wadeco has stoutly maintained, during all this time, that the loan would be forthcoming, even as recently as June 14, 1973, when it sought deletion of the financial issue against it.[3] The released endorsers are named in the April 4, 1972, bank letter as two of those whose endorsements would be required, and they were two of the most important endorsers in terms of liquid assets available to them. Their absence from the endorsing group raises additional serious questions whether the bank loan would be available to Wadeco. Under these circumstances, the substantial and significant change in Wadeco's financial showing entailed by the release of these two endorsers required specific notification rather than leaving the conclusion to be inferred from other facts which were reported. A § 1.65 issue will be added.

3. The Board is also persuaded that the inclusion of a misrepresentation issue is warranted. As already noted, Wadeco continued to maintain that the necessary loans would be forthcoming through Castle Trust, even though it has

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[1] Belo's petition to enlarge was filed July 20, 1973; Wadeco filed an opposition August 2, 1973; the Broadcast Bureau's Comments were filed July 31, 1973; and Belo's reply was filed August 8, 1973.

[2] *Discovery Procedures*, 11 FCC 2d 185, 187 (1968).

[3] The request to delete was denied by the Board on July 27, 1973, FCC 73R-279, —— FCC 2d ——, released July 31, 1973.

known since October of 1972 that the condition of the bank's commitment, as set out in the letter of April 4, 1972, could not be met. For the foregoing reasons, the Board will add the § 1.65, misrepresentation and qualification issue as requested by Belo.

4. *Accordingly, it is ordered,* That the second motion to enlarge issues, filed on July 20, 1973, by Belo Broadcasting Corporation IS GRANTED, and that the issues herein are enlarged by addition of the following issues:

To determine whether WADECO, Inc., has failed to comply with the requirements of § 1.65 of the Commission's Rules;

To determine whether WADECO, Inc., misrepresented facts to the Commission in connection with the availability of a $2,500,000.00 loan from the Castle Trust Company Limited, Nassau, Bahamas; and

To determine whether in the light of the evidence adduced under the preceding issues WADECO, Inc., is qualified to be a licensee of the Commission.

5. *It is further ordered,* That the burden of proceeding with the introduction of evidence on the first two issues is on Belo Broadcasting Corporation and that the burden of proof as to all the added issues is on Wadeco, Inc.

Adopted August 28, 1973.

Released August 29, 1973.

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

[FR Doc.73-19245 Filed 9-10-73;8:45 am]

PANEL 3 (RECEIVERS) OF THE TECHNICAL ADVISORY COMMITTEE

Meeting

SEPTEMBER 5, 1973.

Panel 3 of the Cable Television Technical Advisory Committee will hold an open meeting on Wednesday, September 26, 1973, at 9:30 a.m. The meeting will be held at the Seven Continents Restaurant, O'Hare International Airport, Chicago, Ill. The agenda of the meeting will include:

(1) Draft statement on compatibility.
(2) Approval of proposed techniques for local oscillator voltage measurements.
(3) Report of EIA-R4.2 work on direct pick-up.
(4) Adjacent sound and adjacent chroma measurements.
(5) Review of Panel's present objectives and directions.
(6) Other business.

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

[FR Doc.73-19244 Filed 9-10-73;8:45 am]

FEDERAL MARITIME COMMISSION

AMERICAN WEST AFRICAN FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement, accompanied by a statement of justification, has been filed with the Commission for approval pursuant to Section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement and the statement of justification at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement and the statement of justification at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by September 21, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement filed by:

John K. Cunningham, Chairman, American West African Freight Conference, 67 Broad Street, New York, New York 10004.

Agreement No. 7680-33 will modify the basic agreement of the American West African Freight Conference by increasing the admission fee for membership into the Conference from $5,000 to $7,500.

By Order of the Federal Maritime Commission.

Dated September 6, 1973.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.73-19274 Filed 9-10-73;8:45 am]

CITY OF MEMPHIS ET AL.

Notice of Agreements Filed

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by October 1, 1973. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should be also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

E. J. Sheppard IV, Attorney for St. Louis Terminals Corporation, Morgan, Lewis & Bocklus, 1140 Connecticut Avenue NW., Washington, D.C. 20036.

Agreement No. T-2844, between the City of Memphis, the County of Shelby, and the Memphis & Shelby County Port Commission (the Commission) and Saint Louis Terminals Corporation (Terminals), provides for the 5-year lease to Terminals of a portion of Lot 2, of the Memphis & Shelby County Port Commission's Industrial Subdivision at Memphis, Tennessee, which is to be operated as a public river-rail-truck terminal for the handling and storage of waterborne cargo. The Commission agrees to construct certain terminal facilities on the premises as outlined in the lease. As compensation the Commission shall receive a rental which is based on tonnage handled through the terminal and is subject to an annual minimum of $9,000 for the first year, $11,000 for the second year, $12,000 for the third year, $13,000 for the fourth year and $15,000 for the fifth year of the lease term. Terminals shall publish Public Tariff handling rates for each type of commodity handled and/or service rendered and said rates shall be subject to final determination by the Memphis & Shelby County Port Commission.

Agreement No. T-2844-1, between the same parties, modifies the basic agreement, No. T-2844. The purpose of the modification is to: (1) Increase the lease term from 5 to 10 years; (2) increase the minimum guaranteed annual rental for the first 5-year period of the lease term in the ratio that the final actual cost of constructing the terminal facilities, as

provided for in the lease, bares to $1,000,000, but not to exceed an increase of 50 percent; (3) set the minimum guaranteed annual rental for the sixth year of the lease term at $25,000; and (4) set the minimum guaranteed annual rental for the seventh, eighth, ninth and tenth years as that rental due the Commission for the sixth year of the lease term.

Agreement No. T-2844-2, between the same parties, modifies the basic agreement, No. T-2844, as amended. The purpose of the modification is to: (1) Increase the lease term from 10 years to 20 years; (2) provide for an additional 5-year extension of the lease term pending Terminals' expenditure of $150,000 for permanent capital improvements on or before April 15, 1975; (3) set the minimum guaranteed annual rental at $30,000 for the 10 and 5 year lease term extensions; and (4) relieve Terminals of certain maintenance obligations.

Agreement No. T-2844-3, between the same parties, modifies the basic agreement, as amended. The purpose of the modification is to: (1) Provide for an additional 10-year extension of the lease term pending Terminals' expenditure of $350,000 for permanent capital improvements on or before April 15, 1980; (2) provide for an additional 10-year extension of the lease term pending Terminals' expenditure of $550,000 for permanent capital improvements on or before April 15, 1990; and (3) set the minimum guaranteed annual rental at $30,000 for the proposed two 10-year extensions of the lease term.

By Order of the Federal Maritime Commission.

Dated September 6, 1973.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.73-19276 Filed 9-10-73;8:45 am]

CITY OF ST. LOUIS AND ST. LOUIS TERMINALS CORP.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by October 1, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

E. J. Sheppard IV, Attorney for St. Louis Terminals Corporation, Morgan, Lewis & Bockius, 1140 Connecticut Avenue NW., Washington, D.C. 20036.

Agreement No. T-2839, between the City of St. Louis (City) and St. Louis Terminals Corporation (Terminals), provides for the 5-year lease (with three successive 5-year renewal options) to Terminals of certain dock and terminal facilities at the Port of St. Louis, Missouri, to be used as a public river-rail-truck terminal for the handling of waterborne cargo and uses incidental thereto. As compensation, City is to receive a rental based on tonnage handled through the terminal and subject to an annual minimum of $37,500. As rental for the three successive 5-year lease term extensions, City will receive for the second, third, and fourth lease term extensions respectively: (1) A 10 percent rental increase subject to a minimum of $41,250; (2) a 20 percent rental increase subject to a minimum of $45,000; and (3) a 30 percent rental increase subject to a minimum of $48,750. Terminals shall file Operation Circulars as published with City, outlining the services offered, terms and conditions, and publish the charges for these services rendered.

By Order of the Federal Maritime Commission.

Dated September 6, 1973.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.73-19275 Filed 9-10-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP72-9]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

SEPTEMBER 4, 1973.

Take notice that on August 14, 1973, Arkansas Louisiana Gas Company (Petitioner) P.O. Box 1734, Shreveport, Louisiana 71151, filed in Docket No. CP72-9 a petition to amend the order issuing a certificate of public convenience and necessity in said docket pursuant to section 7(c) of the Natural Gas Act with regard to the exchange of natural gas between Petitioner and Cities Service Gas Company (Cities), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner was authorized by the Commission order of November 1, 1971, in said docket (46 FPC 1110), as amended on July 17, 1972 (48 FPC 102), and April 20, 1973 (49 FPC ——), to exchange up to 10,000 M c.f. of gas per day at four delivery points for gas delivered to Cities from Petitioners leases in Hemphill County, Texas, and at three delivery points for gas redelivered to Petitioner in Reno and Rice Counties, Kansas, and Caddo County, Oklahoma.

An agreement executed between Petitioner and Cities will:

(a) Add a fourth delivery point in Hemphill County, Texas, to permit Petitioner to receive for Cities' account the gas dedicated to Cities from the McCulloch-State well, Hemphill County, to which Cities has no gathering system connected, since most of the gas is dedicated to Petitioner from the well;

(b) Clarify to which particular volumes the six-cent per M c.f. transportation charge will be applied in accordance with the existing exchange agreement; and

(c) Extend the term of the existing exchange agreement through March 31, 1978, with certain qualifications as to various delivery points.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 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) 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 judisdiction 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.73-19199 Filed 9-10-73;8:45 am]

[Docket No. E-8373]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Notice of Termination

SEPTEMBER 5, 1973.

Take notice that on August 20, 1973, Consolidated Edison Company of New York, Inc. (Company), tendered for filing notice of termination of its Rate Schedules FPC No. 25 and FPC No. 28.

The Company states that the Rate Schedules have expired pursuant to their terms.

In its letter of transmittal, the Company requests that the Commission order that the notices of termination of FPC No. 25 and FPC No. 28 be made effective as of October 28, 1972, and December 31, 1972, respectively.

Any person desiring to be heard or to protest said application shoud file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 24, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-19200 Filed 9-10-73;8:45 am]

[Docket No. CI74-146]

DAVID D. READ AND E. P. MUNSON, JR.

Notice of Application

SEPTEMBER 4, 1973.

Take notice that on August 24, 1973, David D. Read and E. P. Munson, Jr. (Applicants), 803 Bank of the Southwest Building, Amarillo, Texas 79109, filed in Docket No. CI74-146 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Northern Natural Gas Company from acreage in Hemphill County, Texas, 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 have commenced the sale of natural gas within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and propose to continue said sale for one year from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicants propose to sell an average of 2,200 M c.f. of gas per day, subject to proportionate reduction to their 0.29288 percent interest, at 45.0 cents per M c.f. at 14.65 p.s.i.a.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before September 17, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to 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.73-19193 Filed 9-10-73;8:45 am]

[Docket No. E-7994]

DUKE POWER CO.

Notice of Further Extension of Time, Postponement of Prehearing Conference and Hearing

AUGUST 30, 1973.

On August 21, 1973, Duke Power Company filed a motion for a further revision of the procedural dates fixed by notice issued July 5, 1973, in the above-designated matter. The motion states that the parties have no objection to the motion.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Prehearing Conference, October 16, 1973 (10:00 a.m., e.d.t.).
Service of Testimony and Exhibits by Intervenors, October 24, 1973.
Service of Rebuttal Evidence by Duke, November 8, 1973.
Cross-Examination, November 27, 1973 (10:00 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-19203 Filed 9-10-73;8:45 am]

[Docket Nos. CI73-751, etc.]

EXXON CORP. ET AL.

Notice of Further Postponement of Hearing

SEPTEMBER 4, 1973.

Exxon Corporation, Docket No. CI73-751; Shenandoah Oil Corporation, Docket Nos. CI73-799, CI73-800; SOC Gas Systems, Incorporated, Docket No. CI73-801.

On August 24, 1973, a notice was issued postponing the hearing in the above-designated matters to September 11, 1973. On August 31, 1973, Staff Counsel advised that Exxon had a conflict with September 11, 1973.

Upon consideration, notice is hereby given that the hearing is further postponed to September 18, 1973, at 10:00 a.m., e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-19201 Filed 9-10-73;8:45 am]

[Docket No. E-8008]

FLORIDA POWER & LIGHT CO.

Notice of Cancellation and Unexecuted Service Agreement

SEPTEMBER 4, 1973.

Take notice that on August 21, 1973, Florida Power & Light Company, pursuant to Ordering Paragraph (J) of the Commission's Order of March 29, 1973, in the above-referenced case, submitted for filing copies of Notice of Cancellation, unexecuted Service Agreement, and Exhibit A, "Delivery Point and Service Specifications", for each point of delivery to Glades Electric Cooperative, Inc. (Rate Schedule FPC No. 12).

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 14, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any

person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-19191 Filed 9-10-73;8:45 am]

[Docket No. ID-1549, etc.]

GERALD P. MALONEY ET AL.

Notice of Applications

SEPTEMBER 4, 1973.

Take notice that the following applications were filed on the stated dates, pursuant to section 305(b) of the Federal Power Act, for authority to hold the position of officer or director of more than one public utility, or the position of officer or director of a public utility and officer or director of a firm authorized to market utility securities, or the position of officer or director of a public utility and officer or director of a company supplying electric equipment to such public utility.

Any person desiring to be heard or to make any protest with reference to said applications should on or before September 10, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

Docket No.	Name of applicant	Date filed	Name of company
1549	Gerald P. Maloney	July 20, 1973	Ohio Power Co.
1593	John H. Larson	July 30, 1973	Monongahela Power Co. The Potomac Edison Co. West Penn Power Co.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-19192 Filed 9-10-73;8:45 am]

[Docket No. E-8170]

GREAT LAKES GAS TRANSMISSION CO.

Notice of Change in Rates

September 5, 1973.

Take notice that the Great Lakes Gas Transmission Company (Great Lakes) on August 20, 1973, tendered for filing the following tariff sheets:

Third Revised Sheet No. 1 in First Revised Volume No. 1.
Eighth Revised Sheet No. 1 in Original Volume No. 2.

Great Lakes states that foregoing tariff sheets update the Table of Contents in Volumes 1 and 2 of Great Lakes' FPC Gas Tariff and are proposed to be effective on September 20, 1973.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 24, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-19202 Filed 9-10-73;8:45 am]

[Docket No. CI74-147]

J. S. ABERCROMBIE MINERAL CO., INC., ET AL.

Notice of Application

SEPTEMBER 4, 1973.

Take notice that on August 24, 1973, J. S. Abercrombie Mineral Company, Inc., et al. (Applicants), c/o Jerome M. Alper, 818 18th Street NW., Washington, D.C. 20006, filed in Docket No. CI74-147 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 Antelope Ridge Area, Lea 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 propose to sell approximately 600,000 M c.f. of gas per month for two years at 55.0 cents per M c.f. at 14.65 p.s.i.a., subject to upward and downward Btu adjustment, within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicants state that they are small producers but are filing the instant application for a certificate rather than make the subject sale under small producer certificates due to the uncertainty of the status of the latter certificates.[1]

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before September 17, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to 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.73-19197 Filed 9-10-73;8:45 am]

[Docket No. CP74-55]

LACLEDE GAS CO.

Notice of Application

SEPTEMBER 4, 1973.

Take notice that on August 29, 1973, Laclede Gas Company (Applicant), 720 Olive Street, St. Louis, Missouri 63101, filed in Docket No. CP74-55 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 Mississippi River Transmission Corporation from the Mills Ranch Field, Wheeler County,

[1] By decision of December 12, 1972, in Docket 71-1560 et al., the United States Court of Appeals for the District of Columbia Circuit set aside Commission Order No. 428, as amended, which promulgated small producer regulations. The Commission has petitioned the Supreme Court of the United States for a writ of certiorari in this matter.

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 178,960 M c.f. of gas per month for two years at 30.0 cents per M c.f. at 14.65 p.s.i.a within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before September 17, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) 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

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.73-19196 Filed 9-10-73;8:45 am]

[Docket No. E-8343]

NORTHERN STATES POWER CO.

Notice of Application

SEPTEMBER 5, 1973.

Take notice that on August 2, 1973, Northern States Power Company (Minnesota) tendered for filing Supplement No. 6, dated June 29, 1973, to the Interconnection and Interchange Agreement with Minnkota Power Cooperative, dated December 12, 1963, and designated Rate Schedule FPC No. 284. Supplement No. 6 provides a Fifth Revised Exhibit A, Fifth Revised Pake B-1 and First Revised Sheet No. 4, and a Fifth Revised Exhibit C relocating the Hillsboro Interconnection.

Any person wishing to be heard or to make any protest with reference to such Application should, on or before September 28, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The Application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-19204 Filed 9-10-73;8:45 am]

[Docket Nos. CI72-321, CI73-755]

PENNZOIL PRODUCING CO. AND MIDWEST OIL CORP.

Notice of Postponement of Hearing

AUGUST 31, 1973.

On August 2, 1973, an order was issued fixing a hearing in the above-designated matter to commence on September 10, 1973. It now appears that calendar conflicts in the Office of Administrative Law Judges require that the hearing be postponed.

Notice is hereby given that the following procedural dates are modified:

Commencement of hearing—September 13, 1973 (10:00 a.m., e.d.t.).

Administrative Law Judge's decision to be rendered—October 12, 1973.

Briefs on exceptions due—October 23, 1973.

Briefs opposing exceptions—October 29, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-19205 Filed 9-10-73;8:45 am]

[Docket No. CP74-52]

UNITED GAS PIPE LINE CO.

Notice of Application

SEPTEMBER 4, 1973.

Take notice that on August 27, 1973, United Gas Pipe Line Company (United), 1525 Fairfield Avenue, Shreveport, Louisiana 77101, filed in Docket No. CP74-52 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the Commission's regulations thereunder, for a certificate of public convenience and necessity authorizing the construction, during the 12-month period from the date of authorization, and operation of certain natural gas facilities to enable Applicant to take into its pipeline system supplies of natural gas which will be purchased from producers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas in various producing areas generally coextensive with said system.

The total cost of the proposed facilities will not exceed $7,000,000 with no single onshore project costing in excess of $1,000,000, and no single offshore project costing in excess of $1,750,000. Applicant states that these costs will be financed with funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 25, 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.73-19206 Filed 9-10-73;8:45 am]

[Docket No. CI74-88]

VANDERBILT RESOURCES CORP.

Notice of Application

SEPTEMBER 4, 1973.

Take notice that on August 7, 1973, Vanderbilt Resources Corporation (Applicant), Suite 1803, 211 Ervay Building, Dallas, Texas 75201, filed in Docket

No. CI74–88 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 acreage in 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 approximately 40,000 M c.f. of gas per month for a term ending on the first day of the month following the expiration of one year from the date of initial delivery within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). The gas sales contract provides for a rate of 50.0 cents per M c.f. at 14.65 p.s.i.a., subject to upward and downward Btu adjustment; however, Applicant states that it is willing to accept a certificate conditioned to a rate of 45.0 cents per M c.f., subject to 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 September 17, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to 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.73–19194 Filed 9–10–73;8:45 am]

[Docket No. CI74–141]

VANDERBILT RESOURCES CORP.

Notice of Application

SEPTEMBER 4, 1973.

Take notice that on August 22, 1973, Vanderbilt Resources Corporation (Applicant), Suite 1803, 211 Ervay Building, Dallas, Texas 75201, filed in Docket No. CI74–141 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 acreage in Sherman County, Texas, 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 July 24, 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 60-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 approximately 30,000 M c.f. of gas per month. The contract for the subject sale provides for a rate of 54.0 cents per M c.f. at 14.65 p.s.i.a., subject to upward and downward Btu adjustment with upward adjustment limited to 1,100 Btu per cubic foot. Applicant states that it is willing to accept a certificate conditioned to a rate of 45.0 cents per M c.f., subject to 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 on before September 17, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to 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.73–19195 Filed 9–10–73;8:45 am]

[Docket No. E–8026]

VIRGINIA ELECTRIC AND POWER CO.

Notice of Final Decision

SEPTEMBER 4, 1973.

Notice is hereby given that the Presiding Administrative Law Judge's Initial Decision in the above-designated matter was issued and served upon all parties on July 19, 1973. No exceptions thereto having been filed, or review initiated by the Commission, the decision became effective on August 31, 1973, as the final decision of the Commission, pursuant to § 1.30 of the rules of practice and procedure (18 CFR 1.30).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–19207 Filed 9–10–73;8:45 am]

[Docket No. E–8342]

VIRGINIA ELECTRIC AND POWER CO.

Notice of Application

SEPTEMBER 5, 1973.

Take notice that on August 18, 1973, Virginia Electric and Power Company (Applicant) tendered for filing a supplement dated May 21, 1973, to an electric service agreement with Albemarle Electric Membership Corporation, changing transformer facilities serving the Morgan's Corner Delivery Point from 1 MVA capacity to 2 MVA capacity for anticipated future loads. The supplement, which supersedes Rate Schedule FPC No. 88–12 dated January 7, 1972, is to become effective in September 1973 upon completion of the facilities changeover.

Any person wishing to be heard or to make any protest with reference to such Application should, on or before September 28, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The Application

is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-19208 Filed 9-10-73;8:45 am]

[Docket No. E-8158]

WISCONSIN POWER AND LIGHT CO.

Notice of Proposed Amendment to Fuel Price Adjustment Clause

SEPTEMBER 4, 1973.

Take notice that Wisconsin Power and Light Company (Wisconsin) of Madison, Wisconsin, on July 23, 1973, tendered for filing a proposed amendment to its proposed rate increase filing to amend its fuel price adjustment clause to comply with the Commission's requirements in Opinion No. 633 as ordered in Paragraph (H) of the Commission's Order issued June 26, 1973, in this docket. Included in the proposed amendment were the following items:

Proposed 8th Revised Sheet No. 85, Schedule W-2,
Proposed 5th Revised Sheet No. 86, Schedule W-2.1,
Proposed 7th Revised Sheet No. 89.11, Schedule W-3,
Proposed 5th Revised Sheet No. 89.12, Schedule W-3.1,
Page 2 of 3 of Statement O—Fuel Adjustment Factor,
Page 3 of 3 of Statement O—Fuel Adjustment Factor.

Wisconsin states that the proposed amendment to the fuel cost adjustment factor results in an increase in revenues for the 1972 test year as follows:

Schedule W-2	$5,132
Schedule W-3	15,343
Total increase	20,475

Take notice, also, that on August 24, 1973, Wisconsin tendered for filing the following proposed rate schedules which Wisconsin states are issued pursuant to paragraph (B) Commission's order of June 26, 1973 in this docket:

RATE W-2—RESALE SERVICE TO RURAL COOPERATIVES

Revised	Sheet	Schedule
8th	85	W-2
5th	86	W-2.1
3d	87	W-2.2
3d	88	W-2.3
4th	89	W-2.4

RATE W-3—RESALE SERVICE

7th	89.11	W-3
5th	89.12	W-3.1
3d	89.13	W-3.2
2d	89.14	W-3.3
3d	89.15	W-3.4
3d	89.16	W-3.5
1st	89.17	W-3.6

This proposed rate schedule filing of August 24, 1973, appears to be a replacement for the proposed rate schedule W-2 and W-3 filed April 26, 1973, which incorporates the proposed amended fuel cost adjustment clause filed by Wisconsin on June 23, 1973, as ordered by the Commission's order issued June 26, 1973, in this docket. Wisconsin states that these rates are being placed into effect for service rendered on and after September 1, 1973, subject to refund of such amounts as are found by the Commission after hearing not to be justified, together with interest thereon.

In both tendered filings, Wisconsin states that copies of the proposed rate schedules have been sent to all parties involved.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 14, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Parties who have previously filed protests or petitions to intervene need not file new protests or petitions relating only to this notice. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-19190 Filed 9-10-73;8:45 am]

FEDERAL RESERVE SYSTEM

CEGROVE CORPORATION

Order Denying Acquisition of Bank

Cegrove Corporation, Wayne Township, New Jersey, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of The Ramapo Bank, Wayne Township, New Jersey (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls one bank, Pilgrim State Bank, Cedar Grove, New Jersey, with deposits of $5 million which represents approximately 0.1 percent of deposits in commercial banks in the Greater Newark market. Bank, with deposits of approximately $35 million, operates three branches and is the 22nd largest of 35 organizations operating in the market approximated by the Paterson, New Jersey, SMSA. (All deposit data are as of December 31, 1972, and all market data are as of June 30, 1972.)

The Willowbrook office of Bank is separated from Pilgrim's office by only five miles, but penetration data show that neither bank derives a significant amount of business from the service area of the other and it appears that this proposal would not eliminate significant competition. There has been close cooperation in the management and operation of the two banks and its seems unlikely that future competition will develop. Apparently, consummation of the proposal would not appreciably raise the barriers to entry in any relevant area nor affect adversely the competitive situation in any relevant area, and there remains available a significant number of potential "foothold" acquisitions to afford entry into the relevant markets. Competitive considerations are regarded as consistent with approval.

In regard to financial considerations, Bank's net income decreased from $.45 per share in 1971 to $.41 per share in 1972. Bank's recent six months' figures indicate earnings per share of $.20. Pilgrim State Bank opened in March of 1971 and has never listed a profit, and it is questionable that it could turn a profit for 1973. Both banks have an aggressive loan posture and there is some evidence of a strain on Bank's capital. The proposal contemplates an undertaking by Applicant of $1.5 million in debt. On the record herein, the Board regards it as unlikely that cash derived from operations of the proposed expanded holding company system would be sufficient to service the debt without creating an undue strain on the capital of both banks involved.

Moreover, in light of the earnings picture and Applicant's proposed debt positions of the companies involved, it is not unreasonable to conclude that outside investors would not be attracted to the holding company. The Board has serious reservations as to the ability of Applicant to service the debt or raise additional capital. As the Board has stated many times, a holding company should be a source of strength for its subsidiary banks rather than vice versa. Applicant, a highly leveraged holding company, does not appear to be in a position to assist both Bank and Pilgrim Bank, the newly formed and as yet unprofitable bank in the system. In these circumstances, and in view of the entire record, the Board views the uncertain financial prospects as considerations weighing against approval of this transaction.

It should be emphasized that there is no evidence that the present financial condition of Bank or Applicant is unsound. The Board is concerned here only with a proposed expansion of a holding company and the problems related to acquisition debt and the capital structure of the proposed expanded institution.

Applicant proposes to offer services that are not currently offered by the banks involved. There is no evidence that the relevant markets are not adequately served at the present time. Considerations relating to the convenience and

needs of the community to be served are regarded as consistent with, but lend no weight toward, approval. Managerial resources of Applicant, its subsidiary bank, and Bank are regarded as adequate but these considerations do not lend weight toward approval.

In light of the entire record, it is the Board's judgment that the proposed transaction would not be in the public interest and should be, and hereby is, denied.

By order of the Board of Governors,[1] effective August 31, 1973.

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

[FR Doc.73-19225 Filed 9-10-73;8:45 am]

CITIZENS AND SOUTHERN HOLDING COMPANY, INC.

Order Approving Entry De Novo in Nonbanking Activities

Citizens and Southern Holding Company, Inc., Atlanta, Georgia (C&S Holding), a bank holding company within the meaning of the Bank Holding Company Act of 1956, has proposed under section 4(c)(8) of the Act: (1) To engage de novo, through a newly formed subsidiary, Citizens and Southern Mortgage Company, Inc. (C&S Mortgage), in the activities of a mortgage company including servicing of loans for others and acting as investment or financial adviser; and (2) to engage de novo, through a newly formed subsidiary, Citizens & Southern Factors Inc. (C&S Factors), in the activities of a factoring company including servicing of loans for others, and personal property leasing. The proposed activities are permissible for bank holding companies under Board's Regulation Y, § 225.4(a) (1), (3), (5), and (6) (12 CFR 225.4(a)(1), (3), (5), (6)).

Notices of the proposals, affording opportunity for interested persons to express comments and views, were duly published in newspapers of general circulation in the communities to be served,[1] in accordance with the regulations.[2] The only objections received were with respect to the mortgage banking proposal. These were filed on behalf of the Independent Bankers Association of Georgia, the National City Bank of Rome, Rome, Georgia, the Citizens Federal Savings and Loan Association of Rome, Rome, Georgia, the Home Federal Savings & Loan Association, Rome, Georgia, and the First National Bank of Athens, Athens, Georgia.

The Federal Reserve Bank of Atlanta requested additional comments from all parties and upon consideration thereof approved the proposal as being in the public interest. The objectors were advised, however, that they could seek Board review of this decision in accordance with the provisions of § 265.3 of the Board's rules regarding delegation of authority (12 CFR 265.3). Thereafter, the National City Bank of Rome, the First National Bank of Athens, and the Independent Bankers Association of Georgia petitioned for such a review and Board review was authorized. Although the objections were directed, and review of the Reserve Bank's action was requested only as to the mortgage banking proposal, in view of the nature of the objections, C&S Holding was notified by the Reserve Bank not to consummate either proposal and both proposals were referred to the Board.

The petitioners for review by the Board also requested that the Board schedule a formal hearing on their objections. After full consideration thereof the Board denied the request for hearing inasmuch as the issues were such that a hearing thereon would serve no useful purpose.

The review by the Board has been accomplished and its findings and decision are as follows:

C&S Holding is wholly owned by Citizens and Southern National Bank of Atlanta, Georgia (C&S National), a registered bank holding company and the largest bank in Georgia with deposits of $1.5 billion. C&S Holding owns more than 50 percent of the stock of eight banks and 5 percent of the stock of each of 27 other banks in the State. C&S National, together with the eight subsidiary banks and the 27 "5% banks" holds deposits of $2.3 billion, representing 23 percent of the State's total deposits. The share of deposits held by this group in the State's major markets ranges from 0 percent in Muscagee County (Columbus) and Floyd County (Rome) to 47 percent in Clarke County (Athens).[3]

Two different estimation techniques applied by the staff—because precise data are not available—indicate that the C&S system has about 10 percent of the total financial resources of Georgia financial institutions, including savings and loan associations, insurance companies, etc. In mortgage lending at the end of 1972, the C&S System had 17.6 percent of total mortgage loans outstanding for all commercial banks in Georgia, and approximately 3 to 4 percent if all mortgage lenders are included. In the only major market in the State for which information is available, the Atlanta SMSA, the C&S System had 9.6 percent of the dollar volume of mortgages with maturities of five years or more.

On the basis of the foregoing the Board finds, as did the Reserve Bank, that contrary to the contentions of the objectors, C&S System does not constitute or contribute to an undue concentration of resources in the State of Georgia. This conclusion may be compared with Board actions related to the First Bank System with 28.5 percent of deposits in Minnesota (58 F.R. Bull. 172), Northwest Bancorporation with 24 percent of deposits in Minnesota (59 F.R. Bull. 194), and First Security Corporation with 28.9 percent of deposits in Utah (59 F.R. Bull. 455). Moreover, the C&S share of deposits, financial resources and mortgages will be reduced by the portions thereof attributable to the C&S "5% banks" when the State court's order for divestiture of all incidents of direct or indirect control except for 5 percent of voting stock thereof—as discussed more fully hereinafter—is complied with. In the case of State-wide deposits the reduction would be from 23 percent to approximately 18 percent at this time if the holdings of the "5% banks" were eliminated.

It is also claimed, as grounds for denying approval, that C&S National is barred, by the branch banking laws of the State, from opening loan offices at locations specified in the proposal, and that C&S National shoud not be permitted to do indirectly—through C&S Holding, its wholly-owned subsidiary—what it may not do directly.

It is not customary for a bank holding company to be a wholly-owned subsidiary of a bank which is also a bank holding company. But the relationship in this case has been recognized since 1965 by the Comptroller of the Currency and the Board when the stock of C&S Holding, which had been held in trust for C&S National stockholders since 1928, was contributed to the capital of C&S National. Since then the Board has approved acquisitions by C&S Holding of 10 percent of the stock of a bank in 1959, of additional stock in that bank in 1964, a life insurance company and an agency in 1969 and expansion of nonbanking activities of a credit service subsidiary in 1971. The activities approved in 1969 and 1971 are not permissible directly for national banks.

We refer to the foregoing as pointing to the need for a strong showing if the Board is to disregard now the organizational structure which has been recognized since 1965.

Here, C&S Holding represents that C&S Mortgage will have a separate staff, separate Board of Directors, separate offices and separate capital structure from C&S National; that C&S Mortgage will be financed initially by investment of equity capital and loans from C&S Holding; that if, to meet lenders' requirements C&S Mortgage originates any loans for C&S National, the latter will be treated like any other customer-lender and charged the usual fee for services rendered. The evidence does not justify a conclusion that C&S Mortgage is being established to avoid branch banking restrictions or that the proposed operation is planned to be the "unitary" type indicative of branch banking. Additionally, the Attorney General of Georgia has, by written opinion to the State Commissioner of Banking and Finance, held that

[1] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns.

[1] Atlanta, Athens, Augusta, Macon, Savannah, Valdosta, Albany, Dalton, Rome, Columbus, and Decatur, Georgia; Charlotte, North Carolina.

[2] Section 225.4(b)(1), Regulation Y (12 CFR 265.4(b)(1)).

[3] The other markets are: Richmond County (Augusta), 27 percent; Atlanta SMSA, 30 percent; Macon SMSA, 37 percent; Savannah SMSA, 38 percent; and Albany SMSA, 42 percent.

there is no violation of the State branch banking laws indicated in the proposal with respect to C&S Mortgage. The Board is of the opinion, moreover, that the action of the Supreme Court of Georgia with respect to violations by C&S Holding and C&S National of the State bank holding company law (discussed infra) reflects what would probably occur if in carrying on the mortgage lending activities C&S Mortgage and C&S National should, notwithstanding representations made to the Board, engage in branch banking activities contrary to State law.

Protestants also claim that C&S is violating the State and Federal laws with respect to bank holding companies and thereby engaging in unfair competition.

The Board has noted the recent decision of the Supreme Court of Georgia that C&S National and C&S Holding directly and indirectly control more than 5 per cent of the voting stock of each of ten Georgia banks, in violation of the State bank holding company law; the fact that pursuant to the mandate of the Georgia Supreme Court, the Superior Court of De Kalb County has ordered the State Commissioner of Banking and Finance to take steps to require that all stock ownership in the ten banks and all incidents of indirect ownership of stock by "the C&S family" be reduced to an aggregate of 5 per cent of voting stock as allowed by State law, within two years; that the Commissioner has notified C&S that he considers the rationale of the Supreme Court's decision to be applicable to all of the C&S "5% banks" (approximately 27 in number); and that C&S officials agree with this conclusion of the State Commissioner. The Board considers it a reasonable assumption that the mandamus of the highest State court will be complied with in due course. Consequently, even if the modus operandi of C&S as regards the C&S "5% banks" should be considered as having constituted unfair competition, that practice is being corrected by the State authorities.

If, following compliance with the State court's order for divestiture of all direct or indirect incidents of control except for the 5 per cent of voting stock, it appears that C&S Holding exercises a controlling influence over management or policies of the "5% banks" the Board may then proceed with a determination of control under the Bank Holding Company Act. Initiation of such action while the State court decree is being implemented would be premature.

The objecting banks in Rome and Athens, Georgia, two of the proposed locations for mortgage lending offices, claim there is no need for another lending agency in either place, as those presently represented there are satisfying the needs of the public. However, Congress authorized the Board in section 4(c)(8) of the Bank Holding Company Act to differentiate between those nonbanking activities commenced de novo and those commenced by acquisition of a going concern. Here C&S Holding proposes to expand internally through a newly formed mortgage banking subsidiary and thus add a new lender in the Rome and Athens markets. Such entry, in the Board's view, is procompetitive, bringing an added element of competition into each market which would not otherwise be true; it should provide an increased quantity of mortgage funds for those markets and an alternative lending source for borrowers therein. Consequently the Board concludes that these public benefits outweigh any possible adverse effects.

Based on the foregoing and other considerations reflected in the record, the Board has determined that approval of the pending mortgage banking application will not result in any undue concentration of banking or financial resources, unfair competition, conflicts of interest, or unsound banking practices and that it will, in fact, produce benefits to the public in the form of greater convenience and increased competition.

The proposal to engage in factoring, servicing of loans for others and personal property leasing is not opposed, and no adverse effects are suggested or apparent. As a de novo activity it should, as pointed out above, produce public benefits in the form of increased competition and greater convenience from the provision of additional services.

Accordingly the applications are 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; it is subject to the further condition that the proposed activities must be commenced within no less than three months after the effective date hereof unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[4] effective August 31, 1973.

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

[FR Doc.73-19218 Filed 9-10-73;8:45 am]

D. H. BALDWIN COMPANY

Acquisition of Bank

D. H. Baldwin Company, Cincinnati, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Central Colorado Bancorp, Inc., Colorado Springs, Colorado and thereby indirectly to acquire control of State Bank of Greeley, Greeley, Colorado; Central Colorado Bank of Colorado Springs, Colorado Springs, Colorado; Rock Ford National Bank, Rocky Ford, Colorado; The Academy Boulevard Bank of Colorado Springs, Colorado Springs, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 27, 1973.

Board of Governors of the Federal Reserve System, August 31, 1973.

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

[FR Doc.73-19222 Filed 9-10-73;8:45 am]

FIRST VIRGINIA BANKSHARES CORPORATION

Proposed Acquisition of Robert C. Gilkinson, Inc.

First Virginia Bankshares Corporation, Falls Church, Virginia, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Robert C. Gilkinson, Inc., Washington, D.C. Notice of the application was published on August 5, 1973, in The Washington Post, a newspaper circulated in Washington, D.C.

Applicant states that the proposed subsidiary would provide portfolio investment and financial advice for individual, trusts, and corporations. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or

[4] Voting for this action: Chairman Burns and Governors Sheehan, Bucher, and Holland. Absent and not voting: Governors Mitchell, Daane, and Brimmer.

at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than September 27, 1973.

Board of Governors of the Federal Reserve System, August 31, 1973.

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

[FR Doc.73-19220 Filed 9-10-73;8:45 am]

GREENWOOD'S BANCORPORATION, INC.

Formation of Bank Holding Company

The Greenwood's Bancorporation, Inc., Lake Mills, Wisconsin, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a banking holding company through acquisition of 80 percent or more of the voting shares of The Greenwood's State Bank, Lake Mills, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than September 27, 1973.

Board of Governors of the Federal Reserve System, August 31, 1973.

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

[FR Doc.73-19221 Filed 9-10-73;8:45 am]

INLAND FINANCIAL CORPORATION & JACOBUS COMPANY

Acquisition of Bank

Inland Financial Corporation and Jacobus Company, both of Milwaukee, Wisconsin, have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 99 percent or more of the voting shares of Heritage Bank of West Bend, West Bend, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 27, 1973.

Board of Governors of the Federal Reserve System, August 31, 1973.

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

[FR Doc.73-19223 Filed 9-10-73;8:45 am]

MULTIBANK FINANCIAL CORP.

Order Approving Acquisition of Bank

Multibank Financial Corp., Boston, Massachusetts, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of B.M.C. Durfee Trust Company, Fall River, Massachusetts (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls five banks with total deposits of $446.9 million, representing approximately four percent of the total deposits of commercial banks in the State, and is the sixth largest banking organization in Massachusetts. (All banking data are as of December 31, 1972.) The acquisition of Bank ($56 million in deposits) would increase Applicant's share of the total State deposits by 0.45 percent, and it would remain the sixth largest banking organization in Massachusetts. Bank is the second largest of six commercial banking organizations in the Fall River banking market[1] which is deemed the relevant market. If the five mutual savings banks located in the market are also considered, Bank is the fifth largest of eleven banking organizations in the market. Bank's market share is 30.2 percent when only the commercial banks in the market are considered, but drops to 13.3 percent if all banking organizations in the market are considered. The five mutual savings banks in the Fall River market hold aggregate deposits greater than those held by the six commercial banks in the market, and their competition with the commercial banks is likely to increase in the future through their solicitation and acceptance of accounts subject to negotiable orders of withdrawal (NOW accounts). The proposed acquisition would represent Applicant's initial entry into this market.

Applicant's banking subsidiary nearest to Bank is located approximately 12 miles away in northern Bristol County in the Attleboro market, a separate market area. There presently exists no meaningful competition between Bank and that subsidiary. Although Applicant's banking subsidiary and Bank may each lawfully open branch offices in the respective market areas of the other under Massachusetts law, consummation of the proposed transaction would not have a significant adverse effect on the development of future competition. It is not expected that, absent such consummation, Applicant's banking subsidiary would avail itself of the opportunity to open branch offices in the Fall River market in view of the present economic condition of that market. The population growth of the Fall River SMSA between 1960 and 1970 was 8.6 percent, compared to growth of 12.1 percent by the entire State over the same period. The population per banking office in the SMSA is below that of the State, and, with deposits per banking office of $7.0 million, the SMSA is substantially below the State average of $13.3 million. Further, the Greater Fall River area has been classified as a substandard employment area by the Economic Development Administration. Similarly, although Bank recently branched into the fringe of the market area of Applicant's closest banking subsidiary, future branch expansion in that market by Bank in the near future is considered unlikely in view of its limited capital base and the fact that both the population per banking office and deposits per banking office of the Attleboro area are substantially below State averages.

Should the proposed transaction be consummated, Bank would become Applicant's second banking subsidiary in Bristol County, however, there would remain seven independent banks which offer holding company access to the County. Even if Bristol County should be considered the relevant market, consummation of this proposal would not increase the level of concentration of banking resources in the County to a degree that would endanger competition since Applicant would hold thereafter only 16.5 percent of total commercial bank deposits therein. Further, the significant role of mutual savings banks in the County, holding, as they do, aggregate deposits of $834 million compared to aggregate deposits of commercial banks amounting to approximately $522 million, mitigates the significance of the 16.5 percent figure. The Board concludes that the acquisition would have no significant adverse effect on the competitive situation or the concentration of banking resources in the area.

Applicant has agreed to inject capital into certain of its subsidiary banks. In that light, the Board finds the financial condition and managerial resources of the Applicant, its subsidiaries, and Bank satisfactory; and prospects for each are favorable.

Applicant intends to have Bank offer certain services not presently offered by Bank, principally equipment leasing and accounts receivable financing, as well as to implement a capital improvement program for Bank. The communities to be served should also benefit from larger lending limits and the expertise of specialized personnel in the holding company organization to become available to Bank as a result of consummation of the proposed transaction. Accordingly, considerations relating to convenience and

[1] The Fall River banking market is approximated by the Fall River Standard Metropolitan Statistical Area which includes the City of Fall River and the Towns of Somerset, Swansea, Westport, and Dighton in southern Bristol County, Massachusetts, and Tiverton, Little Compton, and Portsmouth in Newport County, Rhode Island.

needs of the communities to be served are consistent with approval. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

Bank's sole subsidiary engages in the operation of a commercial parking lot on land owned by the subsidiary. Operation of a commercial parking lot is not an activity that is "closely related to banking", and Bank, as a subsidiary of a bank holding company, may not continue to engage in that activity either on the basis of section 4(c)(8) or section 4(c)(5) of the Act (12 U.S.C. 1843(c)(8) and (c)(5)). It is therefore expected that Bank, preferably prior to consummation of the proposed transaction, but in any event within a reasonable time after such consummation, will divest itself of that subsidiary, and approval of this application is conditioned upon such divestiture.

On the basis of the record,[2] the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Boston pursuant to delegated authority.

By order of the Board of Governors[3] effective August 31, 1973.

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

[FR Doc.73-19219 Filed 9-10-73;8:45 am]

U.S. BANCORP

Proposed Retention of Commerce Mortgage Company

U.S. Bancorp, Portland, Oregon, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Commerce Mortgage Company, Portland, Oregon. Notice of the application was published on July 5, 6, or 7 in newspapers of general circulation in Eugene and Portland, Oregon, Seattle, Spokane, Walla Walla, and Yakima, Washington, and Missoula, Montana.

Applicant states that the proposed subsidiary engages in the activities of a mortgage company including making loans and other extensions of credit for its own account and for the accounts of others and servicing of loans and other extensions of credit for any person. The proposed subsidiary also makes available for group policies issued to it, credit life and accident and health insurance. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for the bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consumption of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than September 27, 1973.

Board of Governors of the Federal Reserve System, August 31, 1973.

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

[FR Doc.73-19224 Filed 9-10-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 1012]

INDIANA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July 1973, because of the effects of a certain disaster, damage resulted to residences and business property located in the State of Indiana;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Floyd, Lawrence, Vigo, Clay, Martin, and Owen Counties, Indiana, and adjacent affected areas, suffered damage or destruction resulting from flooding caused by heavy rains on July 20-24, 1973. Appplications will be processed under the provisions of Pub. L. 93-24.

Office: Small Business Administration, District Office, 36 South Pennsylvania Street, Indianapolis, Indiana 46204.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to October 29, 1973.

Dated August 29, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-19253 Filed 9-10-73;8:45 am]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

BUSINESS RESEARCH ADVISORY COUNCIL'S COMMITTEE ON ECONOMIC TRENDS AND LABOR CONDITIONS

Notice of Meeting

The BRAC Committee on Economic Trends and Labor Conditions will meet at 10:00 a.m., September 18, 1973, at the General Accounting Office Building, 441 G Street, NW., Room 2106, Washington, D.C.

The meeting will be devoted to the presentation and discussion of the 1985 projections.

It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on (Area Code 202) 961-2559.

Signed at Washington, D.C., this 4th day of September 1973.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.73-19280 Filed 9-10-73;8:45 am]

Occupational Safety and Health Administration

STANDARDS ADVISORY COMMITTEE ON NOISE

Notice of Meeting

Notice is hereby given that the Standards Advisory Committee on Noise, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet on Monday, September 24, 1973, and Tuesday, September 25, 1973, starting at 9:00 a.m. each day in Conference Room B, Departmental Auditorium, Constitution Avenue between 12th and 14th Streets NW., Washington, D.C.

The agenda provides for discussion of Working Draft III with a view towards voting on final recommendations.

The meeting shall be open to the public. There will be no opportunity for oral presentations at this meeting. However, written data, views, or arguments concerning the subject to be considered may be filed, together with 20 copies thereof, with the Committee's Executive Secretary by September 21, 1973. Any such

[2] Dissenting Statement of Governor Brimmer filed as part of the original document. Copies available upon request to Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Boston.

[3] Voting for this action: Chairman Burns and Governors Sheehan, Bucher, and Holland. Voting against this action: Governor Brimmer. Absent and not voting: Governors Mitchell and Daane.

submissions, timely received, will be provided to the members of the committee and will be included in the record of the meeting.

Communications to the Executive Secretary should be addressed as follows:

Executive Secretary
Standards Advisory Committee on Noise
Railway Labor Building—Room 509,
OSHA–OSMC
U.S. Department of Labor,
Washington, D.C. 20210

Signed at Washington, D.C., this 6th day of September 1973.

JOHN STENTER,
Assistant Secretary of Labor.

[FR Doc.73–19354 Filed 9–10–73;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL COUNCIL ON THE ARTS

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a meeting of the National Council on the Arts will be held at 9:15 a.m. on September 14, 9:15 a.m. on September 15, and 9:15 a.m. on September 16, 1973, at the Sheraton Carlton Hotel, Washington, D.C.

A portion of this meeting will be open to the public on September 15 from 9:15 a.m. to 12:30 p.m. on a space available basis. Accommodations are limited. During the open session, the following areas will be discussed: 1) Resolution on the Handicapped; 2) Museum Program; 3) Architecture + Environmental Arts; 4) Visual Arts.

The remaining sessions of this meeting, September 14, September 15 from 12:30 p.m. to 5:00 p.m., and September 16, 1973, are 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 information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, these sessions involving 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), will not be open to the public.

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 NW., Washington, D.C. 20506, or call Area Code 202–382–3642.

PAUL BERMAN,
Director of Administration, National Foundation on the Arts and the Humanities.

[FR Doc.73–19405 Filed 9–10–73;12:30 am]

ATOMIC ENERGY COMMISSION

AEC-LICENSED FACILITIES

Memorandum of Understanding

Both the Environmental Protection Agency (EPA) and the Atomic Energy Commission (AEC) have complementary responsibilities in areas of environmental protection and the control of radiation effects. In order to fix an appropriate interface of the respective functions of the two agencies, to further facilitate their useful cooperation, and to avoid unnecessary duplication of regulatory effort, EPA and the AEC have executed a memorandum of understanding with regard to AEC-licensed facilities. The text of the memorandum is set forth below.

Dated at Germantown, Maryland this 6th day of September 1973.

For the Atomic Energy Commission.

GORDON M. GRANT,
Acting Secretary of the Commission.

AEC-EPA MEMORANDUM OF UNDERSTANDING WITH RESPECT TO AEC-LICENSED FACILITIES

Both the Atomic Energy Commission (AEC) and the Environmental Protection Agency (EPA) have complementary responsibilities in areas of environmental protection and the control of radiation effects. Pursuant to Reorganization Plan No. 3 of 1970, "the functions of the Atomic Energy Commission under the Atomic Energy Act of 1954, as amended, administered through its Division of Radiation Protection Standards to the extent that such functions of the Commission consist of establishing generally applicable environmental standards[1] for the protection of the general environment from radioactive material" and all functions of the Federal Radiation Council were transferred to the Administrator of EPA. The President's message to the Congress upon transmitting Reorganization plans to establish EPA and NOAA stated that "AEC would retain responsibility for the implementation and enforcement of radiation standards through its licensing authority." In order to fix an appropriate interface of the respective functions of the two agencies, to further facilitate their useful cooperation, and to avoid unnecessary duplication with regard to AEC-licensed facilities, the AEC and EPA agree as follows:

1. AEC-licensed facilities are subject through AEC licensing authority and requirements to EPA's generally applicable environmental radiation standards, as defined in Reorganization Plan No. 3 of 1970. AEC will take appropriate action to assure that AEC-licensed facilities are operated in such a manner that routine radioactive discharges therefrom do not exceed generally applicable environmental standards established by EPA, outside the site boundary, for the protection of the general environment from radioactive material.

2. The AEC and the EPA will jointly undertake and carry out arrangements for special studies for the purpose of obtaining necessary information for establishing generally applicable environmental standards for the protection of the general environment from radioactive material discharged from AEC-licensed facilities. For example, the AEC will supply to EPA AEC data and will use its best efforts to supply reasonably obtainable licensee data, relevant to radioactive effluents and the generation of pathway models. The AEC will also participate and will take appropriate action to arrange for its licensees to participate, as may be necessary, in providing data on releases and concurrent meteorological data in support of EPA field measurements and special studies such as pathway model verification at typical licensed facilities. The EPA will endeavor to minimize the number of separate typical facilities on which field measurements will be needed in establishing pathway models.

3. It is agreed that EPA may accompany AEC inspectors on AEC inspections of AEC-licensed facilities for the purpose of becoming informed on how licensees conform with generally applicable environmental standards. Such accompaniment may, at the discretion of EPA, be on either announced or unannounced AEC inspections. It is anticipated that up to 5 such accompaniments may be made in FY 1974. EPA will determine those inspections on which it wishes to accompany AEC. The first step will be for AEC to familiarize the EPA with the scope of AEC inspections.

4. EPA will advise and obtain AEC comments prior to the publication of data relating to discharges from AEC-licensed facilities and the results of these programs.

5. EPA will furnish technical advice and assistance to AEC upon request on discharges to the environment from AEC-licensed facilities.

6. Nothing in this Memorandum of Understanding, or any activities conducted hereunder, shall be construed as precedent for, or as recognizing, any authority of EPA to duplicate or supervise inspection activities of the AEC.

For the United States Atomic Energy Commission.

WILLIAM O. DOUB,
Commissioner.

AUGUST 27, 1973.

For the United States Environmental Protection Agency.

CHARLES ELKINS,
Acting Assistant Administrator for Hazardous Materials Control.

AUGUST 21, 1973.

[FR Doc.73–19250 Filed 9–7–73;8:45 am]

[1] The word "standards," as used herein, has the same meaning as in Reorganization Plan No. 3 of 1970, as follows: "standards mean limits on radiation exposure or levels, or concentrations or quantities of radioactive material, in the general environment outside the boundaries of locations under the control of persons possessing or using radioactive material."

[Docket No. 50-247]

CONSOLIDATED EDISON CO. OF NEW YORK, INC.

Order Reconvening Hearing and Reopening the Record

In the matter of Consolidated Edison Company of New York, Inc., Indian Point Nuclear Generating Unit No. 2.

In accordance with responses to previous inquiries regarding reconvening of the hearing, an evidentiary hearing shall convene at 9:00 a.m. on Wednesday, September 12, 1973, in the Main Hearing Room, Woodmont Building, 8120 Woodmont Avenue, Bethesda, Maryland, to receive into evidence and to consider the scope and terms of the applicant's quality assurance operation manual, and the staff's and intervenors' comments and inquiries thereon. Also to be considered are the water quality certification contentions asserted by the State of New York, and the applicant's request for level of testing operations.

Dated September 7, 1973.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.73-19374 Filed 9-10-73;8:45 am]

GENERAL ADVISORY COMMITTEE RESEARCH SUBCOMMITTEE

Notice of Meetings

SEPTEMBER 6, 1973.

In accordance with the purposes of section 26 of the Atomic Energy Act, the Research Subcommittee of the General Advisory Committee will hold meetings on September 19 and 20, and October 8 and 9, 1973, in Room 1146 at 1717 H Street, NW., Washington, D.C.

The Subcommittee will meet with members of AEC Headquarters offices, and in executive sessions, preparatory to the formulation of recommendations to the full Committee on the AEC basic research program.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the meetings will consist of exchanges of opinions and views, the discussion of which, if written, would fall within exemption (5) of (5 U.S.C. 552(b)).

It is essential to close the meetings to protect the free interchange of internal views and to avoid undue interference with Committee operation.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.73-19326 Filed 9-10-73;8:45 am]

[Docket Nos. 50-282 and 50-306]

NORTHERN STATES POWER CO.

Order Regarding Hearing Dates

In the matter of Northern States Power Co. (Prairie Island Nuclear Generating Plant, Units 1 and 2).

The evidentiary hearing in this matter shall commence at 10:00 a.m., local time, on September 17, 1973, at the District Courtroom, Goodhue County Courthouse, Red Wing, Minnesota. On September 18, 19, and 20, and thereafter until further order of the Board, sessions of the hearing will be held at the U.S. Federal Building, Courtroom No. 3, 316 North Roberts Street, St. Paul, Minn.

Members of the public are invited to attend all sessions of the evidentiary hearing. Those members of the public who may wish to make oral presentations by way of limited appearance will be permitted to do so on the initial day of the evidentiary hearing.

It is so ordered.

Issued at Washington, D.C., this 5th day of September 1973.

THE ATOMIC SAFETY AND LICENSING BOARD.
EDWARD LUTON,
Chairman.

[FR Doc.73-19234 Filed 9-10-73;8:45 am]

URANIUM ENRICHMENT SERVICES AGREEMENTS

Provision of Facilities

Notice is hereby given that, effective upon publication of this notice in the FEDERAL REGISTER, the United States Atomic Energy Commission (AEC) offers pursuant to its Uranium Enrichment Services Criteria (38 FR 12180, May 9, 1973), to provide uranium enrichment services in facilities owned by the AEC, as authorized by the Atomic Energy Act of 1954, as amended (the Act).

Such services will be provided pursuant to the following Standard Fixed-Commitment Agreements:

1. Long-Term Fixed-Commitment Agreement Including First Core. This agreement is designed for use by persons owning a nuclear reactor. Advance payments are required under this agreement.

2. Long-Term Fixed-Commitment Agreement Excluding First Core. This agreement is designed for use by persons owning a nuclear reactor. Advance payments will not be required under this agreement if the first core has been or will be supplied by AEC under other arrangements entered into prior to May 9, 1973. However, the Commission reserves the right to require advance payments in other situations.

3. Short-Term Fixed-Commitment Agreements. This agreement is designed for use by persons fabricating fuel elements for nuclear reactors to obtain necessary working inventories of enriched uranium. To the extent permitted by prior commitments, this agreement may be entered into from six months to two years prior to initial delivery and may cover deliveries over a period of up to three years.

Upon request, the Commission will consider the use of the above agreements or appropriate modifications thereof by other persons or for other purposes.

The Long-Term Fixed-Commitment Agreements will normally be executed eight years in advance of the initial delivery thereunder. However, there will be a one-time transition period to accommodate customers requiring deliveries under the new agreements less than eight years from the date of entering into such agreement. Execution of such agreements shall be no later than December 31, 1973, for cases in which the reactor requires initial delivery prior to July 1, 1978, and no later than June 30, 1974, for cases in which the reactor requires initial delivery between July 1, 1978, and June 30, 1982. Also, customers having requirements-type agreements may convert to Long-Term Fixed-Commitment Agreements at their option. However, the AEC reserves the right to put a time limit on such option.

Dated at Germantown, Md., this 7th day of September 1973.

For the Atomic Energy Commission.

GORDON M. GRANT,
Secretary of the Commission.

[FR Doc.73-19373 Filed 9-10-73;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON D. C. COOK NUCLEAR PLANT, UNITS 1 & 2

Notice of Meeting

SEPTEMBER 7, 1973.

In accordance with the purposes of section 29 and 182b, of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards Subcommittee on the D.C. Cook project will hold a meeting on September 25, 1973 in Room 1046, at 1717 H Street NW., Washington, D.C. The purpose of this meeting will be to continue the Committee's formal Operating License review of the Donald C. Cook Nuclear Plant, Units 1 & 2. This facility is located in Lake township near Benton Harbor, Michigan.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

TUESDAY, SEPTEMBER 25, 1973,
9:30 A.M.-3:30 P.M.

The Subcommittee will hear presentations by Regulatory Staff and representatives of Indiana Michigan Electric Company and their representatives and hold discussions with these groups pertainent to issuance of an Operating License for Donald C. Cook Nuclear Plant, Units 1 & 2.

In connection with the above agenda item, the Subcommittee will hold an executive session beginning at 8:30 a.m. which will involve a discussion of its preliminary views, and an executive session at the end of the day, consisting of an exchange of opinions of the Subcommittee members present and internal deliberations for the purpose of formulation of recommendations to the ACRS.

In addition, prior to the executive session at the end of the day, the Subcommittee may hold a closed session with the Regulatory Staff and Applicant to discuss privileged information relating to plant security and fuel/emergency core cooling system performance, if necessary.

I have determined, in accordance with subsection 10(d) of P.L. 92–463, that the executive session at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that a closed session may be held, if necessary, to discuss certain information relating to site security and fuel/emergency core cooling system performance which is privileged and falls within exemption (4) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect such privileged information and protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than September 18, 1973, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon the Final Safety Analysis Report for this facility and related documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and the St. Joseph Public Library, 500 Market Street, St. Joseph, Michigan 49085.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statements and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of not more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3:00 p.m. on the day of the meeting.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on September 24, 1973, to the Office of the Executive Secretary of the Committee (telephone: 301–973–5651) between 8:30 a.m. and 5:15 p.m., e.d.t.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and within approximately nine days at the St. Joseph Public Library, 500 Market Street, St. Joseph, Michigan 49085. On request, copies of the minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, on or after November 25, 1973. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.73–19438 Filed 9–10–73;11:25 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON REACTOR PRESSURE VESSELS

Notice of Meeting

SEPTEMBER 7, 1973.

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards Subcommittee on Reactor Pressure Vessels will hold a meeting on September 15, 1973, at O'Hare International Airport, Chicago, Illinois. The subject scheduled for discussion is a draft report to the full committee on light water reactor pressure vessel integrity.

The Subcommittee is meeting to formulate recommendations in the form of a report to the full ACRS regarding the above subject.

I have determined, in accordance with subsection 10(d) of Pub. L. 92–463, that the meeting will be to discuss a document which falls within exemption (5) of 5 U.S.C. 552(b) and will consist of an exchange of opinions, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close this meeting to protect the free interchange of internal views and to avoid undue interference with agency or Committee operations.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.73–19439 Filed 9–10–73;11:25 am]

INTERSTATE COMMERCE COMMISSION

[Rev. S.O. 994; I.C.C. Order 109, Admt. 1]

ANN ARBOR RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 109 (The Ann Arbor Railroad Company) and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 109 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.*—This order shall expire at 11:59 p.m., September 7, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., August 24, 1973, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 24, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73–19264 Filed 9–10–73;8:45 am]

[Notice No. 338]

ASSIGNMENT OF HEARINGS

SEPTEMBER 6, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 83539 Sub 360, C & H Transportation Co., Inc., now assigned September 10, 1973, hearing is cancelled and application dismissed.

MC 83835 Sub 96, Wales Transportation, Inc., now assigned September 10, 1973, at Kansas City, Mo., is cancelled and application is dismissed.

MC–136839, Josephine Koffman & Nancy J. Nimmo, D.B.A. Bergen Limousine Rental Service, now assigned September 10, 1973, will be held in Room B–2231, 26 Federal Plaza, New York, N.Y., instead of in Room E–2222, 26 Federal Plaza.

FD 20812, Railway Express Agency, Inc., Notes, continued to October 2, 1973 for prehearing conference on the merits, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-11827, Joe Hodges Transportation Corporation—Purchase—Toddman Transport Co., MC 120634 Sub 19, Joe Hodges Transportation Corporation, now assigned September 24, 1973, at Dallas, Tex., is postponed indefinitely.

I. & S. M 27069, Increased Minimum Charges For Capacity Loads, now assigned October 9, 1973, at Washington, D.C., is cancelled.

MC 118610 Sub 14, L & B Express, Inc., now being assigned hearing October 30, 1973 (1 day), at Frankfort, Ky., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-19268 Filed 9-10-73;8:45 am]

[Ex Parte No. 241; 8th Rev. Exemption No. 43]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO. ET AL.

Exemption Under Provision of Mandatory Car Service Rules

To: The Atchison, Topeka and Santa Fe Railway Company, Burlington Northern Inc., Chicago and North Western Transportation Company, Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Chicago, Rock Island and Pacific Railroad Company, Illinois Central Gulf Railroad Company, Missouri-Kansas-Texas Railroad Company, Missouri Pacific Railroad Company, Norfolk and Western Railway Company, Soo Line Railroad Company, Union Pacific Railroad Company.

It appearing, That there are massive movements of grain in progress in the states of Iowa, Kansas, Minnesota, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming; that present supplies of plain boxcars owned by the railroads serving these states are inadequate to move the newly harvested grain to terminal elevators for safe storage; that use of available plain boxcars owned by other carriers for movements of this grain will substantially augment the car supplies of the railroads named herein.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, the railroads named herein, and their short line connections, are hereby authorized to use and to accept from shippers shipments of grain originating at stations located in Iowa, Kansas, Minnesota, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming, when loaded into plain 40-ft. narrow-door boxcars of various ownerships without regard to the requirements of Car Service Rule 2.

Exception.—This exemption shall not apply to plain boxcars subject to Association of American Railroads' Car Relocation Directive No. 44.

Effective 11:59 p.m., August 31, 1973.

Expires 11:59 p.m., September 15, 1973.

Issued at Washington, D.C., August 28, 1973.

INTERSTATE COMMERCE COMMISSION,
R. D. PFAHLER,
Agent.

[FR Doc.73-19263 Filed 9-10-73;8:45 am]

[Rev. S.O. 994; I.C.C. Order 109, Amdt 1]

GREEN MOUNTAIN RAILROAD CORP.

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order 104 (Green Mountain Railroad Corporation) and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 104 be, and it is hereby, vacated and set aside.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 30, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-19262 Filed 9-10-73;8:45 am]

[Notice No. 121]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 5, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 26396 (sub-No. 90 TA), filed August 23, 1973. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, P.O. Box 990, 201 W. Park, Livingston, Mont. 59047. Applicant's representative: Dave Kemp (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lumber wood, lumber products, and forest products,* from ports of entry on the International Boundary line between the United States and Canada located in Idaho, Montana and Washington, to points in Colorado, Idaho, Kansas, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Utah, and Wyoming, for 180 days. SUPPORTING SHIPPERS: Crows Nest Industries, Limited, Fernie, B.C., Canada; Slaughter Brothers, Inc., Kalispell, Mont. 59901; and Montana Lumber Sales, Inc., Missoula, Mont. 59801. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 222 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 52709 (Sub-No. 322 TA), filed August 23, 1973. Applicant: RINGSBY TRUCK LINES, INC., P.O. Box 192, Littleton, Colo. 80120. Applicant's representative: J. H. Watson (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plant site and storage facilities of Madison Food Company at or near Madison, Nebr., to points in Arizona, Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New Mexico, Rhode Island, Vermont, Virginia, and West Virginia, for 180 days. SUPPORTING SHIPPER: Armour and Company, Fresh Meats Division, Greyhound Tower, Phoenix, Ariz. 85077. SEND PROTESTS TO: District Supervisor Roger L. Buchanan, Interstate Comerce Commission, Bureau of Operations, 2022 Federal Bldg., Denver, Colo. 80202.

No. MC 113362 (Sub-No. 258 TA), filed August 24, 1973. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, Box 562, Austin, Minn. 55912. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Description in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Madison Foods, Inc. located

at Madison, Nebr., to points in Connecticut, Delaware, the District of Columbia, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, for 180 days. SUPPORTING SHIPPER: Armour and Co., Greyhound Tower, Phoenix, Ariz. 85077. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 113651 (Sub-No. 159 TA), filed August 23, 1973. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Henry A. Dillon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of Madison Foods, Inc., at or near Madison, Nebr., to points in Indiana, Ohio, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, and the District of Columbia, for 180 days. SUPPORTING SHIPPER: Armour and Company, Fresh Meats Division, Greyhound Tower, Phoenix, Ariz. 85077. SEND PROTESTS TO: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 117644 (Sub-No. 33 TA), filed August 24, 1973. Applicant: D & T TRUCKING CO., INC., 498 First St. NW., P.O. Box 2611, New Brighton, Minn. 55112. Applicant's representative: William J. Boyd, 29 S. LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from the plant site of Madison Foods, Inc., at Madison, Nebr., to points in Alabama, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Indiana, Illinois, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, and West Virginia, for 180 days. SUPPORTING SHIPPER: Armour and Company, Fresh Meats Division, Greyhound Tower, Phoenix, Ariz. 85077. SEND PROTESTS TO: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Bldg. & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401

No. MC 117686 (Sub-No. 142 TA), filed August 24, 1973. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 N., P.O. Box 417, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach, 309 Badgerow Building, Sioux City, Iowa 51101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of Madison Foods, Inc., at or near Madison, Nebr., to points in Tennessee, Georgia, Alabama, Mississippi, Louisiana, Arkansas, Oklahoma, and Texas, for 180 days. SUPPORTING SHIPPER: Armour and Company, Donald A. Chute, Manager, Transportation and Distribution, Fresh Meats Division, Greyhound Tower, Phoenix, Ariz. 85077. SEND PROTESTS TO: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 118431 (Sub-No. 13 TA), filed August 21, 1973. Applicant: DENVER SOUTHWEST EXPRESS, INC., 8716 L Street, Omaha, Nebr. 68127. Applicant's representative: Patrick E. Quinn, 605 So. 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (1) from the plantsites and facilities utilized by Kitchens of Sara Lee located at or near Deerfield and Chicago, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Washington, D.C., and (2) between the plantsites and facilities of Kitchens of Sara Lee at Deerfield and Chicago, Ill. and New Hampton, Iowa, for 180 days. RESTRICTION: The operations sought herein are restricted to a service to be performed under a continuing contract or contracts with Kitchens of Sara Lee, Deerfield, Ill. SUPPORTING SHIPPER: Kitchens of Sara Lee, Charles G. Sladek, Traffic Services Supervisor, 500 Waukegan Road, Deerfield, Ill. 60015. SEND PROTESTS TO: District Supervisor Carroll Russell, Bureau of Operations, Interstate Commerce Commission, 711 Federal Bldg., Omaha, Nebr. 68102.

No. MC 119669 (Sub-No. 37 TA), filed August 23, 1973. Applicant: TEMPCO TRANSPORTATION, INC., 546 S. 31A, P.O. Box 886, Columbus. Ind. 47201. Applicant's representative: William J. Boyd, 29 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from the plant site of Madison Foods, Inc., at Madison, Nebr., to points in Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, Pennsylvania, South Carolina, Vermont, Virginia, and West Virginia, for 180 days. SUPPORTING SHIPPER: Armour and Company, Donald A. Chute, Mgr. of Transportation and Distribution, Fresh Meats Division, Greyhound Tower, Phoenix, Ariz. 85077. SEND PROTESTS TO: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Bldg., 36 S. Penn. Street, Indianapolis. Ind. 46204.

No. MC 119944 (Sub-No. 15 TA), filed August 24, 1973. Applicant: BROCKWAY FAST MOTOR FREIGHT, INC., 568 Central Avenue, Somerville, N.J. 08876. Applicant's representative: Daniel P. Dameo (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, conduit, ducts, and tubes and related fittings, attachments, materials, and accessories used in the installation thereof*, from Nazareth, Pa., to points in Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, for 180 days. SUPPORTING SHIPPER: Carlon Division, Indian Head, Inc., 2300 Chagrin Blvd., Cleveland, Ohio 44122 (Warren C. Singer, Manager, Traffic Administration). SEND PROTESTS TO: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 124213 (Sub-No. 7 TA), filed August 23, 1973. Applicant: SWIFT-LINES, INC., 7878 I Street, Omaha, Nebr. 68127. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Building, Minneapolis, Minn. 68127. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Madison Foods, Inc., located at or near Madison, Nebr., to points in Minnesota, Iowa,

South Dakota, North Dakota, Kansas, Missouri, Wisconsin, Illinois, and Indiana, for 180 days. SUPPORTING SHIPPER: Armour and Company, Donald A. Chute, Manager, Transportation and Distribution, Fresh Meats Division, Greyhound Tower, Phoenix, Ariz. 85077. SEND PROTESTS TO: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 124774 (Sub-No. 87 TA), filed August 22, 1973. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Avenue, P.O. Box 7344, Omaha, Nebr. 68107. Applicant's representative: Clifford J. Foltz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packing houses*, as described in Sections "A" and "C" of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of Madison Foods, Inc., Madison, Nebr., to points in Connecticut, Delaware, the District of Columbia, Indiana, Kentucky, Maine, Maryland, Michigan (Lower Peninsula), Massachusetts, North Carolina, New Hampshire, New York, New Jersey, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and West Virginia, for 180 days. SUPPORTING SHIPPER: Armour and Company, Armour Fresh Meats Division, Greyhound Tower, Donald A. Chute, Mgr. of Transportation and Distribution, Phoenix, Ariz. 85077. SEND PROTESTS TO: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 127042 (Sub-No. 123 TA), filed August 22, 1973. Applicant: HAGEN, INC., 4120 Floyd Blvd. (P.O. Box 98—Leads Station), Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by Madison Foods, Inc., at or near Madison, Nebr., to points in Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Arizona, California, Michigan, Minnesota, Missouri, Montana, Nevada, New Mexico, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming, for 180 days. SUPPORTING SHIPPER: Armour and Company, Donald A. Chute, Manager, Transportation and Distribution, Fresh Meats Division, Greyhound Tower, Phoenix, Ariz. 85077. SEND PROTESTS TO: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 128007 (Sub-No. 55 TA), filed August 24, 1973. Applicant: HOFER, INC., 4032 Parkview Drive, P.O. Box 583, Pittsburg, Kans. 66762. Applicant's representative: Clyde N. Christey, 641 Harrison, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat scraps, dried blood, blood meal and bone meal*, from points in Collin County, Tex.; San Antonio, Tex.; Okmulgee County, Okla.; Tulsa, Okla.; Roswell, Clovis, and Albuquerque, N. Mex.; Lafayette and Cooper Counties, Mo., to points in Nebraska, Iowa, Missouri, Minnesota, Kansas, Arkansas, Oklahoma, South Dakota, North Dakota, and Texas, for 180 days. SUPPORTING SHIPPER: Wellens & Co., Inc., 6700 France Avenue South, Minneapolis, Minn. 55435. SEND PROTESTS TO: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 133590 (Sub-No. 4 TA), filed August 24, 1973. Applicant: WESTERN CARRIERS, INC., 288 Franklin Street, Worcester, Mass. 01604. Applicant's representative: Robert L. Kendall, Jr., 1719 Packard Building, Philadelphia, Pa. 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pork carcasses, pork byproducts, and offal* (except commodities in bulk and hides), from the plant of Corn Country Pork, Inc., at Worthington, Ind., to the plant sites and storage facilities of Western Pork Packers, Inc., at New York Corporation, at Bronx, N.Y., and Western Pork Packers, Inc., a Mass. Corporation, at Worcester, Mass., for 180 days. SUPPORTING SHIPPERS: Western Pork Packers, Inc., 529 Westchester Avenue, Bronx, N.Y. 10455, and Western Pork Packers, Inc., 288 Franklin Street, Worcester, Mass. 01604. SEND PROTESTS TO: District Supervisor Joseph W. Balin, Bureau of Operations, Interstate Commerce Commission, 338 Federal Bldg. & U.S. Courthouse, 436 Dwight Street, Springfield, Mass. 01103.

No. MC 134134 (Sub-No. 14 TA), filed August 23, 1973. Applicant: MAINLINER MOTOR EXPRESS, INC., 2002 Madison Street, Omaha, Nebr. 68107. Applicant's representative: Robert V. Dwyer, Jr., 1601 Woodmen Tower, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 MCC 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of Madison Foods, Inc., at Madison, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. SUPPORTING SHIPPER: Armour and Company, Donald A. Chute, Manager, Transportation & Distribution, Fresh Meats Division, Greyhound Tower, Phoenix, Ariz. 85077. SEND PROTESTS TO: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 134777 (Sub-No. 21 TA), filed August 23, 1973. Applicant: SOONER EXPRESS, INC., Mlg.: P.O. Box 219, Off.: Sooner Bldg., Highway 70 South, Madill, Okla. 73446. Applicant's representative: Dale Waymire (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk and tank vehicles, from the plant site of Madison Foods (Inc.) at Madison, Nebr., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. SUPPORTING SHIPPER: Armour and Company, Fresh Meats Division, Greyhound Tower, Phoenix, Ariz. 85077. SEND PROTESTS TO: Transportation Specialist Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12. Dallas, Tex. 75202.

No. MC 135874 (Sub-No. 22 TA) (CORRECTION), filed July 31, 1973, published in the FEDERAL REGISTER issue of August 22, 1973, and republished as corrected this issue. Applicant: LTL PERISHABLES, INC., 132nd & Q Streets. Mlg.: P.O. Box 37468 (Box zip 68152), Omaha, Nebr. 68137. Applicant's representative: Donald L. Stern, 7100 W. Center Road, Omaha, Nebr. 68106.

NOTE.—The purpose of this partial republication is to add the state of North Dakota as a destination point, which was omitted in previous publication. Applicant also wants to add two additional supporting shippers. The supporting shippers are Ranch Hand Foods, Inc., and The Keller Food Company, Inc. The rest of the application remains the same.

No. MC 139021 (Sub-No. 1 TA), filed August 16, 1973. Applicant: 212 AUTO SALES, INC., 325 US–20, East, P.O. Box 251, Michigan City, Ind. 46360. Applicant's representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing,

Mich. 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used cars and pick-up trucks* sold at auctions between the auction sites of Grand Rapids Auto Auction, Inc., at or near Hudsonville, Mich.; Flint Auto Auction, Flint, Mich.; and Mid States Auto Auction, South Bend, Ind., on the one hand, and various points in Michigan, Ohio, Illinois, Wisconsin, and Indiana, on the other hand, for 180 days. SUPPORTING SHIPPERS: Flint Auto Auction, Inc., 3711 Western Road Flint, Mich. 48506; Grand Rapids Auto Auction, Inc., 2380 Port Sheldon, Jenison, Mich. 49428; Car Credit Center Corporation, 7600 South Western Ave., Chicago, Ill. 60602; Johnson Buick, Inc., 515 West Lake St., Oak Park, Ill. 60302; Mid States Auto Auction, Inc., 25784 Western Ave., South Bend, Ind. 46619; and Motor Town, Inc., 655 North Western Ave., Chicago, Ill. 60612. SEND PROTESTS TO: W. S. Ennis, Interstate Commerce Commission, Bureau of Operations, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 139022 (Sub-No. 1 TA), filed August 22, 1973. Applicant: GLENN A. HODSON AND BETTY L. HODSON, doing business as TRI CITY DELIVERY, 5512 W. Yellowstone Avenue, Kennewick, Wash. 99336. Applicant's representative: Glenn A. Hodson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, with the usual exceptions, having a prior or subsequent movement by air, between Pasco and Yakima, Wash., and points in Adams, Benton, Columbia, Franklin, Grant, Yakima, and Walla Walla Counties, Wash., for 180 days. SUPPORTING SHIPPER: (1) Wits, Inc., doing business as Wits Air Freight, 2515 4th Avenue, P.O. Box 3805, Seattle, Wash. 98124; (2) Seneca Foods Corporation, P.O. Box 71, Prosser, Wash. 99350; and (3) Eastman Kodak Company, 2400 Mt. Read Boulevard, Rochester, N.Y. 14650. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 1934 (Sub-No. 33 TA), filed August 24, 1973. Applicant: THE ARROW LINE, INC., 105 Cherry Street, East Hartford, Conn. 06108. Applicant's representative: Rene R. Dupuis (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special round-trip operations, during the racing season of each year, beginning and ending at New London, Conn., and extending to the site of the Narragansett Racetrack, Pawtucket, R.I., and Lincoln Downs Racetrack, Lincoln, R.I., for 180 days.

NOTE.—Applicant intends to tack with MC 1934 Sub 2.

SUPPORTING SHIPPERS: There are approximately 17 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: David J. Kiernan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 High Street, Room 324, Hartford, Conn. 06101.

By the Commission.

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

[FR Doc.73-19267 Filed 9-10-73;8:45 am]

[Notice No. 349]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before October 1, 1973. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74321. (REPUBLISHED)[1] By order of August 24, 1973, the Motor Carrier Board approved the transfer to Nebraska-Iowa-Missouri Express, Inc., Kansas City, Mo., of a portion of Certificate No. MC-9644, issued January 7, 1971, to B. T. L., Inc., Kansas City, Mo., authorizing the transportation of general commodities, with exceptions, between points in Buchanan County, Mo., on the one hand, and on the other, points in a described area of Missouri and Iowa, and Nebraska City, Nebr., and points in its Commercial Zone. William Burns, 1508 Woodswether Road, Kansas City, Mo., and Don McCarty, 1221 Baltimore Avenue, Kansas City, Mo. 64105, Attorneys for applicants.

No. MC-FC-74421. By order of September 5, 1973, the Motor Carrier Board approved the transfer to Curtis Brothers Trucking Company, Inc., Falmouth, Va., of the operating rights in Certificate No. MC-134745 (Sub-No. 2) and Permit No. MC-133045 (Sub-No. 2) issued May 12, 1971, and March 14, 1969, respectively to E. N. Curtis and C. C. Curtis, a partnership, doing business as Curtis Brothers Trucking Company, Falmouth, Va., authorizing the transportation of various commodities from specified points and areas in Virginia to points in Delaware, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, West Virginia, and the District of Columbia. Daniel B. Johnson, 716 Perpetual Bldg., 1111 E St. NW., Washington, D.C. 20004, Attorney for applicants.

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

[FR Doc.73-19269 Filed 9-10-73;8:45 am]

[1] Republished to indicate that William Burns and Don McCarty are the attorneys for the applicants in lieu of Frank W. Taylor, Jr.

[Rev. S.O. 994; I.C.C. Order 88, Amdt. 3]

PENN CENTRAL TRANSPORTATION CORP.

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 88 (Penn Central Transportation Company, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees) and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 88 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.*—This order shall expire at 11:59 p.m., November 30, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., August 31, 1973, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 29, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.73-19265 Filed 9-10-73;8:45 am]

[Rev. S.O. 994; I.C.C. Order 79, Amdt. 4]

ST. JOHNSBURY AND LAMOILLE COUNTY RAILROAD

Rerouting or Diversion of Traffic

Upon further consideration of Revised I.C.C. Order No. 79, (St. Johnsbury & Lamoille County Railroad) and good cause appearing therefor:

It is ordered, That:

Revised I.C.C. Order No. 79 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.*—This order shall expire at 11:59 p.m., September 10, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., September 3, 1973, and that 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 it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 31, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-19266 Filed 9-10-73;8:45 am]

CUMULATIVE LISTS OF PARTS AFFECTED—SEPTEMBER

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 September.

FEDERAL REGISTER PAGES AND DATES—SEPTEMBER

Pages	*Date*
23765–23922	Sept. 4
23923–24184	5
24185–24326	6
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