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HIGHLIGHTS OF THIS ISSUE

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

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REMINDERS

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

Rules Going Into Effect Today

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

	page no. and date
FDA—Child Protection Packaging Standards for oven cleaners containing sodium and/or potassium hydroxide in special containers	37 FR 21633; 10–13–72

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List of CFR Parts Affected

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

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

Presidential Documents

Title 3—The President

EXECUTIVE ORDER 11727

Drug Law Enforcement

Reorganization Plan No. 2 of 1973, which becomes effective on July 1, 1973, among other things establishes a Drug Enforcement Administration in the Department of Justice. In my message to the Congress transmitting that plan, I stated that all functions of the Office for Drug Abuse Law Enforcement (established pursuant to Executive Order No. 11641 of January 28, 1972) and the Office of National Narcotics Intelligence (established pursuant to Executive Order No. 11676 of July 27, 1972) would, together with other related functions, be merged in the new Drug Enforcement Administration.

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and laws of the United States, including section 5317 of title 5 of the United States Code, as amended, it is hereby ordered as follows:

SECTION 1. The Attorney General, to the extent permitted by law, is authorized to coordinate all activities of executive branch departments and agencies which are directly related to the enforcement of laws respecting narcotics and dangerous drugs. Each department and agency of the Federal Government shall, upon request and to the extent permitted by law, assist the Attorney General in the performance of functions assigned to him pursuant to this order, and the Attorney General may, in carrying out those functions, utilize the services of any other agencies, Federal and State, as may be available and appropriate.

SEC. 2. Executive Order No. 11641 of January 28, 1972, is revoked and the Attorney General shall provide for the reassignment of the functions of the Office for Drug Abuse Law Enforcement and for the abolishment of that Office.

SEC. 3. Executive Order No. 11676 of July 27, 1972, is hereby revoked and the Attorney General shall provide for the reassignment of the functions of the Office of National Narcotics Intelligence and for the abolishment of that Office.

SEC. 4. Section 1 of Executive Order No. 11708 of March 23, 1973, as amended, placing certain positions in level IV of the Executive Schedule is hereby further amended by deleting—

(1) "(6) Director, Office for Drug Abuse Law Enforcement, Department of Justice."; and

(2) "(7) Director, Office of National Narcotics Intelligence, Department of Justice."

SEC. 5. The Attorney General shall provide for the winding up of the affairs of the two offices and for the reassignment of their functions.

SEC. 6. This order shall be effective as of July 1, 1973.

Richard Nixon

THE WHITE HOUSE,
July 6, 1973.

[FR Doc.73-14120 Filed 7-6-73;4:24 pm]

Rules and Regulations

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION
PART 213—EXCEPTED SERVICE

Department of State

Section 213.3304 is amended to show that the following positions are no longer excepted under Schedule C: one Special Assistant to the Assistant Secretary, Bureau of Economic Affairs, and one Private Secretary to the Assistant Secretary, Bureau of European Affairs.

Effective on July 10, 1973, § 213.3304 (e)(2) and § 213.3304(i) are revoked.

(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.73–13954 Filed 7–9–73;8:45 am]

PART 213—EXCEPTED SERVICE

Environmental Protection Agency

Section 213.3318 is amended to show that one position of Special Assistant for Public Interest Group Liaison to the Assistant Administrator for Categorical Programs is excepted under Schedule C.

Effective July 10, 1973, § 213.3318(i) is added as set out below.

§ 213.3318 Environmental Protection Agency.

* * * * *

(i) *Office of the Assistant Administrator for Categorical Programs.* (1) One Special Assistant for Public Interest Group Liaison to the Assistant Administrator.

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

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

[FR Doc.73–13951 Filed 7–9–73;8:45 am]

PART 213—EXCEPTED SERVICE

Selective Service System

Section 213.3346 is amended to show that one position of Confidential Assistant to the Director of Selective Service is no longer excepted under Schedule C, and one position of Private Secretary to the Director of Selective Service is excepted under Schedule C.

Effective on July 10, 1973, § 213.3346 (a) is revoked and § 213.3346(g) is added as set out below.

§ 213.3346 Selective Service System.

(a) [Revoked]

* * * * *

(g) One Private Secretary to the Director of Selective Service.

(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.73–13952 Filed 7–9–73;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL
PART 140—COST OF LIVING COUNCIL FREEZE REGULATIONS

Special Freeze Group Questions and Answers No. 14

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

(Economic Stabilization Act of 1970, as amended, Pub. L. 92–210, 85 Stat. 743; Pub. L. 93–28, 87 Stat. 27; E.O. 11723, 38 FR 15765; Cost of Living Council Order No. 30, 38 FR 16267)

Issued in Washington, D.C., on July 2, 1973.

ANDREW T. H. MUNROE,
General Counsel,
Special Freeze Group.

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

SPECIAL FREEZE GROUP

QUESTIONS AND ANSWERS
NO. 14

1. Q. If a seller in Puerto Rico increases his price after June 12, 1973, to a purchaser in the several States, may the purchaser pass through the price increase as an increased price of an import?

A. Yes. The sale of a product by a firm located in Puerto Rico to a purchaser in the several States is an import sale for purposes of the freeze.

2. Q. Are sales by a firm located in the several States to a purchaser in the Commonwealth of Puetro Rico considered exports and thus exempt from the freeze?

A. No. Sales by firms in the several States to purchasers in Puerto Rico are not export sales for purposes of the freeze. The sale of the commodity or service, therefore, is subject to the price freeze rules.

3. Q. In applying the substantial number of transactions test to determine the freeze price for its goods, may a firm include prices of goods which are exported during the freeze base period?

A. No.

[FR Doc.73–13881 Filed 7–5–73;9:53 am]

PART 140—COST OF LIVING COUNCIL FREEZE REGULATIONS

Special Freeze Group Questions and Answers No. 15

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

(Economic Stabilization Act of 1970, as amended, Pub. L. 92–210, 85 Stat. 743; Pub. L. 93–28, 87 Stat. 27; E.O. 11723, 38 FR 15765; Cost of Living Council Order No. 30, 38 FR 16267)

Issued in Washington, D.C., on July 3, 1973.

ANDREW T. H. MUNROE,
General Counsel,
Special Freeze Group.

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

SPECIAL FREEZE GROUP

QUESTIONS AND ANSWERS
NO. 15

1. Q. A firm imports 98 octane gasoline, the cost of which has increased 2¢ per barrel since June 12, 1973. The firm commingles this gasoline with naphtha and adds lead. The octane rating remains unchanged. May the firm pass through the increased cost of the 98 octane unleaded gasoline?

A. Increases in the landed costs of imports incurred after June 12, 1973 may be passed through on a dollar-for-dollar basis provided that the import is not physically transformed or used as a component of another product. The addition of lead to imported gasoline does not physically transform the gasoline nor make the gasoline a component of another product. The question of whether naphtha physically changes the imported gasoline depends upon whether the additives change the octane rating of the gasoline. In this case, the naphtha did not change the 98 octane rating of the imported

gasoline. Therefore, the 2¢ per barrel increase in the cost of the imported 98 octane rating unleaded gasoline may be passed through on a penny-for-penny basis.

2. Q. Seller sold to a particular class of purchasers 98 octane rating gasoline for 43.9¢ per gallon during the freeze base period. On June 20, 1973, seller substituted 96 octane gasoline and is charging 43.9¢ to the same class of purchasers. Does the substitution of 96 octane for 98 octane gasoline sold at the same price constitute a price increase in violation of the freeze regulations?

A. Yes. The 96 octane gasoline is of lower quality than 98 octane gasoline and generally less expensive to produce. The substitution of a lower octane for a higher octane gasoline without a proportional price decrease is a price increase and is in violation of the freeze rules. The seller would compute his freeze price for a class of purchasers for the 96 octane gasoline as the price charged that class of purchasers during the period June 1 through 8, 1973. If the seller did not sell 96 octane during that period, he would use the price charged during the most recent 7-day period preceding June 1 through 8, 1973, when he sold 96 octane gasoline. If he has not sold 96 octane during the one year period immediately preceding June 20, 1973, he may use the new commodities rule to compute the freeze price.

3. Q. In Freeze Group Questions and Answers No. 3, Question 1 makes clear that a buyer and seller are obligated to adhere to the freeze prices and may not perform at a contract price above the freeze price. Therefore, a seller may decline to perform completely if he wishes when the contract requires a selling price above the freeze price. How is this ruling applied to the contract sale of petroleum under an allocation system?

A. As set forth in the prior Q&A, the seller may be excused from his contractual obligations. However, a seller of petroleum may have noncontractual obligations to a particular buyer under an allocation program. The price freeze rules may excuse the seller from his contractual obligations, but nothing in the freeze rules releases the seller from his noncontractual obligations under an allocation program.

4. Q. Is the freeze price for crude petroleum determined by the producer or the purchaser?

A. The freeze price for crude petroleum is determined by the producer as the highest price at or above which at least 10% of the transactions from that field and for that grade of crude, and with the class of purchaser concerned were priced during the period June 1 through 8, 1973. In many cases this freeze price may be less than the prices posted by purchasers of that particular crude from that particular field.

5. Q. After June 13, 1973, a firm purchases 2,000 gallons of imported gasoline at 21¢, an increase of 1¢ per gallon over the price the firm was paying for the same gasoline on June 10. The firm also purchased 8,000 gallons of domestic gasoline of the same octane which it commingled with the imported gasoline. The freeze price for the domestic and imported gasoline is 19¢ per gallon. At what price can the firm sell the gasoline?

A. Subject to the limitations of Special Rule No. 1, of the Phase III regulations which is still in effect during the freeze, the firm has two choices. (1) It may sell the 10,000 gallons of gasoline at 19.2¢ per gallon. This figure is derived by calculating the increased cost incurred ($1¢ \times 2{,}000 = \$20.00$), averaging the increase over all 10,000 gallons of gasoline purchased $\frac{\$20.00}{10{,}000} = .2¢$ and adding the average increase to the freeze price ($19¢ + .2¢ = 19.2¢$). (2) Instead of averaging, the firm may alternatively add the 1¢ per gallon increase to the 19¢ freeze price of the imported gasoline. If the firm chose this method, it would sell 2,000 gallons of imported gasoline at 20¢ per gallon.

6. Q. During the freeze base period, a producer sold to a single class of purchaser 5% of his crude oil with a specific gravity of 40 degrees from a particular field at $4.00 per barrel, 5% at $3.75 and 90% at $3.50. What is the freeze price?

A. The freeze price with respect to this class of purchaser is defined as the highest price at or above which at least 10% of the transactions with that class of purchaser during the period June 1 through 8, 1973, took place. Here, the highest price at or above which 10% of the transactions took place is $3.75.

7. Q. A company which derives revenues in excess of $250 million from the sale of petroleum products and crude petroleum imports petroleum products for resale. The company passes through increased costs of those imports by commingling the imports with the domestic product and averaging the price increase over the imported and domestic product. Is this company subject to prenotification and profit margin constraints if it has reached a weighted annual average price increase level of 1.5%?

A. Yes. If a company which refines and imports gasoline commingles the domestic and imported gasoline and sells it all at one price, it may increase that price to reflect increases in the landed cost of the imported gasoline incurred after June 12, 1973.

However, the freeze regulations are in addition to the Phase III regulations and do not supersede those regulations. The freeze regulations will not operate to permit prices higher than permitted under Phase III regulations. Special Rule No. 1 of the Phase III regulations requires a firm which derives $250 million from the sale of covered products to prenotify price increases which exceed 1.5% on a weighted annual basis. An increase in the selling price of domestically refined gasoline to reflect increases in the cost of imported gasoline which is commingled with the domestic gasoline is a price increase for purposes of Special Rule No. 1. Therefore, a firm which has increased prices on a weighted annual average basis of 1.5% may not pass through the increased cost of imports by averaging unless the firm has prenotified and received approval for the price increase from the Cost of Living Council. For purposes of prenotification under Special Rule No. 1, the firm must show that the price increase above 1.5% will not cause the firm to exceed its base period profit margin.

8. Q. The posting for crude in X field was $3.50 from June 1 through June 10. On June 11, 1973, the posting was increased to $3.60, retroactive to June 1, 1973. What is the freeze price?

A. $3.50. The freeze price is the highest price at or above which crude was priced in 10% of the transactions during the period June 1 through 8, 1973. A transaction in oil occurs when the oil enters the pipeline. In this case the posting, effective for the oil entering the pipeline on June 1 through 8, 1973, was $3.50. The freeze rules prohibit a producer from charging and a purchaser from paying more than $3.50 per barrel for crude entering the pipeline after 9:00 p.m., e.s.t., June 13, 1973.

9. Q. A product was shipped on June 10, 1973 at a price which exceeds the freeze price. The product and the bill were received by the purchaser on June 15, 1973. Must the customer pay the higher price which exceeds the freeze price?

A. Yes. The freeze applies only to transactions occurring on or after 9 p.m., e.s.t., on June 13, 1973. A transaction occurs when a product is shipped or a service is performed. This transaction occurred on June 10, 1973 prior to the freeze. Therefore, the price charged is not subject to the freeze.

10. Q. A wholesaler sells gasoline in City X and City Y. The wholesaler has established freeze prices at each city, but recently has been cut off by its supplier at City X. The wholesaler can offer gasoline to all its customers from terminals at City Y. May the wholesaler charge his customers at City X the freeze price at City Y plus transportation charges to bring the product from City Y to City X?

A. No. The seller has a freeze price with respect to the customers in each city. He has never charged for the transportation cost in transporting the gasoline and may not now charge for transportation.

11. Q. An importer of crude, has incurred a 10¢ increase in the cost of the crude over the June 12 cost. Pursuant to the import cost pass on rule, the importer increased his selling price of crude by 10¢. The importer sells this crude to a refiner. May the refiner increase the product price on a dollar-for-dollar basis for products refined from the higher priced imported crude?

A. No. The import cost pass on rule allows any person who imports or resells an imported commodity to pass on, dollar-for-dollar, increases in the landed cost of an import incurred after June 12, 1973 only so long as the commodity is neither physically transformed by the seller nor becomes a component of another product. The refiner has physically transformed the imported crude by refining it. Therefore, he may not use the dollar-for-dollar pass through rule to increase the price of products refined from the imported crude.

[FR Doc.73-13882 Filed 7-5-73;9:53 am]

Title 7—Agriculture

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

[Orange Reg. 71, Amdt. 11; Export Reg. 22, Amdt. 2]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Grade Regulations

These amendments lower the minimum grade requirements for oranges, other than Navel, Temple, and Murcott Honey oranges shipped from the production area in Florida. The specification of such lower minimum grades for Florida oranges is necessary to satisfy the demand for oranges during the period of seasonally reduced supply. The amended regulations recognize the lesser quality of much of the oranges remaining from the 1972–73 Florida orange crop. The regulations will permit shipment of such lesser quality and increase the supply to domestic consumers and for export.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the 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 of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, except Navel, Temple, and Murcott Honey oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) Less restrictive grade limitations on domestic and export shipments of oranges, other than Navel, Temple, and Murcott Honey oranges, are consistent with the external appearance and remaining supply of such oranges in the production area and the current and prospective demand for such fruit by fresh market outlets. Fresh shipments of Florida oranges for the season through June 24, 1973, totaled 19,529 carlots, and there were an estimated 671 carlots remaining for shipment.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of these amendments until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which these amendments are based became available and the time when these amendments must become effective in order to effectuate the declared policy of the act is insufficient; and these amendments relieve restrictions on the handling of certain varieties of oranges grown in Florida.

Order. 1. The provisions of paragraph (a)(1) of § 905.545 (Orange Regulation 71; 37 FR 21799, 24432, 25036, 27619, 28606; 38 FR 3396, 4569, 7565, 8169, 9075, 10151) are amended to read as follows:

§ 905.545 Orange Regulation 71.

(a) * * *

(1) Any oranges, except Navel, Temple, and Murcott Honey oranges, grown in the production area, which do not grade at least U.S. No. 2;

* * * * *

2. In § 905.549 (Export Regulation 22; 37 FR 20036; 38 FR 1354) the provisions of paragraph (a)(1) are amended to read as follows:

§ 905.549 Export Regulation 22.

(a) * * *

(1) Any oranges, other than Navel, Temple, and Murcott Honey oranges, grown in the production area, which do not grade at least U.S. No. 2;

* * * * *

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

Dated July 5, 1973, to become effective July 16, 1973.

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

[FR Doc.73-13997 Filed 7-9-73;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 214—NONIMMIGRANT CLASSES

PART 245—ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE

Miscellaneous Amendments

Pursuant to 5 U.S.C. 552 and the authority contained in 8 U.S.C. 1103 and 8 CFR 2.1, miscellaneous amendments, as set forth herein, are prescribed in Parts 214 and 245 of Chapter I of Title 8 of the Code of Federal Regulations.

In Part 214, § 214.2(c)(1) is amended to delete Rouses Point, New York, as a port of entry for aliens in transit without visa privilege. Since Rouses Point, New York, was originally so designated for passengers traveling by rail to embark foreign by sea at New York City, and since trains are no longer operating through that port, the designation is accordingly revoked.

In Part 245, § 245.1(g)(1) is amended to clarify that an immigrant visa is considered available for accepting and processing an application for adjustment of status under section 245 of the Act filed by a preference or nonpreference alien only if the applicant has a priority date as specified therein in the preference or nonpreference category to which he is chargeable. Section 245.2(a)(2) is amended to clarify that an application for adjustment of status under section 245 of the Act filed by a nonpreference alien claiming an exemption from the labor certification requirement as an investor shall not be considered as having been properly filed unless it is accompanied by Form I–526.

The following amendments to Chapter I of Title 8, Code of Federal Regulations, are hereby prescribed:

In § 214.2(c), the second sentence of subparagraph (1) is amended by deleting therefrom "Rouses Point, N.Y." As amended, § 214.2(c)(1) reads 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 his departure from the United States will be accomplished within 8 hours after his arrival (except that, if seeking to join a vessel in the United States as a crewman, he must be in possession of a valid "D" visa and a letter from the owner or agent of the vessel he seeks to join, he will proceed directly to the vessel and upon joining the vessel, will remain aboard at all times until it departs from the United States): *Provided,* That until his departure from the United States he shall be in the custody of the carrier which brought him to the United States; *And provided further,* That departure from the United States must be effected from the same port at which he arrived. 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 carrier, 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 reservation and that the alien will not apply for extension of temporary stay or for adjustment of status under section 245 of the Act.

1. In § 245.1(g)(1), the second sentence is revised. As amended, § 245.1(g)(1) reads as follows:

§ 245.1 Eligibility.

* * * * *

(g) *Availability of immigrant visas under section 245 and priority dates*—(1) *Availability of immigrant visas under section 245.* If the applicant for adjustment of status under section 245 of the Act is a preference or nonpreference alien, the current Department of State Visa Office Bulletin on Availability of Immigrant Visa Numbers will be consulted to determine whether an immigrant visa is immediately available. An immigrant visa is considered available for accepting and processing the application Form I–485 if the preference or nonpreference category applicant has a priority date on the waiting list which is not more than 90 days later than the date shown in the Bulletin or the Bulletin shows that numbers for visa applicants in his category are current. Information as to the immediate availability of an immigrant visa may be obtained at the nearest Service office.

* * * * *

(2) In § 245.2(a)(2), a new sentence is added between the existing fourth and fifth sentences. As amended, § 245.2(a)(2) reads as follows:

§ 245.2 Application.

(a) *General*—(1) *Jurisdiction.* * * *

(2) *Filing application.* Before an application for adjustment of status under section 245 of the Act may be considered properly filed, a visa must be immediately available. If a visa would be im-

mediately available only upon approval of a visa petition, the application will not be considered properly filed unless such petition has first been approved. If a visa petition is submitted simultaneously with the adjustment application, the adjustment application shall be retained and processed only if the petition is found to be in order for approval upon initial review by an immigration officer, is approved, and approval makes a visa immediately available. If the petition is returned to the petitioner for any reason, or decision thereon is deferred for investigation, interview, labor certification or consultation with another Government agency, or if the petition is denied, the adjustment application shall not be considered as having been properly filed. If the applicant is claiming that the provisions of section 212(a)(14) of the Act do not apply to him because he is within the exemption described in § 212.8(b)(4) of this chapter, the application shall not be considered properly filed unless it is accompanied by Form I-526. An application for adjustment of status under section 245 of the Act as a nonpreference alien shall not be considered properly filed unless the applicant establishes that he is entitled to a priority date for allotment of a nonpreference visa number in accordance with § 245.1(g)(2) and that a visa is immediately available within the contemplation of § 245.1(g)(1). A nonpreference alien for whom a visa is not immediately available may not file an application for adjustment of status, but may seek to establish a nonpreference priority date through an application for an immigrant visa at a United States consular office. The application under section 245 of the Act shall be made on Form I-485, while the application under section I of the Act of November 2, 1966, shall be made on Form I-485A. Each application shall be accompanied by executed Form G-325A, if the applicant has reached his 14th birthday, which shall be considered as part of the application. An application under this subparagraph shall be accompanied by the documents specified in the instructions which are attached to the application.

* * * * *

Compliance with the provisions of 5 U.S.C. (80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance and would serve no useful purpose because the amendments to § 214.2(c)(1) deletes an inoperative port of entry and the amendments to §§ 245.1(g)(1) and 245.2(a)(2) are clarifying in nature.

Effective date. This order shall be effective on July 10, 1973.

Dated: July 5, 1973.

JAMES F. GREENE,
Acting Commissioner of Immigration and Naturalization.

[FR Doc.73-13996 Filed 7-9-73;8:45 am]

Title 9—Animals and Animal Products

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

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

PART 82—EXOTIC NEWCASTLE DISEASE; AND PSITTACOSIS OR ORNITHOSIS IN POULTRY

Area Quarantined

This amendment quarantines an additional portion of Riverside County in California because of the existence of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas, as contained in 9 CFR Part 82, as amended, apply to the quarantined area.

Pursuant to the provisions of sections 1, 2, 3, and 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, sections 4, 5, 6, and 7 of the Act of May 29, 1884, as amended, and sections 3 and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 124, 125, 126, 134b, 134f), Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

In § 82.3, in paragraph (a)(1) relating to the State of California, a new subdivision (iv) relating to Riverside County is added to read:

§ 82.3 **Areas quarantined.**

(a) * * *

(1) *California.* * * *

(iv) The premises of D & W Ranch, 23840 Juniper Flats Road, City of Romoland in Riverside County, located on portions of Government lots 4 and 5 and lying north and east of Juniper Flats Road in the southwest one-half of section 34, T. 4 S., R. 2 W.

* * * * *

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 115, 117, 120, 123-126, 134b, 134f; 37 FR 28464, 28477)

Effective date. The foregoing amendment shall become effective July 3, 1973.

The amendment imposes certain restrictions necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, and must be made effective immediately to accomplish its purpose in the public interest. 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 amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 3d day of July, 1973.

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

[FR Doc.73-14000 Filed 7-9-73;8:45 am]

PART 82—EXOTIC NEWCASTLE DISEASE; AND PSITTACOSIS OR ORNITHOSIS IN POULTRY

Areas Released From Quarantine

This amendment excludes portions of Riverside County in California from the areas quarantined because of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas, as contained in 9 CFR Part 82, as amended, will not apply to the excluded areas.

Pursuant to the provisions of sections 1, 2, 3, and 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, sections 4, 5, 6, and 7 of the Act of May 29, 1884, as amended, and sections 3 and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 124, 125, 126, 134b, 134f), Part 82, Title 9, Code of Federal Regulations is hereby amended in the following respects:

In § 82.3, in paragraph (a)(1) relating to the State of California, subdivisions (iv) and (vi) relating to Riverside County are deleted.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 115, 117, 120, 123-126, 134b, 134f; 37 FR 28464, 28477)

Effective date. The foregoing amendment shall become effective July 2, 1973.

The amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the spread of exotic Newcastle 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 amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 2nd day of July, 1973.

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

[FR Doc.73-13955 Filed 7-9-73;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

PART 221—CREDIT BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING MARGIN STOCKS

CFR Correction

In § 221.3 (w) appearing on page 534 of Title 12, revised as of January 1, 1973, paragraphs (w)(2) and (3) were inadvertently dropped from the text. As corrected, paragraph (w) of § 221.3 reads as set forth below.

§ 221.3 Miscellaneous provisions.

* * * * *

(w) *OTC market maker exemption.* (1) In the case of credit extended to an OTC market maker, as defined in subparagraph (2) of this paragraph (w), for the purpose of purchasing or carrying an OTC margin stock in order to conduct the market making activity of such a market maker, the maximum loan value of any OTC margin stock (except stock that has been identified as a security held for investment pursuant to a rule of the Commissioner of Internal Revenue (Regs. sec. 1-1236-1(d)) shall be determined by the bank in good faith: *Provided*, That in respect of each such stock he shall have filed with the Securities and Exchange Commission a notice of his intent to begin or continue such market making activity (Securities and Exchange Commission Form X-17A-12(1)) and all other reports required to be filed by market makers in OTC margin stocks pursuant to a rule of the Commission (Rule 17a-12 (17 CFR 240.17a-12)) and shall not have ceased to engage in such market making activity: *And provided further*, That the bank shall obtain and retain in its records for at least 3 years after such credit is extinguished a statement in conformity with the requirements of Federal Reserve Form U-2, executed by the OTC market maker who is the recipient of such credit and executed and accepted in good faith by a duly authorized officer of the bank prior to such extension. In determining whether or not an extension of credit is for the purpose of conducting such market making activity, a bank may rely on such a statement if executed and accepted in accordance with the requirements of this paragraph (w) and paragraph (a) of this section.

(2) An OTC market maker with respect to an OTC margin stock is a dealer who has and maintains minimum net capital, as defined in a rule of the Securities and Exchange Commission (Rule 15c3-1 (17 CFR 240.15c3-1)) or in the capital rules of an exchange of which he is a member if the members thereof are exempt therefrom by Rule 15c3-1(b)(2) of the Commission (17 CFR 15c3-1(b)(2)) of $25,000 plus $5,000 for each such stock in excess of 5 in respect of which he has filed and not withdrawn the notice on Commission Form X-17A-12(1) (but in no case does this subparagraph (2) require net capital of more than $250,000), who is in compliance with such rule of the Commission or exchange, and who, except when such activity is unlawful, meets all of the following conditions with respect to such stock: (i) He regularly publishes bona fide, competitive bid and offer quotations in a recognized interdealer quotation system, (ii) he furnishes bona fide, competitive bid and offer quotations to other brokers and dealers on request, (iii) he is ready, willing, and able to effect transactions in reasonable amounts, and at his quoted prices, with other brokers and dealers, (iv) he has a reasonable average rate of inventory turnover.

(3) If all or a portion of the credit extended pursuant to this paragraph (w) ceases to be for the purpose specified in subparagraph (1) of this paragraph or the dealer to whom the credit is extended ceases to be an OTC market maker as defined in subparagraph (2) of this paragraph, the credit or such portion thereof shall thereupon be treated as "a credit subject to § 221.1."

* * * * *

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-GL-19]

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

Designation of Transition Area

On page 10462 of the FEDERAL REGISTER dated April 27, 1973, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Greenwood, Illinois.

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., September 13, 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 Des Plaines, Ill., on June 22, 1973.

H. W. POGGEMEYER,
Acting Director,
Great Lakes Region.

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

GREENWOOD, ILL.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Galt Airport (lat. 43°24'09" N., long. 88°22'33" W.).

[FR Doc.73-13874 Filed 7-9-73;8:45 am]

[Airspace Docket No. 73-SW-19]

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

Alteration of VOR Federal Airways

On April 26, 1973, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (38 FR 10276) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would realign several airways in the vicinity of Monroe, La., simultaneously with the relocation of the Monroe VORTAC.

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

The Air Transport Association of America (ATA) suggested that V94 be extended beyond Lambert, Miss., to Memphis, Tenn. The FAA agrees with this suggestion and such action is taken herein. Since this segment between Lamberta and Memphis will be codesignated with V9W, notice and public procedure thereon are unnecessary.

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.

Section 71.123 (37 FR 22972 and 38 FR 307) is amended as follows:

1. In V-18 "Monroe, La., including a N alternate and also a S alternate via INT Shreveport 117° and Monroe 268° radials;" is deleted and "Monroe, La., including a N alternate and also a S alternate;" is substituted therefor.

2. In V-71 all before "Hot Springs, Ark.;" is deleted and "From Baton Rouge, La.; Natchez, Miss., including an E alternate via INT Baton Rouge 026° and Natchez 156° radials; Monroe, La., including a W alternate and also an E alternate via INT Natchez 341° and Monroe 105° radials; El Dorado, Ark;" is substituted therefor.

3. In V-94 all after "Elm Grove, La.;" is deleted and "Monroe, La.; Greenville, Miss., including a W alternate; INT Greenville 036° and Memphis, Tenn., 205° radials; to Memphis. The airspace within R-5103A is excluded," is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 13348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on July 2, 1973.

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

[FR Doc.73-13875 Filed 7-9-73;8:45 a.m.]

[Airspace Docket No. 72-WA-13]

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

Designation of Terminal Control Area; Correction

On May 24, 1973, FR Doc. 73-10331 was published in the FEDERAL REGISTER

(38 FR 13635), designating the Dallas-Fort Worth, Tex., Group I Terminal Control Area (TCA) effective September 30, 1973.

In the description of Area B, a longitudinal coordinate was incorrectly identified as "* * * 96°53'30" W * * *" The correct entry should have been "* * * 96°54'30" W * * *" Action is taken herein to correct the error.

Since this amendment is editorial in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30-days notice.

In consideration of the foregoing, FR Doc. 73-10331 (38 FR 13635) is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

In Area B, line 13, delete "longitude 96°53'30" W.," and substitute "longitude 96°54'30" W.," therefor.

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

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

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

[FR Doc.73-13876 Filed 7-9-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2383]

PART 13—PROHIBITED TRADE PRACTICES

Arlen Realty & Development Corp., et al.

Correction

In FR Doc. 73-12276, appearing at page 16038 of the issue for Wednesday, June 20, 1973, the last number in the third line of the authority citation which now reads "1665" should read "1605".

[Docket No. C-2405]

PART 13—PROHIBITED TRADE PRACTICES

Gary R. Greene and Green's Jewelers

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements:* 13.73-92 Truth in Lending Act; § 13.155 *Prices:* 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623-95 Truth in Lending Act; —Prices: § 13.1823 *Terms and conditions:* 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions:* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5. 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605)

[Cease and desist order, Gary R. Greene trading as Green's Jewelers, Cleveland, Ohio, Docket No. C-2405, May 25, 1973]

In the matter of Gary R. Greene, an individual trading and doing business as Green's Jewelers.

Consent order requiring a Cleveland, Ohio, seller and distributor of jewelry, household furnishings and other merchandise, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

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

It is ordered, That respondent, Gary R. Greene, an individual trading and doing business as Green's Jewelers, or any other name or names, his successors and assigns, and respondent's agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any extension of consumer credit or advertisement to aid, promote or assist, directly or indirectly, any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth In Lending Act (P.L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

(1) Failing to disclose the annual percentage rate, computed in accordance with § 226.5 of Regulation Z, as prescribed by §226.8(b)(2) of Regulation Z;

(2) Failing to disclose the number, amount, and due dates or periods of payments scheduled to repay the indebtedness, as prescribed by § 226.8(b)(3) of Regulation Z;

(3) Failing to disclose the cash price of the property or service purchased, and to describe that amount as the "cash price", as defined in § 226.2(i) of Regulation Z, as prescribed by § 226.8(c)(1) of Regulation Z;

(4) Failing to disclose the downpayment in money made in connection with the credit sale, and to describe that amount as the "cash downpayment", as prescribed by § 226.8(c)(2) of Regulation Z;

(5) Failing to disclose the downpayment in property made in connection with the credit sale, and to describe that amount as the "trade-in", as prescribed by § 226.8(c)(2) of Regulation Z;

(6) Failing to disclose the sum of the "cash downpayment" and "trade-in", and to describe that sum as the "total downpayment", as prescribed by § 226.8(c)(2) of Regulation Z;

(7) Failing to disclose the difference between the "cash price" and the "total downpayment", and to describe that amount as the "unpaid balance of cash price", as prescribed by § 226.8(c)(3) of Regulation Z;

(8) Failing to disclose all charges which are not part of the "finance charge", but are included in the amount financed and to itemize each such charge individually, as prescribed by § 226.8(c)(4) of Regulation Z;

(9) Failing to disclose the sum of the "unpaid balance of cash price" and all other amounts itemized individually which are part of the amount financed, but which are not included in the "finance charge" and to describe that amount as the "unpaid balance", as prescribed by § 226.8(c)(5) of Regulation Z;

(10) Failing to disclose the amount of credit extended, and to describe that amount as the "amount financed", as prescribed by § 226.8(c)(7) of Regulation Z;

(11) Failing to disclose the sum of all charges required by § 226.4 of Regulation Z to be included therein, and to describe that sum as the "finance charge", as prescribed by § 226.8(c)(8)(i) of Regulation Z;

(12) Failing to disclose the sum of the "cash price", all charges which are included in the amount financed but which are not part of the finance charge, and the "finance charge", and to describe that sum as the "deferred payment price", as prescribed by § 226.8(c)(8)(ii) of Regulation Z;

(13) Failing to make consumer credit cost disclosures when any existing extension of credit is refinanced, or two or more existing extensions of credit are consolidated, or an existing obligation is increased, as prescribed by § 226.8(j) of Regulation Z;

(14) Failing to make consumer credit cost disclosures clearly, conspicuously, and in meaningful sequence, as prescribed by § 226.6(a) of Regulation Z;

(15) Failing to make consumer credit cost disclosures before consummation of the transaction, and to furnish the customer with a duplicate of the instrument or a statement by which the disclosures required by § 226.8 are made, as prescribed by § 226.8(a) of Regulation Z;

(16) Failing, in any consumer credit transaction or advertisement, to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z, at the time and in the manner, form and amount required by §§ 226.6, 226.7, 226.8, 226.9 and 226.10 of Regulation Z.

It is further ordered, That respondent prominently display no less than two signs on the premises which will clearly and conspicuously state that a customer must receive a complete copy of the consumer credit cost disclosures, as required by the Truth in Lending Act, in any transaction which is financed, before the transaction is consummated.

It is further ordered, That respondent deliver a copy of this order to cease and desist to each operating division and to all present and future personnel of respondent engaged in the consummation of any extension of consumer credit, and that respondent secure a signed statement acknowledging receipt of said order from each such person.

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

gaged, as well as a description of his duties and responsibilities.

It is further ordered, That respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth, in detail, the manner and form in which he has complied with the order to cease and desist contained herein.

Issued: May 25, 1973.

By the Commission.

VIRGINIA M. HARDING,
Acting Director.

[FR Doc.73-13898 Filed 7-9-73;8:45 am]

[Docket No. C-2395]

PART 13—PROHIBITED TRADE PRACTICES

Leron, Inc., and Norman D. Forster

Correction

In FR Doc. 73-11141 appearing on page 14749 of the issue for Tuesday, June 5, 1973, in the eighth line of the third ordering paragraph the comma after "fabrics and/or products" should be a period, and the following text inserted immediately thereafter:

It is further ordered, that the respondents herein shall, within ten (10) days after service upon them of this Order, file with the Commission an interim special report in writing setting forth the respondents' intentions as to compliance with this Order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the fabrics and/or products which gave rise to the complaint, (2) the amount and number of said fabrics and/or products in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said fabrics and/or products and effect the recall of said fabrics and/or products from customers, and of the results thereof, (4) any disposition of said fabrics and/or products since September 15, 1970 and (5) any action taken or proposed to be taken to bring said fabrics and/or products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said fabrics and/or products, and the results of such action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of two ounces or less per square yard, or any product, fabric, or related material having a raised fiber surface. Respondents shall submit samples of not less than one square yard in size of any such product, fabric or related material with this report.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of

[Docket No. C-2404]

PART 13—PROHIBITED TRADE PRACTICES

Relyon, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements:* 13.73-92 Truth in Lending Act; § 13.155 Prices: 13.155-95 Terms and conditions: 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623-95 Truth in Lending Act;—Prices: § 13.1823 *Terms and conditions:* 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: §§ 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions:* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Relyon, Inc., et al., Cleveland, Ohio, Docket No. C-2404, May 22, 1973]

In the matter of Relyon, Inc., a corporation, and B.W. & W., Inc., a corporation, trading and doing business as Relyon, Inc., Gerald Blank, individually and as an officer of said corporation, and E. Richard Weitz, individually and as an officer of B. W. & W., Inc., and Myron Weissman, indivdually and as an officer of B. W. & W., Inc.

Consent order requiring two related Cleveland, Ohio, sellers and distributors of furniture, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

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

It is ordered, That respondents Relyon, Inc., a corporation, B. W. & W., Inc., a corporation, trading and doing business as Relyon, Inc., and their officers, and respondent Gerald Blank, individually and as an officer of said corporations, and respondents E. Richard Weitz and Myron Weissman, individually and as officers of B. W. & W., Inc., respondents' successors and assigns and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any extension of consumer credit or advertisement to aid, promote or assist, directly or indirectly, any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth In Lending Act (P.L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

(1) Failing to disclose the annual percentage rate, computed in accordance with § 226.5 of Regulation Z, as prescribed by § 226.8(b)(2) of Regulation Z;

(2) Failing to disclose the number, amount, and due dates or periods of payments scheduled to repay the indebtedness, as prescribed by § 226.8(b)(3) of Regulation Z;

(3) Failing to disclose the cash price of the property or service purchased and to describe that amount as the "cash price", as defined in § 226.2(i) of Regulation Z, as prescribed by § 226.8(c)(1) of Regulation Z;

(4) Failing to disclose the downpayment in money made in connection with the credit sale, and to describe that amount as the "cash downpayment", as prescribed by § 226.8(c)(2) of Regulation Z;

(5) Failing to disclose the downpayment in property made in connection with the credit sale, and to describe that amount as the "trade-in", as prescribed by § 226.8(c)(2) of Regulation Z;

(6) Fail to disclose the sum of the "cash downpayment" and "trade-in" and to describe that sum as the "total downpayment", as prescribed by § 226.8(c)(2) of Regulation Z;

(7) Fail to disclose the difference between the "cash price" and the "total downpayment", and to describe that amount as the "unpaid balance of cash price", as prescribed by § 226.8(c)(3) of Regulation Z;

(8) Fail to disclose all charges which are not part of the "finance charge", but are included in the amount financed and to itemize each such charge individually, as prescribed by § 226.8(c)(4) of Regulation Z;

(9) Fail to disclose the sum of the "unpaid balance of cash price" and all other amounts itemized individually which are part of the amount financed, but which are not included in the "finance charge" and to describe that amount as the "unpaid balance", as prescribed by § 226.8(c)(5) of Regulation Z;

(10) Fail to disclose the amount of credit extended and to describe that amount as the "amount financed", as prescribed by § 226.8(c)(7) of Regulation Z;

(11) Fail to disclose the sum of all charges required by § 226.4 of Regulation Z to be included therein, and to describe that sum as the "finance charge", as prescribed by § 226.8(c)(8)(i) of Regulation Z;

(12) Fail to disclose the sum of the "cash price", all charges which are included in the amount financed but which are not part of the finance charge, and the "finance charge", and to describe that sum as the "deferred payment price", as prescribed by § 226.8(c)(8)(ii) of Regulation Z;

(13) Failing to make consumer credit cost disclosures before consummation of the transaction, and to furnish the customer with a duplicate of the instrument or a statement by which the disclosures required by § 226.8 are made, as prescribed by § 226.8(a) of Regulation Z;

(14) Failing, in any consumer credit transaction or advertisement, to make all disclosures determined in accordance with § 226.4 and § 226.5 of Regulation Z, at the time and in the manner, form, and amount required by §§ 226.6, 226.7, 226.8, 226.9, and 226.10 of Regulation Z.

It is further ordered, That respondents prominently display no less than two

signs on the premises which will clearly and conspicuously state that a customer must receive a completed copy of the consumer credit cost disclosures, as required by the Truth In Lending Act, in any transaction which is financed, before the transaction is consummated.

It is further ordered, That respondents deliver a copy of this order to cease and desist to each operating division and to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

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

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

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

Issued: May 22, 1973.

By the Commission.

[SEAL] VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.73-13897; Filed 7-9-73;8:45 am]

[Docket No. C-2408]

PART 13—PROHIBITED TRADE PRACTICES

Thomas J. Lipton, Inc., and Knox Gelatine, Inc.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service*: 13.170-52 Medicinal, therapeutic, healthful, etc.; 13.170-64 Nutritive; § 13.205 *Scientific or other relevant facts*. Subpart—Misrepresenting oneself and goods—Goods: § 13.1710 Qualities or properties; § 13.1740 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46 Interprets or applies sec 5, 38 Stat 719, as amended; 15 USC 45) [Cease and desist order, Thomas J. Lipton, Inc., et al., Johnstown, N.Y., Docket No. C-2408, May 29, 1973]

In the Matter of Thomas J. Lipton, Inc., a corporation, and Knox Gelatine, Inc., a corporation.

Consent order requiring a Johnstown, New York, manufacturer, seller and distributor of a multi-flavored dry preparation, Knox Gelatine Drink, among other things to cease advertising that its product makes a substantial contribution to general health or to nutritional needs.

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

I. *It is ordered*, That respondent Thomas J. Lipton, Inc., a corporation, and respondent Knox Gelatine, Inc., a corporation their successors and assigns and their officers, agents, representatives and employees directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of Knox Gelatine Drink or any other food product hereinafter described forthwith cease and desist from:

1. Disseminating, or causing the dissemination of, any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act that

A. Represents, directly or by implication, that gelatine protein is a high quality protein or provides nutritional benefit to individuals.

B. Represents, directly or by implication, that the consumption of Knox Gelatine Drink makes a substantial contribution to the general health of individuals or to the nutritional needs of individuals.

C. Represents, directly or by implication, that the consumption of any gelatine food product, which relies primarily on gelatine to produce a jelled condition in the food as prepared, makes a contribution to good health of individuals or is nutritious.

D. Misrepresents, directly or by implication, in any manner the benefit to the health of the consumer resulting from consumption of any gelatine drink or gelatine food product which relies primarily on gelatine to produce a jelled condition in the food as prepared.

Provided, That nothing herein shall preclude respondents from representing that gelatine protein is a high quality protein, if respondents can demonstrate by competent and reliable scientific evidence that such gelatine protein has been supplemented with essential amino acids or those amino acids necessary to convert gelatine protein into a high quality protein, as the highest biological quality protein is described by the Food and Drug Administration Proposed Food Nutrition Labeling Regulaions, or any such regulations promulgated or superseding regulations.

Provided further, That nothing herein shall preclude respondents from making representations, if supported by competent and reliable scientific evidence, regarding the effect of gelatine protein as an aid to dieting.

2. Disseminating, or causing to be disseminated by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of products subject to this order in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations or misrepresentations prohibited in Paragraph 1 hereof.

II. *It is further ordered*, That respondents Thomas J. Lipton, Inc., a corporation, and Knox Gelatine, Inc., a corporation, their successors and assigns and their officers, agents, representatives and employees, directly or through any other device, in connection with the advertising, labeling, offering for sale, sale or distribution of Knox Gelatin Drink or any other food product described in Part I hereof in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from making, directly or by implication, any of the representations or misrepresentations prohibited in Part I hereof.

The provisos to Part I hereof are applicable to this Part II of the order.

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

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

It is further ordered, That each respondent shall, within sixty (60) days and at the end of six (6) months after the effective date of the order served upon it, file with the Commission a report in writing, signed by each respondent, setting forth in detail the manner and form of its compliance with the order to cease and desist.

Issued: May 29, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.73-13899 Filed 7-9-73;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5402, 34-10214, IC-7856]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 271—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

Commission Expresses Concern With Failure of Issuers to Timely and Properly File Periodic and Current Reports

The Securities and Exchange Commission today expressed its concern with the failure by many issuers who are subject

to the periodic reporting requirements of the federal securities laws to comply with those requirements. The reporting requirements, which are designed to provide public investors with the financial and other information necessary to make informed investment decisions, are among the most important elements of the full disclosure policy of the federal securities laws.

The Commission believes that strict compliance with these requirements is essential to the maintenance of fair and orderly trading markets. For this reason, the Commission has directed its staff to monitor closely compliance with these reporting provisions. In appropriate instances, the Commission will consider temporarily suspending trading in securities of delinquent issuers, in order to alert the public to the lack of adequate, accurate and current information concerning such issuers. Brokers and dealers are reminded that no quotation may be entered at the conclusion of such a temporary suspension without strict compliance with the provisions of Securities Exchange Act Rule 15c2-11 (17 CFR 240.-15c2-11) requiring the availability of specified financial and other information. In addition, the Commission may institute court actions or administrative proceedings to compel the filing of delinquent reports and/or to enjoin future violations of the reporting requirements. Further, the Commission may refer appropriate cases to the Department of Justice for criminal prosecution.

The Commission reminds issuers that reports are deemed filed with the Commission upon receipt at the Commission's headquarters in Washington, D.C. In order to assist the Commission in processing these reports, it is requested that they be delivered or mailed to Room 130, 500 North Capitol Street, NW., Washington, D.C. 20549, which is the Commission's central receiving facility.

The Commission also reminds issuers that there are provisions under the federal securities laws relating to requests for extensions of time within which to file reports. Issuers having questions relating to requests for such extensions of time should communicate with the Commission's Division of Corporation Finance.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

JUNE 11, 1973.

[FR Doc.73-13895 Filed 7-9-73;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

POLYSORBATE 60; CORRECTION

In FR Doc. 73-10278, appearing on page 13556 in the issue of Wednesday, May 23, 1973, the following correction is made: In the left column of page 13557, that portion of lines 4 and 5 and the last line of § 121.1030(c)(14) reading "0.05 percent on a dry weight basis." are corrected to read "0.05 percent in the finished product."

Dated: June 27, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-13884 Filed 7-9-73;8:45 am]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

COPOLYMER CONDENSATES OF ETHYLENE OXIDE AND PROPYLENE OXIDE

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 1A2608) filed by Wyandotte Chemicals Corp., 1609 Biddle Ave., Wyandotte, MI 48192, and other relevant material, concludes that the food additive regulations should be amended, as set forth below, to provide for the safe use of α-Hydro-*omega*-hydroxy-poly (oxyethylene)/(oxypropylene) (minimum 15 moles)/poly(oxyethylene) block copolymer, having a minimum average molecular weight of 1900 and a minimum cloud point of 9° C.–12° C. in 10 percent aqueous solution, as a surfactant and defoaming agent in poultry scald baths.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1235 is amended in paragraphs (a) by adding a new subparagraph (3) thereto, and in paragraph (b) by adding a new subparagraph (3) thereto, to read as follows:

§ 121.1235 Copolymer condensates of ethylene oxide and propylene oxide.

* * * * *

(a) * * *

(3) α-Hydro-*omega*-hydroxy-poly(oxyethylene) / poly(oxypropylene) (minimum 15 moles)/poly(oxyethylene) block copolymer, having a minimum average molecular weight of 1900 and a minimum cloud point of 9° C.–12° C. in 10 percent aqueous solution.

(b) * * *

(3) The additive identified in paragraph (a)(3) of this section is used as a surfactant and defoaming agent, at levels not to exceed 0.05 percent by weight, in scald baths for poultry defeathering, followed by potable water rinse. The temperatures of the scald baths shall be not less than 125° F.

Any person who will be adversely affected by the foregoing order may at any time on or before August 9, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

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

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

Dated: June 27, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-13883 Filed 7-9-73;8:45 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ADHESIVES

In the FEDERAL REGISTER of April 11, 1973 (38 FR 9176), notice was given that a petition (FAP 3B2893) had been filed by Alcolac, Inc., 3440 Fairfield Rd., Baltimore, MD 21226, proposing that § 121.2520 *Adhesives* (21 CFR 121.2520) be amended to provide for the safe use of polyethylene glycol mono(hydrogen sulfate) dodecyl ether, ammonium salt, as a component of adhesives intended for use in food-contact articles.

The Commissioner of Food and Drugs, having evaluated data in the petition and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of the above-named additive under the preferred chemical nomenclature set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2520(c)(5) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2520 Adhesives.

* * * * *

(c) * * *

(5) * * *

COMPONENTS OF ADHESIVES

Substances	*Limitations*
* * *	* * *
α-Sulfo-*omega*-(dodecyloxy) poly (oxyethylene), ammonium salt.	
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time on or before August 9, 1973, file with the Hearing Clerk, Department

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

Effective date. This order shall become effective on July 10, 1973.

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

Dated: June 27, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-13885 Filed 7-9-73;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 1—ADMINISTRATION OF FEDERAL AID FOR HIGHWAYS

Federal Participation in Costs Incurred

The purpose of this amendment is to incorporate in Part 1 of Title 23, Code of Federal Regulations, material contained in Instructional Memorandum 21-3-64. The amendment provides that the Administrator may allow Federal participation in costs not incurred in accordance with certain administrative requirements when he finds among other things, that such action is in the public interest and will not increase the cost to the Federal Government.

In consideration of the foregoing, § 1.9 of Title 23, Code of Federal Regulations, is amended by designating the first paragraph of § 1.9 as (a) and deleting the word "part" and inserting the word "title" as it appears in paragraph (a), and by adding new paragraphs (b) and (c) as follows:

§ 1.9 Limitation on Federal participation.

(a) Federal-aid funds shall not participate in any cost which is not incurred in conformity with applicable Federal and State law, the regulations in this title, and policies and procedures prescribed by the Administrator. Federal funds shall not be paid on account of any cost incurred prior to authorization by the Administrator to the State highway department to proceed with the project or part thereof involving such cost.

(b) Notwithstanding the provisions of paragraph (a) of this section the Administrator may, upon the request of a State highway department, approve the participation of Federal-aid funds in a previously incurred cost if he finds:

(1) That his approval will not adversely affect the public,

(2) That the State highway department has acted in good faith, and that there has been no willful violation of Federal requirements,

(3) That there has been substantial compliance with all other requirements prescribed by the Administrator, and full compliance with requirements mandated by Federal statute,

(4) That the cost to the United States will not be in excess of the cost which it would have incurred had there been full compliance, and

(5) That the quality of work undertaken has not been impaired.

(c) Any request submitted under paragraph (b) of this section shall be accompanied by a detailed description of the relevant circumstances and facts, and shall explain the necessity for incurring the costs in question.

(23 U.S.C. 315, delgations of authority in, 49 CFR 1.48(b))

Issued on July 3, 1973.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.73-13966 Filed 7-9-73;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER C—EMPLOYMENT TAXES

[T.D. 7280]

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

Elective Social Security Coverage for Vow-of-Poverty Members of Religious Orders

By a notice of proposed rule making appearing in the FEDERAL REGISTER on March 19, 1973 (38 FR 7230), and corrected in the FEDERAL REGISTER for March 23, 1973 (38 FR 7570), amendments to the Employment Tax Regulations (26 CFR Part 31) were proposed in order to conform such regulations to the provisions of section 123 of the Social Security Amendments of 1972 (86 Stat. 1354), relating to elective social security coverage for vow-of-poverty members of religious orders. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, certain changes were made, and the proposed amendments of the regulations, as revised, are adopted by this document.

Under prior law, the services performed by a member of a religious order who is subject to a vow of poverty which were in the exercise of the duties required by the order were excluded from coverage under social security. Under section 123 such service will be covered under social security if the order (or an autonomous subdivision of the order) irrevocably elects coverage for its members subject to a vow of poverty, and if the order also makes an irrevocable election (or makes irrevocable a previous election) to cover its lay employees. The election may be made retroactive for up to 20 calendar quarters preceding the quarter in which the certificate of election is filed.

The regulations as proposed have been revised to make it clear that services performed by a member of a religious order, or a subdivision of a religious order, which has elected coverage under section 3121 (r) are included in employment and are subject to social security coverage even though they are performed for an employer other than the religious order or subdivision. The proposals have also been revised to clarify that cash received from an outside employer and not required to be remitted to the religious order or subdivision is included in "wages".

The final regulations contain a revised definition of an autonomous subdivision of a religious order. This revision takes account of the fact that some such groups elect their religious superiors while other groups have them appointed by higher authority.

Under the proposed rules, an electing religious order or subdivision which determines that a member has retired must submit with its employment tax return a summary of the facts upon which the determination has been made. The final regulations specify that each such summary shall contain the name and social security number of each such retired member as well as the date of his retirement.

Adoption of amendments to the regulations. On March 19, 1973, a notice of proposed rule making with respect to the Employment Tax Regulations (26 CFR Part 31) under section 3121 of the Internal Revenue Code of 1954 to conform such regulations to section 123 of the Social Security Amendments of 1972 (86 Stat. 1354) was published in the FEDERAL REGISTER (38 FR 7230). On March 23, 1973, a notice of correction of such notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 7570). After consideration of all relevant matter presented by interested persons regarding the proposed rules, the amendment of the Employment Tax Regulations under section 3121 is hereby adopted, subject to the following changes:

PARAGRAPH 1. Section 31.3121(b)(8)-1, as set forth in paragraph 3 of the appendix to the notice of proposed rule making, is amended by revising paragraph (a) thereof to read as set forth below.

PAR. 2. Section 31.3121(i)-4, as set forth in paragraph 6 of the appendix to the notice of proposed rule making, is amended by revising so much thereof as precedes example (1), and by revising examples (4) and (5) thereof, to read as set forth below.

PAR. 3. Section 31.3121(r)-1, as set forth in paragraph 7 of the appendix to the notice of proposed rule making, is amended by revising paragraphs (a)

and (b) (4) thereof to read as set forth below.

(Sec. 7805, Internal Revene Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

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

Approved July 3, 1973.

JOHN H. HALL,
Deputy Assistant Secretary of the Treasury.

In order to conform the Employment Tax Regulations (26 CFR Part 31) under section 3121 of the Internal Revenue Code of 1954 to the provisions of section 123 of the Social Security Amendments of 1972 (86 Stat. 1354), such regulations are amended as follows:

PARAGRAPH 1. Paragraph (a)(5) of § 31.0–2 is amended by adding subdivision (viii) at the end thereof to read as follows:

§ 31.0–2 General definitions and use of terms.

(a) *In general.* As used in the regulations in this part, unless otherwise expressly indicated—

* * * * *

(5) * * *

(viii) The Social Security Amendments of 1972 means the act approved October 30, 1972 (86 Stat. 1329).

* * * * *

PAR. 2. Section 31.3121(b)(8) is amended by revising § 31.3121(b)(8)(A) and the historical note to read as follows:

§ 31.3121(b)(8) Statutory provisions; definitions; employment; services performed by a minister of a church or a member of a religious order; services in employ of religious, charitable, educational, or certain other organizations exempt from income tax.

SEC. 3121. *Definitions.* * * *

(b) *Employment.* For purposes of this chapter, the term "employment" means * * * any service, of whatever nature, performed after 1954 * * *; except that * * * such term shall not include—

* * * * *

(8) (A) Service performed by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order, except that this subparagraph shall not apply to service performed by a member of such an order in the exercise of such duties, if an election of coverage under subsection (r) is in effect with respect to such order, or with respect to the autonomous subdivision thereof to which such member belongs;

* * * * *

[Paragraph (9), sec. 3121(b) redesignated paragraph (8) by sec. 205(b), Social Security Amendments 1954; as amended by sec. 405 (b), Social Security Amendments 1958; sec. 123(a)(2), Social Security Amendments 1972]

PAR. 3. Section 31.3121(b)(8)–1 is amended by revising paragraph (a) thereof to read as follows:

§ 31.3121(b)(8)–1 Services performed by a minister of a church or a member of a religious order.

(a) *In general.* Services performed by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry, or by a member of a religious order in the exercise of his duties required by such order, are excluded from employment, except that services performed by a member of such an order in the exercise of such duties (whether performed for the order or for another employer) are included in employment if an election of coverage under section 3121(r) and § 31.3121(r)–1 is in effect with respect to such order or with respect to the autonomous subdivision thereof to which such member belongs. For provisions relating to the election available to certain ministers and members of religious orders with respect to the extension of the Federal old-age, survivors, and disability insurance system established by title II of the Social Security Act to certain services performed by them, see Part 1 of this chapter (Income Tax Regulations).

* * * * *

PAR. 4. Section 31.3121(b)(8)–2 is amended by revising paragraph (a) thereof to read as follows:

§ 31.3121(b)(8)–2 Services in employ of religious, charitable, educational, or certain other organizations exempt from income tax.

(a) Services performed by an employee in the employ of a religious, charitable, educational, or other organization described in section 501(c)(3) which is exempt from income tax under section 501(a) are excepted from employment. However, this exception does not apply to services with respect to which a certificate, filed pursuant to section 3121 (k) or (r), or section 1426(l) of the Internal Revenue Code of 1939, is in effect. For provisions relating to the services with respect to which such a certificate is in effect, see §§ 31.3121(k)–1 and 31.3121 (r)–1.

* * * * *

PAR. 5. Section 31.3121(l) is amended by adding a new paragraph (4) to the end thereof and by revising the historical note. These added and revised provisions read as follows:

§ 31.3121(i) Statutory provisions; definitions; computation of wages in certain cases.

SEC. 3121. *Definitions.* * * *

(l) *Computation of wages in certain cases.* * * *

(4) *Service performed by certain members of religious orders.* For purposes of this chapter, in any case where an individual is a member of a religious order (as defined in subsection (r)(2)) performing service in the exercise of duties required by such order, and an election of coverage under subsection (r) is in effect with respect to such order or with respect to the autonomous subdivision thereof to which such member belongs, the term "wages" shall, subject to the provisions of subsection (a)(1), include as such individual's remuneration for such service the fair market value of any board, lodging, clothing, and other perquisites furnished to such member by such order or subdivision thereof or by any other person or organization pursuant to an agreement with such order or subdivision, except that the amount included as such individual's remuneration under this paragraph shall not be less than $100 a month.

[Sec. 3121(l) as amended by sec. 410, Servicemen's and Veterans' Survivor Benefits Act (70 Stat. 878); sec. 202(a)(1), Peace Corps Act (75 Stat. 626); sec. 123(c)(2), Social Security Amendments 1972]

PAR. 6. There is inserted immediately after § 31.3121(i)–3 a new § 31.3121(i)–4 to read as follows:

§ 31.3121(i)–4 Computation of remuneration for service performed by certain members of religious orders.

In any case where an individual is a member of a religious order (as defined in section 3121(r)(2) and paragraph (b) of § 31.3121(r)–1) performing service in the exercise of duties required by such order, and an election of coverage under section 3121(r) and § 31.3121(r)–1 is in effect with respect to such order or the autonomous subdivision thereof to which such member belongs, the term "wages" shall, subject to the provisions of section 3121(a)(1) (relating to definition of wages), include as such individual's remuneration for such service the fair market value of any board, lodging, clothing, and other perquisites furnished to such member by such order or subdivision or by any other person or organization pursuant to an agreement (whether written or oral) with such order or subdivision. Such other perquisites shall include any cash either paid by such order or subdivision or paid by another employer and not required by such order or subdivision to be remitted to it. For purposes of this section, perquisites shall be considered to be furnished over the period during which the member receives the benefit of them. (See example (4) of this section.) In no case shall the amount included as such individual's remuneration under this paragraph be less than $100 a month. All relevant facts and elements of value shall be considered in every case. Where the fair market value of any board, lodging, clothing, and other perquisites furnished to all members of an electing religious order or autonomous subdivision (or to all in a group of members) does not vary significantly, such order or subdivision may treat all of its members (or all in such group of members) as having a uniform wage. The provisions of this section may be illustrated by the following examples of the treatment of particular perquisites:

Example (1). M is a religious order which requires its members to take a vow of poverty and which has made an election under section 3121(r). Under section 3121(l)(4), M must include in the wages of its members the fair market value of the clothing it provides for its members. M and several other religious orders using essentially the same type of religious habit purchase clothing for

their members from either of two suppliers in arms-length transactions. The fair market value of such clothing (*i.e.*, the price at which such items would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or to sell) is determined by reference to the actual sales price of these suppliers to the religious orders.

Example (2). N is a religious order which requires its members to take a vow of poverty and which has made an election under section 3121(r). N operates a seminary adjacent to a university. Students at the university obtain lodging and board on campus from the university for its fair market value of $2,000 for the school year. Such lodging and board is essentially the same as that provided by N at its seminary to N's members subject to a vow of poverty. Accordingly, the amount to be included in the "wages" of such members with respect to lodging and board for the same period of time is $2,000.

Example (3). O is a religious order which requires its members to take a vow of poverty and to observe silence, and which has made an election under section 3121(r). O operates a monastery in a remote rural area. Under section 3121(i)(4), O must include in the wages of its members assigned to this monastery the fair market value of the board and lodging furnished to them. In making a determination of the fair market value of such board and lodging, the remoteness of the monastery, as well as the smallness of the rooms and the simplicity of their furnishings, affect this determination. However, the facts that the facility is used by a religious order as a monastery and that the order's members maintain silence do not affect the fair market value of such items.

Example (4). P is a religious order which requires its members to take a vow of poverty and which has made an election under section 3121(r). Several of P's members are attending a university on a full-time basis. The fair market value of the board and lodging of each of such members at the university is $1,000 per semester. P pays the university $1,000 at the beginning of each semester for the board and lodging of each of such members. In addition, P gives each such member a $400 cash advance to cover his miscellaneous expenses during the semester. Under section 3121(i)(4), P must prorate the fair market value of such members' board and lodging, as well as the miscellaneous items, over the semester and include such value in the determination of "wages".

Example (5). Q is a religious order which is a corporation organized under the laws of Wisconsin, which requires its members to take a vow of poverty, and which has made an election under section 3121(r). Q has convents in rural South America and in suburbs and central city areas of the United States. Characteristically, in the United States its suburban convents provide somewhat larger and newer rooms for its members than do its convents in city areas. Moreover, its suburban convents have more extensive grounds and somewhat more elaborate facilities than do its older convents in city areas. However, both types of convents limit resident members to a single, plainly furnished room and provide them meals which are comparable. Q's members in South America live in extremely primitive dwellings and otherwise have extremely modest perquisites. Under section 3121(i)(4), Q may report a uniform wage for its members who live in suburban convents and city convents in the United States, as the board, lodging, and perquisites furnished these members do not vary significantly from one convent to the other. Q may report another uniform wage (but not less than $100 per month apiece) for its members who are citizens of the United States and who reside in South America based on the fair market value of the perquisites furnished these individuals, as the fair market value of the perquisites furnished these individuals varies significantly from that of those furnished its members who live in its domestic convents but does not vary significantly among members in South America whose wages are subject to tax.

PAR. 7. Immediately after § 31.3121(q)–1 there are inserted the following new sections:

§ 31.3121(r) Statutory provisions; definitions; election of coverage by religious orders.

SEC. 3121. *Definitions.* * * *

(r) *Election of coverage by religious orders*—(1) *Certificate of election by order.* A religious order whose members are required to take a vow of poverty, or any autonomous subdivision of such order, may file a certificate (in such form and manner, and with such official, as may be prescribed by regulations under this chapter) electing to have the insurance system established by title II of the Social Security Act extended to services performed by its members in the exercise of duties required by such order or such subdivision thereof. Such certificate of election shall provide that—

(A) Such election of coverage by such order or subdivision shall be irrevocable;

(B) Such election shall apply to all current and future members of such order, or in the case of a subdivision thereof to all current and future members of such order who belong to such subdivision;

(C) All services performed by a member of such an order or subdivision in the exercise of duties required by such order or subdivision shall be deemed to have been performed by such member as an employee of such order or subdivision; and

(D) The wages of each member, upon which such order or subdivision shall pay the taxes imposed by sections 3101 and 3111, will be determined as provided in subsection (i)(4).

(2) *Definition of member.* For purposes of this subsection, a member of a religious order means any individual who is subject to a vow of poverty as a member of such order and who performs tasks usually required (and to the extent usually required) of an active member of such order and who is not considered retired because of old age or total disability.

(3) *Effective date for election.* (A) A certificate of election of coverage shall be in effect, for purposes of subsection (b)(8)(A) and for purposes of section 210(a)(8)(A) of the Social Security Act, for the period beginning with whichever of the following may be designated by the order or subdivision thereof:

(i) The first day of the calendar quarter in which the certificate is filed,

(ii) The first day of the calendar quarter succeeding such quarter, or

(iii) The first day of any calendar quarter preceding the calendar quarter in which the certificate is filed, except that such date may not be earlier than the first day of the twentieth calendar quarter preceding the quarter in which such certificate is filed.

Whenever a date is designated under clause (iii), the election shall apply to services performed before the quarter in which the certificate is filed only if the member performing such services was a member at the time such services were performed and is living on the first day of the quarter in which such certificate is filed.

(B) If a certificate of election filed pursuant to this subsection is effective for one or more calendar quarters prior to the quarter in which such certificate is filed, then—

(i) For the purposes of computing interest and for purposes of section 6651 (relating to addition to tax for failure to file tax return), the due date for the return and payment of the tax for such prior calendar quarters resulting from the filing of such certificate shall be the last day of the calendar month following the calendar quarter in which the certificate is filed; and

(ii) The statutory period for the assessment of such tax shall not expire before the expiration of 3 years from such due date.

(4) *Coordination with coverage of lay employees.* Notwithstanding the preceding provisions of this subsection, no certificate of election shall become effective with respect to an order or subdivision thereof, unless—

(A) If at the time the certificate of election is filed a certificate of waiver of exemption under subsection (k) is in effect with respect to such order or subdivision, such order or subdivision amends such certificate of waiver of exemption (in such form and manner as may be prescribed by regulations made under this chapter) to provide that it may not be revoked, or

(B) If at the time the certificate of election is filed a certificate of waiver of exemption under such subsection is not in effect with respect to such order or subdivision, such order or subdivision files such certificate of waiver of exemption under the provisions of such subsection except that such certificate of waiver of exemption cannot become effective at a later date than the certificate of election and such certificate of waiver of exemption must specify that such certificate of waiver of exemption may not be revoked. The certificate of waiver of exemption required under this subparagraph shall be filed notwithstanding the provisions of subsection (k)(3).

[Sec. 3121(r) as added by sec. 123(b), Social Security Amendments 1972]

§ 31.3121(r)–1 Election of coverage by religious orders.

(a) *In general.* A religious order whose members are required to take a vow of poverty, or any autonomous subdivision of such an order, may elect to have the Federal old-age, survivors, and disability insurance system established by title II of the Social Security Act extended to services performed by its members in the exercise of duties required by such order or subdivision. See section 3121(i)(4) and § 31.3121(i)–4 for provisions relating to the computation of the amount of remuneration of such members. For purposes of this section, a subdivision of a religious order is autonomous if it directs and governs its members, if it is responsible for its members' care and maintenance, if it is responsible for the members' support and maintenance in retirement, and if the members live under the authority of a religious superior who is elected by them or appointed by higher authority.

(b) *Definition of member*—(1) *In general.* For purposes of section 3121(r) and this section, a member of a religious order means any individual who is subject to a vow of poverty as a member of such order, who performs tasks usually required (and to the extent usually required) of an active member of such order, and who is not considered retired because of old age or total disability.

(2) *Retirement because of old age*—(i) *In general.* For purposes of section

3121(r)(2) and this paragraph, an individual is considered retired because of old age if (A) in view of all the services performed by the individual and the surrounding circumstances it is reasonable to consider him to be retired, and (B) his retirement occurred by reason of old age. Even though an individual performs some services in the exercise of duties required by the religious order, the first test (the retirement test) is met where it is reasonable to consider the individual to be retired.

(ii) *Factors to be considered.* In determining whether it is reasonable to consider an individual to be retired, consideration is first to be given to all of the following factors:

(A) *Nature of services.* Consideration is given to the nature of the services performed by the individual in the exercise of duties required by his religious order. The more highly skilled and valuable such services are, the more likely the individual rendering such services is not reasonably considered retired. Also, whether such services are of a type performed principally by retired members of the individual's religious order may be significant.

(B) *Amount of time.* Consideration is also given to the amount of time the individual devotes to the performance of services in the exercise of duties required by his religious order. This time includes all the time spent by him in any activity in connection with services which might appropriately be performed in the exercise of duties required of active members by the order. Normally, an individual who, solely by reason of his advanced age, performs services of less than 45 hours per month shall be considered retired. In no event shall an individual who, solely by reason of his advanced age, performs services of less than 15 hours per month not be considered retired.

(C) *Comparison of services rendered before and after retirement.* In addition, consideration is given to the nature and extent of the services rendered by the individual before he "retired," as compared with the services performed thereafter. A large reduction in the importance or amount of services performed by the individual in the exercise of duties required by his religious order tends to show that the individual is retired; absence of such reduction tends to show that the individual is not retired. Normally, an individual who reduces by at least 75 percent the amount of services performed shall be considered retired.

Where consideration of the factors described in paragraph (b)(2)(ii) of this section does not establish whether an individual is or is not reasonably considered retired, all other factors are considered.

(iii) *Examples.* The rules of this subparagraph may be illustrated by the following examples:

Example (1). A is a member of a religious order who is subject to a vow of poverty. A's religious order is principally engaged in providing nursing services, and A has been fully trained in the nursing profession. In accordance with the practices of her order, upon attaining the age of 65, A is relieved of her nursing duties by reason of her age, and is assigned to a mother house where she is required to perform only such duties as light housekeeping and ordinary gardening. A is reasonably considered retired since the services she is performing are simple in nature, are markedly less skilled than those professional services which she previously performed, are of a type performed principally by retired members of her order, and are performed at a location to which members frequently retire.

Example (2). Assume the same facts as in example (1) except that A is not reassigned to a mother house. Instead, she is reassigned to full-time duties in a hospital not utilizing her nursing skills. Whether A has met the retirement test requires consideration of the nature of her work. If A's new duties are almost entirely of a make-work nature primarily to occupy her body and mind, she is reasonably considered retired. However, if they are essential to the operation of the hospital, she is not reasonably considered retired.

Example (3). B is a member of a religious order who is subject to a vow of poverty. As such, he provides supportive services to his order, such as housekeeping, cooking, and gardening. By reason of having attained the age of 62, he reduces the number of hours spent per day in these services from 8 hours to 2 hours. B is reasonably considered retired in view of the large reduction in the amount of time he devotes to his duties.

Example (4). C is a member of a religious order who is subject to a vow of poverty. In his capacity as a member of the order, he performs duties as president of a university. Upon attaining the age of 65, C is relieved of his duties as president of the university and instead becomes a member of its faculty, teaching two courses whereas full-time members of the faculty normally teach four comparable courses. Although C's duties are no longer as demanding as those he previously performed, and although the amount of his time required for them is less than full time, he is nonetheless performing duties requiring a high degree of skill for a substantial amount of time. Accordingly, C is not reasonably considered retired.

Example (5). Assume the same facts as in example (4), except that C teaches only one course upon being relieved of his position as president by reason of age. C is reasonably considered retired.

Example (6). D is a member of a contemplative order who is subject to a vow of poverty. In accordance with the practices of his order, upon attaining the age of 70, D reduces by 50 percent the amount of time spent performing the normal duties of active members of his order. D is not reasonably considered retired.

Example (7). Assume the same facts as in example (6), except that because of his age D no longer participates in the more rigorous liturgical services of the order and that the amount of time which he spends in all duties which might appropriately be performed by active members of his order is reduced by 75 percent. D is reasonably considered retired in view of the large reduction in his participation in the usual devotional routine of his order.

(3) *Retirement because of total disability.* For purposes of section 3121(r)(2) and this paragraph, an individual is considered retired because of total disability (i) if he is unable, by reason of a medically determinable physical or mental impairment, to perform the tasks usually required of an active member of his order to the extent necessary to maintain his status as an active member, and (ii) if such impairment is reasonably expected to prevent his resumption of the performance of such tasks to such extent. A physical or mental impairment is an impairment that results from anatomical, physiological, or psychological abnormalities which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques. Statements of the individual, including his own description of his impairment (symptoms), are, alone, insufficient to establish the presence of a physical or mental impairment.

(4) *Evidentiary requirements with respect to retirement.* There shall be attached to the return of taxes paid pursuant to an election under section 3121(r) a summary of the facts upon which any determination has been made by the religious order or autonomous subdivision that one or more of its members retired during the period covered by such return. Each summary shall contain the name and social security number of each such retired member as well as the date of his retirement. Such order or subdivision shall maintain records of the details relating to each such "retirement" sufficient to show whether or not such member or members has in fact retired.

(c) *Certificates of election*—(1) *In general.* A religious order or an autonomous subdivision of such an order desiring to make an election of coverage pursuant to section 3121(r) and this section shall file a certificate of election on Form SS-16 in accordance with the instructions thereto. However, in the case of an election made before August 9, 1973, a document other than Form SS-16 shall constitute a certificate of election if it purports to be a binding election of coverage and if it is filed with an appropriate official of the Internal Revenue Service. Such a document shall be given the effect it would have if it were a certificate of election containing the provisions required by subparagraph (2) of this paragraph. However, it should subsequently be supplemented by a Form SS-16.

(2) *Provisions of certificates.* Each certificate of election shall provide that—

(i) Such election of coverage by such order or subdivision shall be irrevocable,

(ii) Such election shall apply to all current and future members of such order, or in the case of a subdivision thereof to all current and future members of such order who belong to such subdivision,

(iii) All services performed by a member of such order or subdivision in the exercise of duties required by such order or subdivision shall be deemed to have been performed by such member as an employee of such order or subdivision, and

(iv) The wages of each member, upon which such order or subdivision shall pay the taxes imposed on employees and employers by sections 3101 and 3111, will be determined as provided in section 3121(i)(4).

(d) *Effective date of election*—(1) *In general.* Except as provided in paragraph (e) of this section, a certificate of election of coverage filed by a religious order or its subdivision pursuant to section

3121(r) and this section shall be in effect, for purposes of section 3121(b)(8)(A) and for purposes of section 210(a)(8)(A) of the Social Security Act, for the period beginning with whichever of the following may be designated by the electing religious order or subdivision:

(i) The first day of the calendar quarter in which the certificate is filed,

(ii) The first day of the calendar quarter immediately following the quarter in which the certificate is filed, or

(iii) The first day of any calendar quarter preceding the calendar quarter in which the certificate is filed, except that such date may not be earlier than the first day of the 20th calendar quarter preceding the quarter in which such certificate is filed.

(2) *Retroactive elections.* Whenever a date is designated as provided in paragraph (d)(1)(iii) of this section, the election shall apply to services performed before the quarter in which the certificate is filed only if the member performing such services was a member at the time such services were performed and is living on the first day of the quarter in which such certificate is filed. Thus, the election applies to an individual who is no longer a member of a religious order on the first day of such quarter if he performed services as a member at any time on or after the date so designated and is living on the first day of the quarter in which such certificate is filed. For purposes of computing interest and for purposes of section 6651 (relating to additions to tax for failure to file tax return or to pay tax), in any case in which such a date is designated the due date for the return and payment of the tax, for calendar quarters prior to the quarter in which the certificate is filed, resulting from the filing of such certificate shall be the last day of the calendar month following the calendar quarter in which the certificate is filed. The statutory period for the assessment of the tax for such prior calendar quarters shall not expire before the expiration of 3 years from such due date.

(e) *Coordination with coverage of lay employees.* If at the time the certificate of election of coverage is filed by a religious order or autonomous subdivision, a certificate of waiver of exemption under section 3121(k) (extending coverage to any lay employees) is not in effect, the certificate of election shall not become effective unless the order or subdivision files a Form SS-15, and a Form SS-15a to accompany the certificate on Form SS-15, as provided by section 3121(k) and §§ 31.3121(k)-1 through 31.3121(k)-3. The preceding sentence applies even though an order or subdivision has no lay employees at the time it files a certificate of election of coverage. The effective date of the certificate of waiver of exemption must be no later than the date on which the certificate of election becomes effective, and it must be specified on the certificate of waiver of exemption that such certificate is irrevocable. The certificate of waiver of exemption required under this paragraph shall be filed notwithstanding the provisions of section 3121(k)(3) (relating to no renewal of the waiver of exemption) which otherwise would prohibit the filing of a waiver of exemption if an earlier waiver of exemption had previously been terminated. If at the time the certificate of election of coverage is filed a certificate of waiver of exemption is in effect with respect to the electing religious order or autonomous subdivision, the filing of the certificate of election shall constitute an amendment of the certificate of waiver of exemption making the latter certificate irrevocable.

[FR Doc.73-13995 Filed 7-9-73;8:45 am]

Title 31—Money and Finance: Treasury

CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—BUREAU OF ACCOUNTS

PART 260—SHIPMENT OF VALUABLES PURSUANT TO THE GOVERNMENT LOSSES IN SHIPMENT ACT

Revocation

The Department of the Treasury has determined to revoke its regulations governing the Shipment of Valuables Pursuant to the Government Losses in Shipment Act, at 31 CFR Part 260 (also appearing as Treasury Department Circular 576, as amended), which were stated to be provisional upon their 1937 promulgation. The regulations are now in part inconsistent with the act, as amended, and have caused confusion as a result. Further, regulations properly reflecting the current meaning and intent of the Government Losses in Shipment Act appear at 31 CFR Parts 261 and 262.

31 CFR 260.2, the only substantive provision, will be restated as 31 CFR 261.2.

Since the revocation concerns matters which are at this date essentially intragovernmental and have minimal public effect, notice and public procedure respecting this action is neither appropriate nor needed. Accordingly, Subchapter A, Chapter II of Title 31 of the Code of Federal Regulations is hereby amended by revoking Part 260.

(50 Stat. 479, 480; 40 U.S.C. 721, 728)

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

Dated: July 2, 1973.

[FR Doc.73-13981 Filed 7-9-73;8:45 am]

PART 261—CLAIMS FOR REPLACEMENT OF VALUABLES, OR THE VALUE THEREOF, SHIPPED PURSUANT TO THE GOVERNMENT LOSSES IN SHIPMENT ACT

Shipping Procedure

The Department of the Treasury finds it necessary to amend its regulations governing Claims for Replacement of Valuables, or the Value Thereof, Shipped Pursuant to the Government Losses in Shipment Act, at 31 CFR Part 261 (also appearing as Treasury Department Circular 577, as supplemented), by (1) revoking § 261.2 because Part 260, referred to therein, has been revoked, and (2) by adding a new § 261.2, a restatement of the revoked § 260.2.

Since the amendments concern matters which are at this date essentially intragovernmental and have minimal public effect, notice and public procedure respecting this action is neither appropriate nor needed. Accordingly, Subchapter A, Chapter II of Title 31 of the Code of Federal Regulations is hereby amended by revoking the present § 261.2, and by adding a new 261.2 to read:

§ 261.2 Shipping procedure.

Shipments of valuables shall be made in such manner and at such time consonant with the greatest possible protection against risk of loss and destruction of and damage to such valuables as the respective heads of the various executive departments, independent establishments, agencies and wholly-owned corporations of the United States may from time to time direct, after notice to the Secretary of the Treasury.

(50 Stat. 480; 40 U.S.C. 728)

Dated: July 2, 1973.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.73-13982 Filed 7-9-73;8:45 am]

Title 32—National Defense

CHAPTER XVIII—DEFENSE CIVIL PREPAREDNESS AGENCY

PART 1812—FEDERALLY ASSISTED CONSTRUCTION

Corrective Amendment

Section 1812.3 of Part 1812 of Chapter XVIII of Title 32 of the Code of Federal Regulations is amended by substituting, in the first sentence thereof, "OMB Circular A-102" in place of "OMB Circular A-120."

(Sec. 401(g), 201(i) 205, 64 Stat. 1245-1257, 50 U.S.C. App. 2251-2297; Reorganization Plan No. 1 of 1958, 72 Stat. 1799; Executive Order 10952, "Assigning Civil Defense Responsibilities to the Secretary of Defense and Others," July 20, 1961; order of the Secretary of Defense establishing the Defense Civil Preparedness Agency as an agency of the Department of Defense, FR Doc. 72-15636, filed September 13, 1972, 37 FR 18636.)

Effective date. This corrective amendment is effective immediately.

Dated: June 29, 1973.

JOHN E. DAVIS,
Director,
Defense Civil Preparedness Agency.

[FR Doc.73-13894 Filed 7-9-73;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER I—ANCHORAGES

[CGD 72-232 R]

PART 110—ANCHORAGE REGULATIONS

Subpart B—Anchorage Grounds

HAMPTON ROADS, VA. AND ADJACENT WATERS

This amendment to the anchorage regulations applicable to Hampton Roads, Virginia, and adjacent waters reduces

the size of anchorage ground H–1, located on the Elizabeth River, south of Craney Island.

This amendment is based on a notice of proposed rulemaking published in the Wednesday, December 6, 1972, issue of the FEDERAL REGISTER (37 FR 25956) and on Public Notice No. 5–209 issued by the Commander, Fifth Coast Guard District.

Only one comment was received concerning the proposal. The commenter explained that a plot of the bounds of the anchorage using Lambert grid coordinates discloses, after conversion of these coordinates into geographic coordinates, that the plot of the northwest corner of the anchorage is in error. The geographic coordinates of the northwest corner of the anchorage are latitude 36° 52′ 39.5″ N., longitude 76° 20′ 37.8″ W., rather than latitude 36° 52′ 39.5″ N., longitude 76° 20′ 39.0″ W. as contained in the description of the anchorage in the notice of proposed rule making. The final rule corrects this error in the description of the anchorage.

In consideration of the foregoing, Part 110 of Chapter I of Title 33 of the Code of Federal Regulations is amended by revising § 110.168(d)(1) to read as follows:

§ 110.168 Hampton Roads, Va., and adjacent waters.

* * * * *

(d) *Elizabeth River*—(1) *Anchorage H–1, West Norfolk.* The water area on the west side of Norfolk Harbor Channel, south of Craney Island enclosed by a line beginning at a point on the western edge of the Norfolk Harbor Channel at latitude 36°52′41″ N., longitude 76°20′07″ W.; thence westerly to latitude 36°52′39.5″ N., longitude 76°20′37.8″ W.; thence southerly to latitude 36°52′18.8″ N., longitude 76°20′34.3″ W.; thence easterly to latitude 36°52′22.2″ N., longitude 76°20′03.8″ W.; thence northerly along the western boundary of the Norfolk Harbor Channel to the point of beginning.

* * * * *

(Sec. 7, 38 Stat. 1053, as amended, sec. 6(g)(1)(A), 80 Stat. 937; (33 U.S.C. 471), (49 U.S.C. 1655(g)(1)(A)), 49 CFR 1.45(c)(1), 33 CFR 1.05–1(c)(1))

Effective date. This amendment shall become effective on August 10, 1973.

Dated: July 3, 1973.

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

[FR Doc. 73–13987 Filed 7–9–73;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 36—LOAN GUARANTY

Interest Rate Changes

The Veterans Administration is amending §§ 36.4311 and 36.4503, title 38 of the Code of Federal Regulations to decrease the maximum allowable interest rate on guaranteed, insured, and direct home loans to 6 percent.

Section 1803(c)(1) of title 38, United States Code provides that the maximum interest rate applicable to loans, guaranteed or insured, under chapter 37 of title 38 shall be established by the Administrator from time to time as he finds the loan market demands, except that the rate in no event shall exceed that in effect under the provisions of section 203(b)(5) of the National Housing Act. The maximum interest rate authorized by section 203(b)(5) of the National Housing Act is 6 percent. Public Law 92–335 (86 Stat. 405) granted temporary authority to establish interest rates in excess of the 6 percent maximum set forth in section 203(b)(5) of the National Housing Act. This temporary authority expires on June 30, 1973.

Compliance with the provisions of § 1.12 of this Chapter, as to notice of proposed regulatory development, is waived because publishing of notice and requesting comments would serve no useful purpose in light of the expiration of statutory authority to continue a maximum interest rate in excess of 6 percent.

1. In § 36.4311, paragraph (a) is amended to read as follows:

§ 36.4311 Interest rates.

(a) Excepting non-real-estate loans insured under 38 U.S.C. 1815 and loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration which specify an interest rate in excess of 6 per centum per annum, effective July 1, 1973, the interest rate on any loan guaranteed or insured wholly or in part on or after such date may not exceed 6 per centum per annum on the unpaid principal balance.

* * * * *

2. In § 36.4503, paragraph (a) is amended to read as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after May 7, 1968, shall not exceed an amount which bears the same ratio to $21,000 (or to such increased maximum as the Administrator may from time to time specify for the area in which the loan is made pursuant to section 1811(d) of title 38, United States Code) as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to $12,500. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Effective July 1, 1973, loans made by the Veterans Administration shall bear interest at the rate of 6 percent per annum.

* * * * *

These VA regulations are effective July 1, 1973.

Approved: June 29, 1973.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.73–14092 Filed 7–9–73;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART 126—MAIL ADDRESSED TO MILITARY POST OFFICES OVERSEAS

General Prohibitions

Regulations dealing with general prohibitions as to mailings to, from, and between overseas military post offices are amended with respect to magnetic materials shipped by air.

Accordingly, paragraph (f)(i)(ii) *General prohibitions* of § 126.1 is amended, effective on July 10, 1973, to read as follows:

* * * * *

§ 126.1 Preparation and handling.

(f) * * * (ii) Magnetic material shipped by air having sufficient magnetic field to cause a compass deviation at 15 feet or more. Magnetic material causing a compass deviation at less than 15 feet shall have the required magnetic equipment caution label affixed. This does not apply to magnetic material sent by surface equipment.

* * * * *

(39 U.S.C. 401)

ROGER P. CRAIG,
Deputy General Counsel.

JULY 5, 1973.

[FR Doc.73–13964 Filed 7–9–73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following is to (i) provide additional instructions on the handling of bids after they are opened, (ii) add a Prompt Payment Discount clause, (iii) revise the Source Inspection clause, (iv) provide additional instructions for establishing price reasonableness when only one bid is received, and (v) delete Part 5A–75 as review committees and teams are discontinued.

The table of parts for Chapter 5A is revised by deleting Part 5A–75.

PART 5A–2—PROCUREMENT BY FORMAL ADVERTISING

The table of contents for Part 5A–2 is amended by addition of the following new entry:

Sec.
5A–2.402 Opening of bids.

Subpart 5A–2.2—Solicitation of Bids

1. Section 5A–2.201–77 is amended by adding a paragraph (c) as follows:

§ 5A–2.201–77 Discount provision.

* * * * *

(c) The following clause shall be included in all solicitations for offers and resultant contracts.

PROMPT PAYMENT DISCOUNT

For the purpose of bid evaluation, any prompt payment discount which is eligible (i.e. for a period of 20 days or more) for con-

sideration in the evaluation of offers pursuant to Article 9(a) of SF 33A will be applied directly to the price offered. Where a single percentage either as a deduction from or as an addition to the prices is offered under the price-list method of making awards, such percentage will be applied first to determine the evaluated price offered, then that price will be reduced by any eligible prompt payment discount offered. For the purpose of payment, when the prompt payment discount is earned, the full discount will be deducted, otherwise any prompt payment discount in excess of 5 percent will be considered by the Government only as a prompt payment discount of 5 percent, and any percentage in excess of 5 percent will be considered as a special discount, which the bidder or offeror agrees that the Government will be entitled to regardless of when payment is made.

2. Section 5A-2.201-78 is amended as follows:

§ 5A-2.201-78 Inspection at source.

* * * * *

(c) * * *

SOURCE INSPECTION

(1) Supplies to be furnished under this contract ordinarily will be inspected at source by the Government prior to shipment from the manufacturing plant or other facility designated by the Contractor, unless (a) the Contractor is notified otherwise in writing by the Contracting Officer or his designated representative or (b) the Contractor or his subcontractor, pursuant to a Quality Assurance or Quality Approved Manufacturer Agreement with the General Services Administration, is authorized to issue a certificate covering such supplies at the time of shipment. Notwithstanding the foregoing, the Government may perform any or all tests contained in the contract specifications at a Government facility without prior written notice by the Contracting Officer before release of the supplies for shipment.

(2) Offerors will be required to specify the name and address (including county) of each manufacturing plant or other facility where supplies will be available for inspection, indicating the item number(s) to which each applies. A contract will be awarded only to the responsible offeror (i) who agrees to deliver the item(s) specified by the contract from a plant or warehouse within the United States (including Puerto Rico and the Virgin Islands) that is equipped to perform all tests required by the contract and specifications, to evidence conformance therewith, or (ii) who will arrange with a testing laboratory in the United States, acceptable to the Government, to perform the required tests.

(3) Inspection responsibility will be assigned to the Quality Control Division of the GSA regional office having jurisdiction over the State in which the Contractor's or subcontractor's plant or other designated point for source inspection is located (addresses and States covered for each Quality Control Division are shown on GSA Form 2022, copy of which, if not previously furnished, is obtainable upon request). The Contractor shall notify, or arrange for his subcontractor to notify, that office at least 10 days prior to the date when supplies will be ready for inspection. Shipments shall not be made until released by the Quality Control Division unless release is otherwise authorized under terms of a currently applicable Quality Assurance or Quality Approved Manufacturer Agreement.

Subpart 5A-2.4—Opening of Bids and Award of Contract

1. Section 5A-2.402 is added as follows:

§ 5A-2.402 Opening of bids.

Under no circumstances shall anyone tamper with any bid after it has been formally opened. This includes making any alterations or notations with pencil or ink, or disassembling, or withdrawing pages or adding pages not submitted with the bid.

2. Section 5A-2.407-3 is amended as follows:

§ 5A-2.407-3 Discounts.

* * * * *

(c) All solicitations for offers shall contain the Prompt Payment Discount clause set forth in § 5A-2.201-77(c).

3. Section 5A-2.407-70 is revised as follows:

§ 5A-2.407-70 Award when only one bid is received.

(a) When only one bid is received in response to an invitation for bids, such bid may be considered and accepted if (i) the specifications used in the invitation were not restrictive, (ii) adequate competition was solicited, (iii) the price is reasonable, and (iv) the bid is otherwise in accordance with the invitation for bids.

(b) The responsible contracting officer shall ensure that the contract file contains complete documentation that an award to the only offeror is in the best interest of the Government, particularly with regard to price reasonableness. If the basis for price reasonableness cannot be established from data or information which is available to the contracting officer, other than by contacting the offeror, the offeror may be contacted but only after all other information sources have been explored and found inadequate, and readvertising or negotiating with other sources of supply has been determined not feasible.

PART 5A-16—PROCUREMENT FORMS

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

Sec.	
5A-16.950-1679	GSA Form 1679, Contract Administration.
5A-16.950-1950	GSA Form 1950, Transmittal of Contract Award.
5A-16.950-1950B	GSA Form 1950B, Equal Employment Opportunity Program Review.

PART 5A-75—REVIEW COMMITTEES AND TEAMS

Part 5A-75 is deleted in its entirety.

NOTE: Copies of the forms illustrated in §§ 5A-16.950-1679, 5A-16.950-1950, and 5A-16.950-1950B are filed with the original document.

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

Effective date. This regulation is effective on the date shown below.

Dated: June 26, 1973.

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

[FR Doc.73-13963 Filed 7-9-73;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19078; FCC 73-692]

PART 73—RADIO BROADCAST SERVICES

Subsidiary Communications Authorizations

In the matter of amendment of § 73.593 of the Commission's rules with respect to uses of FM multiplex channels of noncommercial educational FM stations involving a charge to the audience, Docket No. 19078, RM-1623.

Report and order.

1. On November 4, 1970, responding to a petition filed by Educasting Systems, Inc. (Educasting), we issued a notice of proposed rule making in the above-entitled proceeding, (see 35 FR 17357) in which we proposed to amend § 73.593 of our rules to permit a noncommercial educational FM broadcast station, subject to appropriate safeguards, to accept payment of tuition fees for educational courses and other appropriate material broadcast on a multiplex basis pursuant to a Subsidiary Communications Authorization.

2. The petitioner was particularly interested in furthering the use of an instructional system utilizing multiple subcarriers, which it had developed and tested on an experimental basis, in which students with especially equipped receivers might listen to an instructor on one subcarrier and choose answers to questions posed by the instructor by depressing one of several buttons, each of which select other subcarriers carrying material appropriate to the correctness of the chosen answer. However, the proposition presented is of general application—whether a noncommercial educational FM station appropriately may charge "tuition or course fees" in connection with the kind of program material authorized to be broadcast over its subcarrier.

3. The Commission made a tentative finding "that to some degree the type of operation proposed by Educasting, or the transmission of instructional types of programs on one or more subcarriers by a noncommercial educational FM station for a fee, could be conducted without undue "commercialization" of the educational FM service, and would be in the public interest; and offered for comment an amendment to § 73.593 of its rules. The amendment to subparagraph (a)(1) of this section, with new or modified provisions italicized is set forth below:

Section 73.593 *Subsidiary communications Authorizations.* (a) * * * (1) Transmission of programs which are noncommercial and in furtherance of an educational purpose, and which are of a broadcast nature but of interest primarily to limited segments of the station's audience. Illustrative services include: programs for presentation in classrooms; programs designed for special professional groups such as doctors, *lawyers and engineers; materials designed for special interest groups, including those of ethnic, safety and technical orientations and the handicapped;* and any use which would be permitted for a commercial FM station under § 73.293(a)(1), subject to the prohibitions against commercial operations and limitations as to purpose contained in this

section and in § 73.503. *Uses under this subparagraph will not be considered "commercial" if there is charged either a per-course or per-pupil fee, where: (i) the material is presented by or for a bona fide educational institution; or if it is not, the licensee of the noncommercial educational FM station has investigated the material and deems it to be clearly of educational or public service value; (ii) the payment is made to the educational institution or the noncommercial educational FM stations; and (iii) the payments retained by the station licensee total no more than the approximate cost of conducting the SCA operation (including purchase or lease of equipment, course material, etc.) and general overhead and operational costs incidental to it. Where the material is presented by or for the educational institution, or other entity, the payments made to the station or directly to the institution or entry may also include the usual tuition fees charged for similar material presented otherwise.*

The modifications incorporated in the rule are for the purpose of insuring that the material broadcast for a fee, whether prepared by an educational institution, or not, is of an appropriate nature for educational SCA transmission, that the fee payment is made to the educational institution or other entity or to the station, and that the funds retained by the station licensee will not exceed the actual costs incurred by the station in the presentation of the program material.

4. Comments and reply comments, timely filed within the specified deadlines for those pleadings, of December 16, 1970, and January 6, 1971, respectively, were submitted by the following parties:

Comments. Bay Area Educational Television Association (KQED–FM) Corporation for Public Broadcasting (CPB) West Virginia Educational Broadcasting Authority National Association of Educational Broadcasters (NAEB) Educasting Systems, Inc.

Reply comments. Educasting Systems, Inc.

5. All of those commenting support an amendment of the rules of the nature proposed, but certain of the parties take some exception to the specific language employed.

6. CPB notes that in stipulating that fees may be charged "per course or per pupil" the proposed rule may be interpreted as allowing such fee imposition only "for SCA services constituting formal instruction", even though other language in the rule which requires that program material be "clearly of educational or public service value" suggests that the charging of fees for a broader range of services is permitted. It is CPB's conviction that SCA operation has great potential for the provision of program services designed for special interest groups, such as the blind, the aged, or other social, ethnic or minority groups, but that the potential is unlikely to be realized fully unless licensees are able to recover the costs incidental to SCA operation.

7. To clarify what it believes to be the intention of the proposed rule, to which it subscribes, CPB suggests that the portion of the text of the rule which states that "Uses under this subparagraph will not be considered 'commercial' if there is charged either a per-course or per-pupil fee * * *" be revised to read "Uses under this subparagraph will not be considered 'commercial' if there is charged a per-course, per-pupil or other fee * * * *".

8. NAEB notes that while the last sentence of the proposed rule recognizes that the broadcast material may be presented by or for an educational institution or other entity, and payments may be made to the institution or entity, the alternative represented by the underlined language is omitted from paragraph (b) of the proposed rule, i.e., for consistency's sake, that (b) should be made to read "the payment is made to an educational institution or other entity or to the noncommercial educational FM station * * *".

9. The modifications suggested by CPB and NAEB are for the purpose of making more clear that the SCA program material for which a fee is charged need not necessarily be prepared by an "educational institution" if it is of educational or "public service value." The latter term causes the West Virginia Educational Broadcasting Authority some difficulty. It believes that while the educational station licensee would have little difficulty in determining whether a program offering has "educational value", "public service value" is an ill-defined term, and its employment as an alternative test of the eligibility of particular course material for the imposition of fees "could well be a source of abuse". It therefore suggests that this term be stricken, so that the sole criterion to be applied in determining whether a fee may be charged for program or course material, whether furnished by an educational institution or not, will involve the assessment of its "educational" value.

10. The comments strongly support rule amendments which would permit the imposition of charges for a rather broad range of services presented over the subcarrier of the noncommercial educational FM station. The rule which we are adopting is framed in accordance with this approach. However, on further consideration of all of the factors involved, we have found it necessary, if the public is not to be misled as to basic nature of the program material for which it is being asked to pay, that a clear distinction be drawn between those offerings prepared, sponsored, and supervised by an educational institution, constituting formal instructional or institutional credit material, and those programs which, while they may be of considerable value to their intended audience, do not have the imprimatur of an educational institution.

11. Accordingly, without limiting the freedom of action of the station to make charges for appropriate program material, we have redrafted the proposed rule to establish the distinction described above, and to require that the noncommercial educational FM station make clear for prospective subscribers to a program series or course of instruction the instrumentality primarily responsible for its preparation and presentation.

12. Since the rule which we are adopting differs substantially in structure from the one we had proposed, the specific changes in wording in the proposed rule suggested by the parties no longer has pertinence. However, we believe that the rule, as now revised, by establishing a separate category of programs, not presented under the auspices of an educational institution for which a charge may be made, provides the clarification of intent which the parties sought to achieve by their suggested changes.

13. *Accordingly, it is ordered,* That, effective August 13, 1973, Part 73 of the rules and regulations is amended as set forth in the Appendix below. Authority for this action is found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

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

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

Adopted: June 27, 1973.

Released: July 2, 1973.

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

1. Section 73,593(a)(1) is amended to read as follows:

§ 73.593 Subsidiary communications authorizations.

(a) * * *.

(1) Transmission of programs which are noncommercial and in furtherance of an educational purpose, and which are of a broadcast nature but of interest primarily to limited segments of the station's audience. Typical services may include: programs for presentation in classrooms; programs designed for specific professional groups, such as doctors, lawyers, and engineers; programs intended to serve the special needs and interests of the aged, the handicapped, particular social and ethnic groups, and for those in a specific trade or sharing a common interest or hobby; programs for individualized remedial or advanced learning needs; and any use permitted for a commercial FM station under § 73.293(a)(1), subject to the prohibition against commercial operation and the limitation as to purpose contained in this section and in § 73.503, such limitation especially including those non-instructional services customarily provided by commercial firms. Uses permitted under this subparagraph will not be considered "commercial," when charges are made for the service rendered, under the circumstances and subject to the conditions set forth hereunder:

(i) A per-course, per-session, per-seminar, per-pupil or other appropriate fee is charged for formal or informal instructional material, presented by, with or for a bona fide educational institution. Payment of the fee shall be made to the noncommercial educational FM station or to the educational insti-

tution; such fee may include, in addition to the station expenses detailed in subdivision (iii), of this subparagraph, the usual tuition charged for similar material presented by other means.

(ii) A charge is made for a program or series of programs, informational or generally instructional in nature, intended to meet the special needs and interests of one or more of the groups the station is authorized to serve under its SCA. Payment of the charge shall be made to the noncommercial educational FM station.

(iii) Payments retained by the station shall total no more than the approximate cost of conducting the SCA operation (including purchase or lease of equipment, course material, personnel services, etc.) and the general overhead and operational costs attributable to such operation.

(iv) A noncommercial educational FM station offering program material subject to fee or other charge shall clearly indicate in any broadcast or printed solicitation to prospective enrollees whether the material falls into category subdivision (i) or (ii), of this subparagraph, so that informational and general educational materials are not represented as formal instructional or institutional credit programs.

* * * * *

[FR Doc.73-13976 Filed 7-9-73;8:45 am]

[Docket No. 19587; FCC 73-693]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations in Wellsboro, Pa.

Report and order. In the matter of amendment of § 73.202(b), *Table of assignments*, FM Broadcast Stations. (Wellsboro, Pennsylvania), Docket No. 19587, RM-1807.

1. The Commission here considers the notice of proposed rule making, adopted September 13, 1972 (FCC 72-817; 37 FR 19651), in this docket concerning possible amendment of the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) by substituting Class B Channel 283 for Channel 249A at Wellsboro, Pennsylvania. The only party commenting is the petitioner, Farm and Home Broadcasting Company (Farm and Home), licensee of AM Station WNBT (Class IV) and Station WGCR-FM, Wellsboro, Pennsylvania, which has also indicated its desire for modification of its license for WGCR-FM to specify operation on Channel 283 instead of 249A.

2. Wellsboro, population 4,003 [1], is the seat of Tioga County, Pennsylvania, population 39,691. Farm and Home's broadcast facilities at Wellsboro are the only ones licensed in Tioga County, which, as pointed out in the Notice, is a more or less isolated area made up of rural dwellings and small communities. The nearest substantial concentrations of population are Williamsport, Pennsylvania, 38 miles to the southeast, and three communities in New York—Elmira, 35 miles to the northeast; Corning, 30 miles north; and Olean 63 miles to the northwest. Petitioner asserts that Wellsboro, because of its central location, is the hub of commercial, governmental, and social activity of Tioga County and the general area. This includes seven employers with at least 150 employees; 77 retail establishments with sales of over $15 million of the total in Tioga County (381 with about $47 million)[2]; and Commonwealth Bank and Trust Company (assets in excess of $76 million) and Citizens and Northern National Bank & Trust Co. (over $54 million of assets) with multiple branches elsewhere are based there. Other economic data is set forth in the Notice, but we need not detail it here.

3. As pointed out in the Notice, the petitioner's principal contention is that Station WGCR-FM could serve substantially greater population than with its present maximum Class A facility. With a facility of 20 kw E.R.P. and 480 ft. A.A.T., Farm and Home showed that there would be a gain of service of 70,457 persons in an area of 1,888 square miles, in fact providing a first FM service to 3,750 persons in 176 square mile area and a second FM service to 15,922 persons in an area of 720 square miles.[3] Channel 283 may be assigned only to a small area including Wellsboro without changes elsewhere; if assigned there, preclusion to communities not already having FM assignments would occur on only Channels 280A and 285A, but Channels 249A or 261A may be assigned to such communities.

4. It would appear that the public interest, convenience and necessity would be served by assigning Channel 283 in lieu of 249A at Wellsboro, Pennsylvania. As indicated above, Channel 283 would be put to use whereas it might otherwise remain fallow; and its use can provide substantial additional service. In the latter respect, in order to assure a reasonable amount of first and second FM service, we are conditioning operation of a station on Channel 283 with 30 kw E.R.P. and 300 A.A.T. antenna height or equivalent [4]; see and compare Roanoke Rapids and Goldsboro, 9 F.C.C. 2d 672 (1967). The Canadian Department of Communications has agreed to this change pursuant to the Working Arrangement under the Canadian-U.S.A. FM Agreement of 1947. Assignment of the channel meets our spacing requirements.

5. Authority for the actions proposed herein is contained in sections 4(i), 303(g) and (r), 307(b), and 316 of the Communications Act of 1934, as amended.

6. In accordance with the foregoing: *It is ordered*, That the FM Table of Assignments (§ 73.202(b) of the Commission's Rules and Regulations) is amended, effective August 13, 1973, as concerns Wellsboro, Pennsylvania, as shown below:

City	*Channel No.*
Wellsboro, Pennsylvania	283*

*Any application for this channel must specify at least an effective radiated power of 30 kW and antenna height of 300 feet above average terrain or equivalent.

7. Farm and Home Broadcasting Company, having indicated its consent thereto: *It is further ordered*, That effective August 13, 1973, and pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding license held by Farm and Home Broadcasting Company for Station WGCR-FM, Wellsboro, Pennsylvania, is modified to specify operation on Channel 283 in lieu of Channel 249A, subject to the following conditions:

(a) The licensee shall inform the Commission in writing by no later than July 23, 1973, of its acceptance of this modification.

(b) The licensee shall submit to the Commission by September 17, 1973, all necessary information complying with the applicable technical rules for modification of authorization to cover the operation of Station WGCR-FM on Channel 283 at Wellsboro, Pennsylvania.

(c) The licensee may continue to operate on Channel 249A under its outstanding authorization until it is ready to operate on Channel 283. Ten days prior to commencing operation on Channel 283, the licensee shall submit the same measurement data normally required in an application for an FM broadcast station license.

(d) Farm and Home Broadcasting Company shall not commence operation on Channel 283 until the Commission specifically authorizes it to do so.

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

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

Adopted: June 27, 1973.

Released: July 2, 1973.

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

[FR Doc.73-13977 Filed 7-9-73;8:45 am]

[73-694]

PART 73—RADIO BROADCAST SERVICES

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

Re-regulation of Radio Television Broadcasting

In the matter of Re-regulation of radio and television broadcasting.

[1] Population information is from the 1970 Census unless otherwise specified.

[2] For 1967.

[3] Farm and Home made another showing based on maximum facilities—a gain of service of 107,079 persons in a 2,816 square mile area with first and second service to 4,129 persons in a 272 square mile area and 29,904 persons in an area of 1,152 square miles, respectively. That showing was referred to in Paragraph 4 of the Notice.

[4] While Farm and Home made a showing based on a facility with 20 kw power and 480 feet antenna height, it did not commit itself to building at that height and power. We note that the latter would limit 1 mv/m service to an area slightly greater than the stated minimum; considering uniform terrain distance from the transmitter would be about 27 and 25 miles, respectively.

1. As a result of the continuing study by its Task Force on re-regulation of broadcasting, the Commission has under consideration the matter of amending certain provisions in Parts 73 and 74 of its rules and regulations.

2. The amendments up-date a number of rules, delete parts of others which are no longer applicable, and eliminate various requirements which are no longer necessary.

3. The following changes are made for the reasons indicated:

(a) Section 73.23(c) is amended to delete the provision for 250 watt daytime stations on local channels to operate beyond the hours specified in their licenses (upon notification to the Commission and its district Engineer in Charge).

(1) No such stations are currently licensed. It appears that none would be sought because an applicant would not restrict himself to daytime operation when he can operate unlimited time with 250 watts on a local channel.

(b) Section 73.23(e) is amended to permit any specified hours station operating on a local channel, except one which shares time, to operate beyond the hours specified in its license in order to carry special events programming. Such extended operation has been limited to specified hours stations on local channels with a power of not in excess of 250 watts.

(1) Since specified hours stations on local channels are engineered for nighttime operation, no objectionable interference would result from such extended operation.

(c) Section 73.23 (e) is amended also to make clear that a specified-hours station which operates nighttime beyond the hours specified in its license must use the station's authorized nighttime facilities.

(1) Previously, such provision was not expressly stated in the rule but was necessarily implied because prohibited interference could result from operating otherwise.

(d) Section 73.23(e) is amended also to delete the requirement that notification must be made to the Commission and its District Engineer in Charge when a specified hours station operates beyond the hours specified in its license.

(1) The station's operating and program logs are an adequate record of the carrying of this type of extended special-events programming.

(e) For clarification purposes, the phrase "to carry special events programming" is added to § 73.23(e) to define the programming which may be carried beyond the hours specified in such station's license.

(1) The rule has been administered in this context and is understood by the industry to mean programming of a special events nature.

(f) Each of the "Program Log" rules for AM, FM, Ed. FM and TV is amended to correct the reference therein to the number of the "Mechanical Reproduction" rule in accordance with which an entry must be made in the program log.

(1) By previous Order of November 1, 1972 (FCC 72-967), the "Mechanical Reproduction" rule for each of those services was deleted and a new rule, Section 73.1208, "Broadcast of Taped, Filmed or Recorded Material", was added to Subpart H, which is applicable to all broadcast services. Thus, in §§ 73.112(a)(4)(iv), 73.282(a)(4)(iv), 73.582(a)(2), and 73.670(a)(4)(iv) concerning program logs, the reference to §§ 73.118, 73.288, 73.588 and 73.653 is changed to 73.1208.

(g) Section 73.51(c)(2)(ii) is amended to make clear that the equipment performance measurements required therein are to be made at each power level at which the transmitter will be operated.

(1) As amended, the rule will reflect the manner in which it is administered, and any uncertainty generated by the cross-reference to § 73.47, contained therein, is eliminated.

(h) The provision in § 73.582(a)(2) for entry of the "sponsor's name" in the program log of noncommercial educational stations is changed to the "name of any donor announced pursuant to § 73.289."

(1) The term "donor" is more appropriate for noncommercial educational FM stations. Section 73.503(d) provides that such stations are subject to the provisions of § 73.289 (announcement of sponsored programs) to the extent that they are applicable to the broadcast of programs produced by, or at the expense of, or furnished by, others. The name of the donor announced pursuant to § 73.289 would be entered in the program log.

(i) References to political editorials in the title of § 73.598 and in the provisions of § 73.598(b) pertaining to Noncommercial Educational FM stations are deleted.

(1) Section 399 of the Communications Act of 1934, as amended, (added by Public Law 90-129, November 7, 1967), provides that "No noncommercial educational broadcasting station may engage in editorializing or may support or oppose any candidate for political office."

(j) Section 73.1207(c)(6) concerning prior approval of the Commission for rebroadcast of point-to-point messages originated by government and privately-owned non-broadcast stations is amended to provide for informal requests by telephone, followed within one week by written request and confirmation of consent by the originating station.

(1) The need to make provision for telephone requests for prior Commission approval was recently underscored by the earthquake in Nicaragua. During that disaster, a number of broadcast licensees and networks requested authority to rebroadcast point-to-point messages originated by privately-owned non-broadcast stations. In situations of this type, the time element frequently precludes the submission of written requests for prior approval of the Commission heretofore required by the rule.

(k) Section 73.935(b) concerning Emergency Broadcast System operation is amended to correct references therein to number of the rules regarding rebroadcasts of programs.

(1) The rebroadcast rules for each of the services, AM, FM, Ed. FM and TV, were deleted by previous Order of November 1, 1972, and a new rule § 73.1207 was added to Subpart H, which is applicable to all such stations. Thus, references in 73.935(b) to §§ 73.121(b) and (d), 73.219(b) and (d), 73.591(b) and (c), and 73.655(b) and (c) are changed to § 73.1207.

(l) Sections 74.13 and 74.14 are amended to delete the requirements that notification must be given to the Commission and its District Engineer in Charge when a permittee begins equipment tests (§ 74.13(a), (b), (c), (d)) or program tests (§ 74.14(a), (b), (c), (d)) on any class of broadcast station listed in Part 74 (Experimental TV, Experimental Facsimile, Developmental, Remote Pickup, Aural STL and Intercity Relay, TV Auxiliary, TV Translators, Instructional Fixed, FM Translators and Boosters).

(1) Such notifications are no longer needed or useful for administrative purposes, and elimination of the requirement relieves both the permittee and the Commission of an unnecessary paperwork burden.

4. Amendments hereby adopted are editorial revisions, deletions, corrections and relaxations of existing rule provisions which we consider no longer necessary. They also conform language of certain rule provisions to established Commission policy and practice. We believe that they will inure to the benefit of many and to the detriment of none. We conclude that adoption of the amendments will better serve the public interest. Therefore, prior notice of rule making and public procedure thereon are unnecessary, pursuant to the Administrative Procedure and Judicial Review provisions of 5 U.S.C. 533(b)(3)(B).

5. *Therefore, it is ordered*, That, pursuant to sections 4(i) and 303 (j) and (r) of the Communications Act of 1934, as amended, Parts 73 and 74 of the Commission's rules and regulations are amended as set forth in the attached Appendix below, effective August 13, 1973.

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

Adopted: June 27, 1973.

Released: July 2, 1973.

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

1. Section 73.23(c) and (e) are amended to read as follows:

§ 73.23 Time of operation of the several classes of stations.

* * * * *

(c) Daytime permits operation during the hours between average monthly local sunrise and average monthly local sunset.

* * * * *

(e) Specified hours means that the exact operating hours are specified in the license. (The minimum hours that any station shall operate are specified in § 73.71.) Specified hours stations operat-

ing on local channels, except those sharing time with other stations may operate at hours beyond those specified in their licenses to carry special events programming. To the extent that such operation is conducted during the nighttime hours, the station's authorized nighttime facilities must be used.

2. Section 73.51(c)(2)(ii) is amended to read as follows:

§ 73.51 Antenna input power; how determined.

* * * * *

(c) * * *

(2) * * *

(ii) Where the proposed transmitter power output level(s) is less than 90 percent of nominal power, equipment performance measurements, as specified in § 73.47, conducted at each proposed power output level; in addition, the measurements and observations required by § 73.47(a)(1), (2), (3) and (5) for power output levels 10 percent above, and 10 percent below, the proposed output level(s), but at a modulation level of 95 to 100 percent only. Such measurements must demonstrate that, operating at the proposed power output level(s), the transmitter meets the performance requirements of § 73.40.

* * * * *

3. Section 73.112 is amended to read as follows:

§ 73.112 Program log.

(a) * * *

(4) * * *

(iv) An entry showing that broadcast of taped, filmed, or recorded material has been made in accordance with the provisions of § 73.1208.

* * * * *

4. Section 73.282 is amended to read as follows:

§ 73.282 Program log.

(a) * * *

(4) * * *

(iv) An entry showing that broadcast of taped, filmed, or recorded material has been made in accordance with the provisions of § 73.1208.

* * * * *

5. Section 73.582 is amended to read as follows:

§ 73.582 Program log.

(a) * * *

(2) An entry briefly describing each program broadcast, such as "music", "drama", "speech", etc. together with the name or title thereof and the name of any donor announced pursuant to Section 73.289, with the time of the beginning and ending of the complete program. In addition, an entry reflecting the use of any taped, filmed, or recorded material, in accordance with the provisions of § 73.1208. If a speech is made by a political candidate, the name and political affiliations of such speaker shall be entered.

* * * * *

6. Section 73.598 and headnote are amended to read as follows:

§ 73.598 Personal attacks.

* * * * *

(b) The provisions of paragraph (a) of this section shall not be applicable (1) to attacks on foreign groups or foreign public figures; (2) to personal attacks which are made by legally qualified candidates, their authorized spokesmen, or those associated with them in the campaign, on other such candidates, their authorized spokesmen, or persons associated with the candidates in the campaign; and (3) to bona fide newscasts, bona fide news interviews, and on-the-spot coverage of a bona fide news event (including commentary or analysis contained in the foregoing programs).

* * * * *

7. Section 73.670 is amended to read as follows:

§ 73.670 Program log.

* * * * *

(a) * * *

(4) * * *

(iv) An entry showing that broadcast of taped, filmed, or recorded material has been made in accordance with the provisions of § 73.1208.

* * * * *

8. Section 73.935(b) is amended to read as follows:

§ 73.935 Day-to-day emergencies posing a threat to the safety of life and property; State-Level and Operational (local) Area-Level Emergency Action Notification.

* * * * *

(b) Stations originating emergency communications under this section shall be deemed to have conferred rebroadcast authority, as required by section 325(a) of the Communications Act, and § 73.1207 (a) and (b) of the Commission's rules and regulations.

9. Section 73.1207 is amended to read as follows:

§ 73.1207 Rebroadcast.

* * * * *

(b) No broadcasting station shall rebroadcast the program, or any part thereof of another U.S. broadcasting station without the express authority of the originating station. A copy of the written consent of the licensee originating the program shall be kept by the licensee of the station rebroadcasting such program and shall be made available to the Commission upon request. Stations originating emergency communications under a Detailed State EBS Operational Plan, shall be deemed to have conferred rebroadcast authority on other participating stations. The broadcasting of a program relayed by a remote pickup broadcast station (§ 74.401 of this chapter) is not considered a rebroadcast.

(c) The rebroadcast of time signals originated by the Naval Observatory and the National Bureau of Standards is permitted without further Commission authorization under the conditions set forth in Note 1 to this paragraph. The rebroadcast of National Weather Service (NWS) transmissions is permitted without further Commission authorization under the conditions set forth in Note 2 to this paragraph. Programs originated by the Voice of America (VOA) and the American Forces Radio and Television Service (AFRTS) cannot, in general, be cleared for domestic rebroadcast, and may therefore be rebroadcast only by special arrangement among the parties concerned. Except as otherwise provided by international agreement, programs originated by foreign broadcasting stations may be rebroadcast without the consent of the originating station. In the case of retransmissions of subcarrier background music and other FM multiplex subscription services, permission must first be obtained from the originating station. The retransmission of point-to-point messages originated by government and privately owned non-broadcast stations must be authorized by the Commission prior to retransmission; such authority may be requested informally by telephone, to be followed within one week with a written confirmation accompanied by the written consent of the originating station.

* * * * *

10. Section 74.13 is amended to read as follows:

§ 74.13 Equipment tests.

(a) During the process of construction of any class of radio station listed in this part, the permittee, without further authority of the Commission, may conduct equipment tests for the purpose of such adjustments and measurements as may be necessary to assure compliance with the terms of the construction permit, the technical provisions of the application therefor, the technical requirements of this chapter, and the applicable engineering standards.

(b) Equipment tests may be continued so long as the construction permit shall remain valid.

(c) The authorization for tests embodied in this section shall not be construed as constituting a license to operate.

11. Section 74.14 is amended to read as follows:

§ 74.14 Service or program tests.

(a) Upon completion of construction of a radio station in accordance with the terms of the construction permit, the technical provisions of the application therefor, technical requirements of this chapter, and applicable engineering standards, and when an application for station license has been filed showing the station to be in satisfactory operating condition, the permittee of any class of station listed in this part may, without further authority of the Commission, conduct service or program tests.

(b) Program test authority for stations authorized under this Part will continue valid during Commission consideration of the application for license and

during this period further extension of the construction permit is not required. Program test authority shall be automatically terminated with final action on the application for station license.

(c) The authorization for tests embodied in this section shall not be construed as approval by the Commission of the application for station license.

[FR Doc.73-13978 Filed 7-9-73;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. 246 (Sub-No. 1)]

PART 1002—FEES

Regulations Governing Fees for Services Performed in Connection With Licensing and Related Activities

At a General Session of the INTERSTATE COMMERCE COMMISSION, held at its offices in Washington, D.C., on the 3rd day of July, 1973.

Upon consideration of section 11 of Public Law 92-463, Federal Advisory Committee Act of 1972, 86 Stat. 770 which requires, as pertinent, that except in described situations Federal agencies and advisory committees make available at actual cost of duplication copies of transcripts of agency proceedings or advisory committee meetings; of the draft guidelines implementing the above described statutory requirements circulated by the Office of Management and Budget on May 14, 1973; of the Commission's notice of proposed rulemaking issued in this proceeding on May 11, 1973, 38 FR 13032, promulgating regulations to implement the Commission's responsibilities under the newly enacted statute; and of the comments submitted in response to said notice by the Department of Transportation on June 15, 1973, and by the Maryland Port Administration and The Chicago Board of Trade, each submitted on June 20, 1973; and

It appearing that the Department of Transportation has suggested (1) that in determining the amount to be charged by the Commission's official reporter for copies of transcripts, a maximum amount per page of copy should be established; (2) that certain amendments should be made in that portion of the proposed regulation dealing with requests for expedited delivery of transcript copies; (3) that procedures for obtaining copies of non-current transcripts and those prepared prior to July 1, 1973, should be established; (4) that interested persons should be allowed, as a minimum, to duplicate portions of transcript on the coin-operated copying machine available at the Commission's offices; and (5) that the time for delivery of "regular" or non-expedited transcript copies should be reduced from 10 to 5 days;

It further appearing that section 11(a) of the Federal Advisory Committee Act of 1972 provides that "Except where prohibited by contractual agreements entered into prior to the effective date of this Act, agencies and advisory committees shall make available to any person, at actual cost of duplication, copies of transcripts of agency proceedings or advisory committee meetings." (Emphasis supplied.); and that the regulation proposed by the aforementioned notice of proposed rulemaking is entirely consistent with section 11(a) and with the pertinent implementing guidelines drafted by the Office of Management and Budget;

It further appearing, that the specificity sought by the Department of Transportation will be achieved by the addition to this Commission's fee regulation, of § 1002.1(1) hereinafter set forth;

It further appearing, that there is no current Commission policy which discourages the reproduction of current transcripts or portions thereof through use of coin operated machines, and that provision for reproduction of non-current transcripts is made in § 1002.1(d), (e), and (f) of this Commission's existing fee regulations;

And it further appearing that further public procedures on the revisions proposed by the Department of Transportation in this proceeding are unnecessary under section 553(b) of the Administrative Procedure Act, 5 U.S.C. 553, because due to the exigencies of time, the public interest requires that the regulations set forth below become effective on July 1, 1973.

Wherefore, and good cause appearing therefor:

It is ordered, That part 1002 of Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, amended as follows:

(1) Section 1002.1(h) is revised to read as follows, and paragraph (i) is added to read as set forth below:

§ 1002.1 Fees for copying, certification, and services in connection therewith.

* * * * *

(h) Transcript of testimony and of oral argument, or extracts therefrom, may be purchased by the public from the Commission's official reporter. Transcript will be furnished to the public at actual cost to the official reporter for making copies of the original transcript. This amount may include reasonable overhead and profit but may not include any of the original cost of the transcription. Transcript will be delivered within 14 calendar days after the close of each day's proceeding in Washington, D.C., and within 21 calendar days after the close of each day's proceeding held outside Washington, D.C. Any person seeking transcript on an expedited basis must file a petition with the Commission not later than 10 calendar days prior to the date of the hearing setting forth the pertinent information which necessitates expedited delivery. If a petition is granted, the transcript will be made available at actual cost of duplication to all interested members of the public. If, however, all petitions are denied, any person desiring "daily copy" will have to negotiate directly with the official reporter. The Commission will insure by contract that daily copy will be provided and that the rate charged will not exceed that applicable to the Commission for original transcript if such demand is made at least three days prior to the date of the hearing.

(i) Transcript of testimony and of oral argument, or extracts therefrom, may be purchased by the public from the Commission's official reporter, the Metropolitan Reporting Service, Inc., Suite 210, 7676 New Hampshire Avenue, Langley Park, Md. 20783. Transcripts will be furnished to the public at the following maximum rates per page of approximately 200 words:

18 cents per page for regular copy, 24¢ per page for daily copy, if approved by the Commission, and $5.25 per page for daily copy, if not approved by the Commission but three days' notice is given, for hearings or arguments held at Washington, D.C., and 30 cents per page for regular copy, 33¢ per age for daily copy, if approved by the Commission, and $6.75 for daily copy not approved by the Commission, for hearings or arguments held at points in the United States other than Washington, D.C., and other than the States of Alaska and Hawaii.

Application for copies and payment therefor should be made directly to the official reporter.

It is further ordered, That this order, to be effective on July 1, 1973, shall remain in effect until modified or revoked in whole or in part by further order of the Commission;

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

[Sec. 11, 86 Stat. 767, U.S.C.]

Also considered in the disposition of this matter was the petition filed by the Motor Carrier Lawyers Association.

By the Commission.

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

NOTE: This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

[FR Doc.73-13993 Filed 7-9-73;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 32—HUNTING

Ravalli National Wildlife Refuge, Montana

The following special regulations are issued and are effective on July 10, 1973.

32.5 Special regulations; migratory game birds.

MONTANA

RAVALLI NATIONAL WILDLIFE REFUGE

The hunting of ducks, geese and coot will be permitted on portions of the Ravalli National Wildlife Refuge in accordance with the following additional special conditions:

1. Boats are not permitted.
2. All hunters much check in and out at checking stations.
3. Hunters must be within ten feet of designated blind sites while attempting to take and taking of waterfowl game birds.
4. Blind sites will be limited to five hunters each.
5. A designated area will be open to the taking of ducks, geese and coot by means of falconry from the opening of the migratory waterfowl season through November 25. No firearms may be carried in this area.

The hunting area is designated by signs and delineated on maps available at refuge headquarters, No. 5 Third Street, Stevensville, Montana, and from the Area Manager, Bureau of Sport Fisheries and Wildlife, 711 Central Avenue, Billings, Montana.

MONTANA

RAVALLI NATIONAL WILDLIFE REFUGE

The taking of white-tailed deer by bow and arrow will be permitted on designated areas by means of archery only from September 8 through November 25 in accordance with all applicable state regulations, and with the following additional special conditions:

1. All hunters must check in and out at checking stations.
2. No firearms may be carried in this area.

This hunting area will be designated by signs and delineated on maps available at refuge headquarters, No. 5 Third Street, Stevensville, Montana, and from the Area Manager, Bureau of Sport Fisheries and Wildlife, 711 Central Avenue, Billings, Montana.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1974.

R. C. TWIST,
Refuge Manager, Ravalli National Wildlife Refuge, Stevensville, Montana.

JULY 2, 1973.

[FR Doc.73-13964 Filed 7-9-73;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order 520-73]

DRUG ENFORCEMENT ADMINISTRATION

Reorganization Plan No. 2 of 1973, which becomes effective on July 1, 1973, provides for the strengthening and streamlining of the Federal drug law enforcement effort. It establishes within the Department of Justice a Drug Enforcement Administration and abolishes the Bureau of Narcotics and Dangerous Drugs, Executive Order No. 11727 of July 6, 1973, authorizes the Attorney General to reassign the functions of the Office for Drug Abuse Law Enforcement and the Office of National Narcotics Intelligence and to provide for the abolishment of those Offices. The purpose of this order is to implement the Reorganization Plan and the Executive order.

By virtue of the authority vested in me by 28 U.S.C. 509, 510, 5 U.S.C. 301, Reorganization Plan No. 1 of 1968, Reorganization Plan No. 2 of 1973, and the Comprehensive Drug Abuse Prevention and Control Act of 1970, *it is hereby ordered*, That 28 CFR chapter I be amended as follows:

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

§ 0.1 [Amended]

1. Section 0.1 of Subpart A of Part 0 of Chapter 1 of Title 28, Code of Federal Regulations, which lists the organizational units of the Department, is amended by substituting "Drug Enforcement Administration" for "Bureau of Narcotics and Dangerous Drugs."

§§ 0.11, 0.12 [Revoked]

2. Section 0.11 of Subpart B, relating to the Office for Drug Abuse Law Enforcement, is revoked.

3. Section 0.12 of Subpart B, relating to the Office of National Narcotics Intelligence, is revoked.

§ 0.55 [Amended]

4. Section 0.55 of Subpart K, which sets forth functions of the Criminal Division, is amended by adding the following paragraph (s) at the end thereof:

(s) All legal functions performed by the Office for Drug Abuse Law Enforcement prior to its abolishment.

§ 0.76 [Amended]

5. Section 0.76 of Subpart 0 is amended by substituting "Drug Enforcement Administration" for "Bureau of Narcotics and Dangerous Drugs" in paragraphs (a)(7), (c)(2) and (4), and (h).

6. The heading and text of Subpart R are revised to read as follows:

Subpart R—Drug Enforcement Administration

Sec.
0.100 General functions.
0.101 Specific functions.
0.103 Release of information.
0.104 Redelegation of authority.

AUTHORITY: 5 U.S.C. 301, 28 U.S.C. 509, 510.

§ 0.100 General functions.

Subject to the general supervision and direction of the Attorney General, the following described matters are assigned to, and shall be conducted, handled, or supervised by, the Administrator of the Drug Enforcement Administration:

(a) Functions vested in the Attorney General by sections 1 and 2 of Reorganization Plan No. 1 of 1968.

(b) Functions vested in the Attorney General by the Comprehensive Drug Abuse Prevention and Control Act of 1970.

(c) Functions vested in the Attorney General by section 1 of Reorganization Plan No. 2 of 1973 and not otherwise specifically assigned.

§ 0.101 Specific functions.

Subject to the general supervision and direction of the Attorney General, the Administrator shall be responsible for:

(a) The development and implementation of a concentrated program throughout the Federal Government for the enforcement of Federal drug laws and for cooperation with State and local governments in the enforcement of their drug abuse laws.

(b) The development and maintenance of a National Narcotics Intelligence System in cooperation with Federal, State, and local officials, and the provision of narcotics intelligence to any Federal, State, or local official that the Administrator determines has a legitimate official need to have access to such intelligence.

§ 0.103 Release of information.

(a) The Administrator of DEA is authorized—

(1) To release information obtained by DEA and DEA investigative reports to Federal, State, and local officials engaged in the enforcement of laws related to controlled substances.

(2) To release information obtained by DEA and DEA investigative reports to Federal, State, and local prosecutors, and State licensing boards, engaged in the institution and prosecution of cases before courts and licensing boards related to controlled substances.

(3) To authorize the testimony of DEA officials in response to subpoenas issued by the prosecution in Federal, State, or local criminal cases involving controlled substances.

(b) Except as provided in paragraph (a) of this section, all other production of information or testimony of DEA officials in response to subpoenas or demands of courts or other authorities is governed by Subpart B of Part 16 of this chapter. However, it should be recognized that Subpart B is not intended to restrict the release of noninvestigative information and reports as deemed appropriate by the Administrator of DEA. For example, it does not inhibit the exchange of information between governmental officials concerning the use and abuse of controlled substances as provided for by section 503(a)(1) of the Controlled Substances Act (21 U.S.C. 873(a)(1)).

§ 0.104 Redelegation of authority.

The Administrator of the Drug Enforcement Administration is authorized to redelegate to any of his subordinates any of the powers and functions vested in him by this Subpart R.

§ 0.132 [Amended]

7. Paragraph (c) of § 0.132 of Subpart W is revoked.

§§ 0.138—0.146, §§ 0.149—0.155 and § 0.159 [Amended]

8. Subpart X is amended by substituting "Administrator of the Drug Enforcement Administration" for "Director of

the Bureau of Narcotics and Dangerous Drugs" each place the latter appears in §§ 0.138, 0.139, 0.140, 0.141, 0.142, 0.143, 0.144, 0.145, 0.146, 0.149, 0.150, 0.151, 0.152, 0.153, 0.154, 0.155, and 0.159.

§ 0.147 [Amended]

9. Section 0.147 of Subpart X is amended by substituting "for the Drug Enforcement Administration, the Director of Administration and Management" for "for the Bureau of Narcotics and Dangerous Drugs, the Assistant Director for Administration."

§ 0.148 [Amended]

10. Section 0.148 of Subpart X is amended by substituting "for the Drug Enforcement Administration, the Administrator" for "for the Bureau of Narcotics and Dangerous Drugs, the Director."

§ 0.172 [Amended]

11. Section 0.172 of Subpart Y is amended by substituting "Administrator of the Drug Enforcement Administration" for "Director of the Bureau of Narcotics for Dangerous Drugs," and by substituting "Drug Enforcement Administration" for "Bureau of Narcotics and Dangerous Drugs."

§ 0.175 [Amended]

12. Paragraph (a) § 0.175 of Subpart Z is amended by substituting the word "Administration" for "Bureau."

13. Paragraph (c) of § 0.175 is amended by substituting "Administrator of the Drug Enforcement Administration" for "Director of the Bureau of Narcotics and Dangerous Drugs," and by substituting the word "Administration" for "Bureau."

§ 0.176 [Amended]

14. Paragraph (a) of § 0.176 of Subpart Z is amended by substituting "Administrator of the Administration" for "Director of the Bureau."

§ 0.178 [Amended]

15. Paragraph (b) of § 0.178 of Subpart Z is revised to read as follows:

(b) The Administrator of the Drug Enforcement Administration is authorized to redelegate the authority delegated by this subpart to the Deputy Administrator of DEA, to be exercised solely during the absence of the Administrator from the City of Washington.

PART 9—REMISSION OR MITIGATION OF CIVIL FORFEITURES

§ 9.1 [Amended]

16. Section 9.1 of Part 9 of Chapter I of Title 28, Code of Federal Regulations, is amended by substituting "Drug Enforcement Administration" for "Bureau of Narcotics and Dangerous Drugs."

§ 9.4 [Amended]

17. Paragraph (a) of § 9.4 is amended by substituting "Administrator of the Drug Enforcement Administration, (DEA)" for "Director of the Bureau of Narcotics and Dangerous Drugs (BNDD)," and by substituting "regional administrator of DEA" for "regional director of BNDD."

18. Paragraph (b) of § 9.4 is amended by substituting "regional administrator of DEA" for "regional director of BNDD," and by substituting "Administrator of DEA" for "Director of BNDD."

19. Paragraph (c) of § 9.4 is amended by substituting "Administrator of DEA" for "Director of BNDD" and by substituting "DEA" for "BNDD."

20. Paragraph (e) of § 9.4 is amended by substituting "Administrator of DEA" for "Director of BNDD."

PART 9a—CONFISCATION OF PROPERTY, INCLUDING MONEY, USED IN AN ILLEGAL GAMBLING BUSINESS

§ 9a.7 [Amended]

21. Paragraph (b) of § 9a.7 of Part 9a, relating to confiscation of property, including money, used in an illegal gambling business, is amended by substituting the following for the list of officials under "Duties comparable to those of—

Administrator of the Drug Enforcement Administration.
Regional Administrator of the Drug Enforcement Administration.
Office of the Chief Counsel, Drug Enforcement Administration.
Chief Counsel or Deputy Chief Counsel, Drug Enforcement Administration.

22. All internal delegations, regulations, directives, and instructions in effect on June 30, 1973, with respect to the Bureau of Narcotics and Dangerous Drugs, the Office for Drug Abuse Law Enforcement and the Office of National Narcotics Intelligence shall remain in effect until revoked or modified by the Administrator of the Drug Enforcement Administration or other responsible Department official.

This order shall be effective as of July 1, 1973.

Dated: June 29, 1973.

ELLIOTT RICHARDSON,
Attorney General.

[FR Doc.73-13644 Filed 7-9-73;8:45 am]

[Directive 73-1]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart R—Drug Enforcement Administration

APPENDIX; REDELEGATION OF FUNCTIONS

By virtue of the authority vested in me by the Attorney General in Order 520-73, the Appendix to Subpart R is hereby rescinded and replaced with the following:

Appendix to Subpart R

[Directive 73-1]

REDELEGATION OF FUNCTIONS

SEC. 1. *Scope of authority.* The authority delegated by this Directive is applicable to all officers and employees of the Drug Enforcement Administration. All regulations or other action made, prescribed, issued, granted or performed in respect of or by the agencies or functions affected by section 1 of Reorganization Plan No. 2 of 1973 shall, until rescinded, modified, superceded, or made inapplicable, have the same effect as if the reorganization had not been made. Except, that until further consideration may be given to establishing the course and methods by which the Drug Enforcement Administration's procedural, administrative and operational functions are channeled and carried out, all of the procedures, guidelines, regulations, manuals, papers, documents, forms, and reports previously utilized by the former Bureau of Narcotics and Dangerous Drugs shall be applicable to the functions of all units and employees of the Drug Enforcement Administration.

SEC. 2. *Supervisors and administrators.* All persons having supervisory and administrative authority in the agencies from which functions were transferred to the Drug Enforcement Administration by Order 520-73, will continue to exercise those authorities with full force and effect until further notified.

SEC. 3. *Enforcement officers.*

(a) All criminal investigators (series 1811 under Civil Service Commission regulations) are authorized to exercise all of the powers of enforcement personnel granted by 21 U.S.C. 876, 878 and 879; to serve subpoenas, administer oaths, examine witnesses, and receive evidence under 21 U.S.C. 875; to execute administrative inspection warrants under 21 U.S.C. 880; and to seize property under 21 U.S.C. 881.

(b) All compliance investigators (series 1810 under Civil Service Commission regulations) are authorized to administer oaths and serve subpoenas under 21 U.S.C. 875; to execute administrative inspection warrants under 21 U.S.C. 878(2) and 880; and to seize property incident to compliance and registration inspections and investigations under 21 U.S.C. 881.

(c) All Regional Administrators are authorized to sign and issue subpoenas under 21 U.S.C. 875 and 876; to conduct enforcement hearings under 21 U.S.C. 883 with the concurrence of the Acting Chief Counsel; and to take custody of and dispose of seized property in accordance with directions from the Administrator under 21 U.S.C. 881.

Sec. 4. *Legal functions.* The Acting Chief Counsel is authorized to exercise all necessary functions with respect to decisions on petitions under 19 U.S.C. 1618 for remission or mitigation of forfeitures incurred under 21 U.S.C. 881; to execute under seal any certification required to authenticate any documents pursuant to § 0.146 of title 28, Code of Federal Regulations; to adjust, determine, compromise, and settle any claims involving the Drug Enforcement Administration under 28 U.S.C. 2672, relating to tort claims where the amount of the proposed adjustment, compromise, settlement or award does not exceed $2,500; to formulate and coordinate the proceedings relating to the conduct of hearings under 21 U.S.C. 875, including the signing and issuance of subpoenas, examining of witnesses and receiving evidence; and to conduct enforcement hearings under 21 U.S.C. 883.

Sec. 5. *Import and export permits.* The Acting Chief, Registration and Audit Division is authorized to perform all

functions with respect to the issuance of importation and exportation permits for controlled substances under 21 U.S.C. 952 and 953, and all functions in regard to transshpiments and in-transit shipments of controlled substances under 21 U.S.C. 954.

Dated July 1, 1973.

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

[FR Doc.73-13704 Filed 7-9-73;8:45 am]

Title 19—Customs Duties

CHAPTER I—BUREAU OF CUSTOMS, DEPARTMENT OF THE TREASURY

[T.D. 73-188]

PART 153—ANTIDUMPING

Synthetic Methionine from Japan

JULY 3, 1973.

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160 (a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to this authority the Secretary of the Treasury has determined that synthetic methionine from Japan is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). (Published in the FEDERAL REGISTER of February 15, 1973 (38 FR 4525).)

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the United States Tariff Commission responsibility for determination of injury or likelihood of injury. The United States Tariff Commission has determined, and on May 14, 1973, it notified the Secretary of the Treasury that an industry in the United States is being injured by reason of the importation of synthetic methionine from Japan sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. (Published in the FEDERAL REGISTER of May 18, 1973 (38 FR 13065).)

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to synthetic methionine from Japan.

Section 153.43 of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

Merchandise	Country	T.D.
Synthetic Methionine	Japan	73-188

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173.)

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-14122 Filed 7-9-73;8:45 am]

Proposed Rules

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

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[7 CFR Part 1701]

RURAL TELEPHONE FACILITIES

Proposed Revision in Specification for Telephone Station Protectors

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), including the amendment thereto enacted by P.L. 93-32, REA proposes to issue REA Bulletin 345-39 to announce a revision in REA Specification PE-42 for telephone station protectors. On issuance of REA Bulletin 345-39, Appendix A to Part 1701 will be modified accordingly.

Persons interested in the revision of PE-42 may submit written data, views or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, on or before August 9, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular business hours.

A copy of the revision of REA Specification PE-42 may be secured in person or by written request from the Director, Telephone Operations and Standards Division.

The text of REA Bulletin 345-39 announcing the revision of the specification is as follows:

REA BULLETIN 345-39

SUBJECT: REA SPECIFICATION FOR TELEPHONE STATION PROTECTORS, PE-42

I. *Purpose.* To announce a revision in Paragraph 3.01 *Arrester Breakdown* of REA Specification for Telephone Station Protectors, PE-42.

II. *General.* The basic changes to the specification include the addition of surge voltage breakdown test requirements and a circuit diagram for use in dc breakdown tests.

III. *Availability of specification.* Copies of the revision of PE-42 will be furnished by REA upon request. Questions concerning the revision may be referred to the Chief, Station Equipment and Protection Branch, Telephone Operations and Standards Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202 447-3173.

Dated: July 3, 1973.

H. A. SCHAFER, Jr.,
Acting Assistant Administrator—Telephone.

[FR Doc.73-14001 Filed 7-9-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 404]

[Regs. No. 4]

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Amount of Disability Insurance Benefit Reduction

Correction

In FR Doc. 73-12917 appearing at page 16911 in the issue of Wednesday, June 27, 1973, the effective date in the last line of the second paragraph, now reading "June 27, 1973", should read "July 27, 1973".

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-GL-27]

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 Hartford, Wisconsin.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All Communications received on or before August 9, 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 Hartford Municipal Airport, Hartford, Wisconsin. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Hartford, 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:

HARTFORD, WISC.

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of the Hartford Airport (latitude 43°20'55"N., longitude 88°23'30"W.).

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Ill., on June 12, 1973.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

[FR Doc.73-13872 Filed 7-9-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-SW-36]

VOR AIRWAYS AND REPORTING POINTS

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter several VOR Federal Airways in the vicinity of Oklahoma City, Okla., and revoke those airways determined to be unnecessary.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P. O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before August 9, 1973, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

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

The proposed amendment would:

1. Realign V–272 in part from Oklahoma City, Okla., direct to McAlester, Okla.

2. Extend V–210 from Oklahoma City to Okmulgee, Okla., via INT Oklahoma City 109°T (100°M) and Okmulgee 244°T (236°M) radials.

3. Revoke V–15W between Ardmore, Okla., and Okmulgee.

4. Revoke V–163E between Ardmore and Oklahoma City.

Modification of the airway structure in the Oklahoma City Terminal Area will permit more flexible air traffic control, simplify flight planning and increase safety.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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

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

[FR Doc.73–13877 Filed 7–9–73;8:43 am]

[14 CFR Part 71]

[Airspace Docket No. 72–GL–54]

TRANSITION AREA

Withdrawal of Designation

On page 21855 of the FEDERAL REGISTER dated October 14, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Monticello, Indiana.

The proponent of the non-federal NDB is not able to establish the facility at this time. Consequently, the proposed designation is withdrawn.

Issued in Des Plaines, Ill., on June 22, 1973.

H. W. POGGEMEYER,
Acting Director, Great Lakes Region.

[FR Doc.73–13873 Filed 7–9–73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73–WA–14]

LAS VEGAS, NEVADA, TERMINAL CONTROL AREA

Proposed Establishment

The Federal Aviation Administration (FAA) is considering the adoption of a Group II terminal control area for Las Vegas, Nev. Rules for the control and segregation of all aircraft operated within terminal control areas are contained in Part 91, §§ 91.70 and 91.90 of the Federal Aviation Regulations. Further information concerning flight within TCAs is contained in FAA Advisory Circular AC No. 91–30 dated 6/11/70, Subject: Terminal Control Areas (TCAs).

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Chief, Air Traffic Division, 1500 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received on or before September 10, 1973, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

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

The establishment of terminal control areas at 22 large hub airports was proposed in Notice 69–41 and supplemental notices thereto, and adopted on May 20, 1970 (35 FR 7782), to create a safer environment in those congested terminal areas. The need for TCAs has been well established, and a priority implementation schedule has been developed which is based on the air traffic congestion at each location, the capability of the terminal air traffic control facility to provide separation service to VFR aircraft, the experience gained from earlier established TCAs, and the publication dates of associated aeronautical charts.

The issue of whether or not to establish a TCA at each of the specified locations was decided as a result of Notice 69–41 and is not within the scope of this Notice. This Notice is intended to produce the input necessary to design an appropriate airspace configuration that can provide the safest environment with the least impact on the airspace users. TCAs have now been designated at all Group I locations, and this Notice proposes a configuration for a Group II TCA at Las Vegas, Nev.

On March 13, 1973, the Federal Aviation Administration held a meeting in Las Vegas with airspace user group representatives to consider their operational requirements. There were many objections expressed concerning Nellis AFB activity, the desire for a VFR corridor to provide free transit between North Las Vegas Airport and Lake Mead, possible future changes in transponder requirements, and the need for a TCA at Las Vegas. After considerable discussion on individual user objections and requirements, it was evident that an acceptable compromise on the TCA configuration could not be reached at this meeting. It was concluded that the Las Vegas TRACON, Nellis AFB, and other airspace users should each review their airspace requirements and attempt to develop changes that would be acceptable to all concerned. As a result of these reviews, the TRACON developed a revised proposal which reduced the size of the TCA by eliminating several portions along the perimeter, thus providing additional free airspace near North Las Vegas and Sky Harbor Airports.

A profile of approach and departure procedures at McCarran Airport and Nellis AFB was prepared to evaluate the feasibility of a VFR corridor. However, due to the runway configuration, the concentration of arrival and departure routes, and the altitudes involved, it is not practical nor realistic to include a VFR corridor through the Las Vegas TCA.

The local user groups held two meetings—March 20 and March 29, 1973—to discuss the TCA. At the March 29 meeting they discussed in detail the TRACON's revised proposal. The chairman of the group advised that the new proposal was acceptable. Subsequent to the meetings, it was determined that the high terrain north of Las Vegas made it impractical to include the area around Hayford Peak within the TCA. Therefore, this area has been deleted from the proposal submitted to the user groups.

In consideration of the foregoing and for reasons stated in Docket No. 9880 (35 FR 7782), it is proposed to amend Part 71 of the Federal Aviation Regulations by adding the following to 71.401 (b) Group II Terminal Control Areas.

LAS VEGAS, NEV., TERMINAL CONTROL AREA

PRIMARY AIRPORT

McCarran International Airport (Latitude 36°04'48"N., Longitude 115°09'08"W.).

Las Vegas VORTAC (Latitude 36°04'48" N., Longitude 115°09'08"W.)

Boundaries (Based on Las Vegas VORTAC (LAS) arcs, DME distances, and radials).

1. *Area A.* That airspace extending upward from the surface to and including 9,000 feet MSL within an area bounded by a line beginning at the 15-mile DME point on the LAS 005°T (350°M) radial, thence clockwise via the 15-mile arc to the 022°T (007°M) radial, thence direct to the 20-mile DME point on the 033°T (018°M) radial, thence northeast along the 033°T (018°M) radial to and southeast along the 22-mile arc to and southwest along the 046°T (031°M) radial to and south along the 10-mile arc to and northwest along the 150°T (135°M) radial to and counterclockwise along the 2-mile radius circle of Henderson Sky Harbor Airport (Lat. 35°58'35"N., Long. 115°07'55" W.) to and south along the 180°T (165°M) radial to and north along the 8-mile arc to and counterclockwise along the 2.5-mile radius circle of North Las Vegas Air Terminal (Lat. 36°12'17"N., Long. 115°11'42"W.) to and north along the 005°T (350°M) radial to the point of beginning.

2. *Area B.* That airspace extending upward from 4,500 feet MSL to and including 9,000 feet MSL within an area bounded by a line beginning at the 15-mile DME point on the LAS 075°T (060°M) radial thence clockwise along the 15-mile arc to and northwest along the 115°T (100°M) radial to and counterclockwise along the 10-mile arc to and east along the 075°T (060°M) radial to the point of beginning.

3. *Area C.* That airspace extending upward from 5,500 feet MSL to and including 9,000

feet MSL within an area bounded by a line beginning at the 15-mile point on the LAS 046°T (031°M) radial thence clockwise along the 15-mile arc to and west along the 075°T (060°M) radial to and counterclockwise along the 10-mile arc to and northeast along the 046°T (031°M) radial to the point of beginning.

4. *Area D.* That airspace extending upward from 6,500 feet MSL to and including 9,000 feet MSL bounded by a line beginning at the 20-mile DME point on the LAS 055°T (040°M) radial thence clockwise along the 20-mile arc to and west along the 115°T (100°M) radial to and counterclockwise along the 15-mile arc to and northeast along the 055°T (040°M) radial to the point of beginning.

5. *Area E.* That airspace extending upward from 6,000 feet MSL to and including 9,000 feet MSL bounded by a line beginning at the 10-mile DME point on the LAS 150°T (135°M) radial thence northwest along the 150°T (135°M) radial to and counterclockwise along the 2-mile radius circle of the Henderson Sky Harbor Airport to and south along the 180°T (165°M) radial to and counterclockwise along 15-mile arc to and northwest along the 115°T (100°M) radial to and clockwise along the 10-mile arc to the point of beginning.

6. *Area F.* That airspace extending upward from 7,000 feet MSL to and including 9,000 feet MSL within an area bounded by a line beginning at the 15-mile DME point on the LAS 155°T (140°M) radial thence southeast along the 155°T (140°M) radial to and clockwise along the 20-mile arc to and north along the 200°T (185°M) radial to and counterclockwise along the 15-mile arc to the point of beginning.

7. *Area G.* That airspace extending upward from 5,000 feet MSL to and including 9,000 feet MSL within an area bounded by a line beginning at the 8-mile DME point on the LAS 180°T (165°M) radial thence south along the 180°T (165°M) radial to and clockwise along the 15-mile arc to and northeast along the 235°T (220°M) radial to and counterclockwise along the 8-mile arc to the point of beginning.

8. *Area H.* That airspace extending upward from 5,500 feet MSL to and including 9,000 feet MSL within an area bounded by a line beginning at the 8-mile DME point on the LAS 275°T (260°M) radial thence counterclockwise along the 8-mile arc to and southwest along the 235°T (220°M) radial to and clockwise along the 15-mile arc to and east along the 275°T (260°M) radial to the point of beginning.

9. *Area I.* That airspace extending upward from 4,000 feet MSL to and including 9,000 feet MSL within an area bounded by a line beginning at the 15-mile DME point on the LAS 005°T (350°M) radial thence south along the 005°T (350°M) radial to and clockwise along the 2.5-mile radius circle of North Las Vegas Air Terminal to a point on U.S. Highway 95 2.5 miles northwest of North Las Vegas Air Terminal thence northwest along U.S. Highway 95 to and clockwise along a 15-mile arc to the point of beginning.

10. *Area J.* That airspace extending upward from 6,500 feet MSL to and including 9,000 feet MSL within an area bounded by a line beginning at the 20-mile DME point on the LAS 033°T (018°M) radial thence direct to the 15-mile DME point on the LAS 022°T (007°M) radial thence west along the 15-mile arc to and northwest along U.S. Highway 95 to and clockwise along the 20-mile arc to the point of beginning.

11. *Area K.* That airspace extending upward from 7,500 feet MSL to and including 9,000 feet MSL bounded by a line beginning at the 36-mile DME point on the LAS 033°T (018°M) radial thence southwest along the LAS 033°T (018°M) radial to and counterclockwise along the 20-mile arc to U.S. Highway 95 direct to the 36-mile DME point on the 005°T (350°M) radial thence clockwise along the 36-mile arc to the point of beginning.

12. *Area L.* That airspace extending upward from 7,000 feet MSL to and including 9,000 feet MSL within an area bounded by a line beginning at the 36-mile DME point on the LAS 055°T (040°M) radial thence southwest along the 055°T (040°M) radial to and counterclockwise along the 15-mile arc to and northeast along the 046°T (031°M) radial to and counterclockwise along the 28-mile arc to and northeast along the 033°T (018°M) radial to and clockwise along the 36-mile arc to the point of beginning.

13. *Area M.* That airspace extending upward from 5,000 feet MSL to and including 9,000 feet MSL within an area bounded by a line beginning at the 28-mile DME point on the LAS 046°T (031°M) radial thence southwest along the 046°T (031°M) radial to and counterclockwise along the 22-mile arc to and northeast along the 033°T (018°M) radial to and clockwise along the 28-mile arc to the point of beginning.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U. S. C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U. S. C. 1655(c)).

Issued in Washington, D.C., on July 2, 1973.

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

[FR Doc.73-13878 Filed 7-9-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-EA-50]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Bradford, Pa., control zone (38 FR 360) and transition area (38 FR 453).

Revision of the NDB and ILS instrument approach procedures for Bradford Regional Airport and a review of the terminal airspace requirements for the Bradford, Pa. terminal area indicates that alteration of the control zone and transition area will be required to provide controlled airspace in consonance with Terminal Instrument procedures (TERPS).

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before August 9, 1973, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Bradford, Pennsylvania, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Bradford, Pa. control zone and by substituting the following in lieu thereof:

Within a 5-mile radius of the center 41°-48'09" N., 78°38'27" W. of Bradford Regional Airport, Bradford, Pa.; within 3.5 miles each side of the Bradford, Pa. VORTAC 139° radial, extending from the VORTAC to 10 miles southeast of the VORTAC.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the Bradford, Pa. transition area and by substituting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 41°48'09" N., 78°38'27" W., of Bradford Regional Airport, Bradford, Pa.; within 3.5 miles each side of the Bradford Regional Airport ILS localizer southeast course, extending from the OM to 11.5 miles southeast of the OM; within 5 miles each side of the Bradford, Pa. VORTAC 139° radial, extending from the VORTAC to 11.5 miles southeast of the VORTAC; within 5 miles each side of the Bradford, Pa. VORTAC 316° radial, extending from the VORTAC to 18.5 miles northwest of the VORTAC.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on June 20, 1973.

R. M. BROWN,
Acting Director, Eastern Region.

[FR Doc.73-13879 Filed 7-9-73;8:45 am]

[14 CFR Parts 71, 75]

[Airspace Docket No. 73-SO-6]

CONTROL AREAS AND JET ROUTES

Proposed Designation

The Federal Aviation Administration (FAA) is considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would designate three new over-water jet routes within the offshore area along the Atlantic Coast between North Carolina and southern Florida.

Interested persons are invited to participate in the proposed rule making by submitting such written data, views, and arguments as they may desire. Communications should identify the airspace docket number and be submitted in trip-

licate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before August 9, 1973 will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

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

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the U.S. is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the U.S. agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since these actions involve, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The FAA proposes the following airspace rule making actions:

1. a. Designate a numbered control area from the Carolina Beach, N.C., radio beacon direct to the Rubin radio beacon at Palm Beach, Fla., including the airspace within parallel lines 5 nautical miles each side of the centerline and the airspace between lines diverging at 5 degree angles from the centerline from each side of the radio beacons, extending to their point of intersection 300 NM south-southwest of the Carolina NDB; excluding the airspace at and below 23,000 feet MSL north of—and below 2,000 feet south of—the Orlando, Fla., VORTAC 071°T (071°M) radial, and above FL 450.

b. Designate Jet Route No. 141 from the Rubin radio beacon at Palm Beach, Fla., to the Carolina Beach, N.C., radio beacon to the Wilmington, N.C. VORTAC.

c. Use of this route will be based on military/Federal Aviation Administration agreements (joint-use airspace concept), since a portion of the route is within parts of several warning areas.

2. a. Designate a numbered control area from Bimini, Bahamas NDB direct toward Lat. 34°42'28'' N., Long. 77°08'11'' W. (approximate location of proposed NDB) until intercepting a 290°T bearing to the Ashley, S.C., NDB, thence direct to Lat. 34°44'00'' N., Long. 77°36'00'' W. (approximate location of proposed VORTAC); including the airspace within 5 nautical miles each side of the centerline and the airspace between lines diverging at 5 degree angles from the centerline from the Bimini NDB extending northward to the point of intersection of 5 degree angle lines from the proposed NDB at Lat. 34°42'28'' N., Long. 77°08'11'' W., and the airspace between these lines northward to the point of intersection of a 290°T bearing to the Ashley NDB, and the airspace between 4.5 degree lines projected southward from the proposed VORTAC location at Lat. 34°44'00'' N., Long. 77°36'00'' W., and the airspace between these lines northward to a point 51 nautical miles south of the proposed VORTAC, and from this point the airspace 4 nautical miles each side of the route centerline to the proposed VORTAC. Exclude the airspace below 7,000 feet MSL within the Nassau, Bahamas, control area and at and below 23,000 feet MSL north of—and below 2,000 feet MSL south of—the Orlando, Fla., VORTAC 071°T (071° M) radial, and above FL 450.

b. Designate a jet route that begins at Lat. 27°00'00''N., on a line direct between the Bimini NDB toward the proposed NDB location to a point 290°T bearing to Ashley NDB; then direct to the proposed VORTAC location in N.C.

c. Use of altitudes FL 300 and below on this route north of the 290°T bearing to Ashley NDB will be based on military/Federal Aviation Administration agreement (joint-use airspace concept), since a portion of this route segment is within W-122.

3.a. Designate a numbered control area that begins at Lat. 27°00'00''N., extending north along a line direct between the Nassau, Bahamas NDB and Lat. 34°42'28''N., Long. 77°08'11''W. (approximate location of proposed NDB) until intercepting a 290°T bearing to the Ashley, S.C. NDB, thence direct to Lat. 34°44'00''N., Long. 77°36'00''W. (approximate location of proposed VORTAC); including the airspace between lines diverging at 5 degree angles from the centerline from the Nassau NDB extending northward to the point of intersection of 5 degree angle lines extending south from the proposed NDB at Lat. 34°42'00''N., Long. 77°07'30''W., and the airspace between these lines northward to the point of intersection of a 290°T bearing to the Ashley NDB and the airspace between 4.5 degree lines projected southward from the proposed VORTAC location at Lat. 34°44'00''N., Long. 77°36'00''W. and the airspace between these lines northward to a point 51 nautical miles south of the proposed VORTAC, and from this point the airspace 4 nautical miles each side of the route centerline to the proposed VORTAC. Exclude the airspace at and below 23,000 feet MSL north of—and below 2000 feet MSL south of—the Orlando, Fla., VORTAC 071°T (071°M) radial, and above FL 450.

b. Designate a jet route that begins at Lat. 27°00'00''N., extending north along a line direct between the Nassau NDB and the proposed NDB location, and north along that line to a point 290°T bearing to Ashley NDB; then direct to the proposed VORTAC location in N.C.

c. Use of altitudes FL 300 and below on this route north of the 290°T bearing to Ashley NDB will be based on military/Federal Aviation Administration agreement (joint-use airspace concept), since a portion of this route segment is within W-122.

4. Redesignate a portion of Jet Route No. 79 to align it from Norfolk, Va., VORTAC direct to the proposed VORTAC at Lat. 34°44'00''N., Long. 77°36'-00''W., direct to the Wilmington, N.C. VORTAC.

The proposed airspace actions are designed to improve and expedite movement of the increased volume of high altitude air traffic operating between southern Florida and northern terminals. The route proposed between Palm Beach, Fla., and Wilmington, N.C., would be used in conjunction with the route proposed between Bimini, Bahamas, the proposed VORTAC (east of Wilmington, N.C.) and would provide dual segregated routes from southern Florida to North Carolina. When the first route of this pair is not available, then the route between Nassau, Bahamas and the proposed VORTAC (east of Wilmington, N.C.) would be used in conjunction with present route Control 1150. This will provide dual segregated routes from southern Florida to North Carolina and serve as an alternative pair of routes.

Related nonrulemaking actions proposed would:

1. Establish on-request reporting points, as necessary, on the three routes proposed.

2. Establish appropriate radar/nonradar jet advisory service areas to serve the three routes when affected portion(s) of a route(s) are not being used by the military users.

3. Redefine W-122B, and W-122C to exclude—from the surface to unlimited—the airspace overlapped by the two proposed routes that would be based

on the proposed VORTAC (east of Wilmington, N.C.).

4. Establish new W–122D, from the surface to and including FL 300, using airspace identical to the airspace proposed for exclusion from W–122B and W–122C.

5. Extend the eastern boundaries of W–122A, W–122B, and W–122C ten nautical miles to the southeast.

6. Establish new W–177B as the airspace bounded on the north by existing W–177; on the east by Control 1150; on the south by existing warning areas W–132, W–133 and W–134; on the west by a line 3 nautical miles from and parallel to the shoreline and extending vertically from the surface to and including FL 500.

7. Change existing W–177 to W–177A.

8. Move the New York and Miami Oceanic CTA/FIR boundaries (on the 77° meridian) eastward so as to include the numbered control area portion lying east of the 77° meridian of the proposed route between Nassau NDB and the proposed VORTAC in N. C.

Proposed nonrulemaking actions 3, 4, and 5 will not be made effective until the proposed new NDB and VORTAC facilities have been flight checked and commissioned, and the new routes have been established.

The two routes based on the proposed VORTAC would use appropriate altitudes above FL 300 up to and including FL 450 on a full-time basis. Altitudes FL 240–FL 300, inclusive, would be used consistent with the military/Federal Aviation Administration joint-use airspace concept.

Proposed W–177B will be operated similar to existing military/Federal Aviation Administration joint-use agreements for operation of W–158B and coinciding Control 1153.

Transition routes will be developed by air traffic control to shorten the southern portion of the route based on Bimini NDB and also for the route based on Nassau NDB. These transition routes will effect reductions in overall route distance for flights operating on these routes.

These amendments are proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 FR 9565), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on July 2, 1973.

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

[FR Doc.73–13880 Filed 7–9–73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1107]

[Ex. Parte No. 298]

RAILROAD RATE ADJUSTMENT ACT OF 1973

Requirements and Procedures

Notice of proposed rulemaking and order.[1] At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 3d day of July 1973.

This proceeding is instituted in accordance with the provisions of subsection (4)(a) of section 15a of the Interstate Commerce Act (the act), added by the Railroad Rate Adjustment Act of 1973. Thereunder this Commission is directed to establish on or before August 1, 1973, requirements for the filing of petitions for adjustment of interstate rates of common carriers subject to part I of the Interstate Commerce Act to reflect increases in the expenses of such carriers resulting from any increases in taxes under the Railroad Retirement Tax Act, as amended, which occur on or before January 1, 1975, or as the result of the enactment of the Railroad Retirement Amendments of 1973. Such requirements are to be established pursuant to section 553 of the Administrative Procedure Act (5 USC 553), regarding notice and opportunity to participate, with time for comment limited so as to meet the required date for establishment of such requirements, and subject to future amendment or revocation.

Accordingly, the following requirements and procedures are proposed: That a new part 1107 be added as follows:

PART 1107—REQUIREMENTS AND PROCEDURES RELATING TO RAILROAD RATE ADJUSTMENT ACT OF 1973

Sec.
1107.1 Requirements.
1107.2 Notice.
1107.3 Commission order.

§ 1107.1 Requirements.

Petition or petitions filed by common carriers subject to part I of the Interstate Commerce Act under the provisions of subsection (4)(a) of section 15a of the act, for adjustment of their interstate rates when increases in the expenses of such carriers have or will result from any increases in taxes under the Railroad Retirement Tax Act, as amended, occurring on or before January 1, 1975, or as the result of the enactment of the Railroad Retirement amendments of 1973, shall be verified and shall disclose[2]:

(a) The amount of increases in expenses of such carriers resulting from any increases in taxes under the Railroad Retirement Tax Act, as amended, occurring on or before January 1, 1975, or as a result of the enactment of the Railroad Retirement Amendments of 1973, by showing—

(1) For the 12-month period ending sixty (60) days prior to the filing date of the petition, separated between freight and passenger operations, with the further separation between intercity and commutation service,

(i) The mid-month number of employees,

(ii) The total service hours by operating and other employees, as reported in I.C.C. Wage Statistics, Forms A and B,

(iii) The total compensation paid for operating and other employees, as reported in I.C.C. Wage Statistics, Forms A and B,

(iv) The retirement tax rates, and

(v) Retirement taxes paid;

(2) For the last quarter of 1973 and for each quarter of 1974, separated between freight and passenger operations, with the further separation between intercity and commutation service,

(i) The estimated mid-month number of employees,

(ii) The estimated total service hours by operating and other employees, as reported in I.C.C. Wage Statistics, Forms A and B,

(iii) The estimated total compensation paid for operating and other employees, as reported in I.C.C. Wage Statistics, Forms A and B,

(iv) The retirement tax rates,

(v) The estimated retirement taxes paid, and, in addition,

(vi) The dollar amount of tax increase resulting from the increased tax rates.

(b) The amount needed in increases in the general level of interstate rates by showing—

(1) For the 12-month period ending sixty (60) days prior to the filing of the petition, and separated between interstate and intrastate traffic, with the in-

[1] This notice and order of proposed rulemaking has been prepared although the Railroad Rate Adjustment Act of 1973 had not at the time been signed by the President. As indicated in the notice and order, under the terms of that Act, this Commission must establish on or before August 1, 1973, the requirements which are the subject of this proceeding.

[2] The data furnished should be individually by carrier, summarized by district, and nationwide; the methods used to derive the estimates must be reflected, including assumptions used, and all underlying work papers must be made available to the Commission upon request.

terstate traffic summarized by interterritorial and territorial movements (official, southern, and western), and the intrastate traffic summarized by State,

(i) The freight revenue ton-miles,

(ii) The freight revenues based on rate levels in effect at the time of the filing of the petition;

(2) For the last quarter of 1973 and for each quarter of 1974, separated between interstate and intrastate traffic, with the interstate traffic summarized by interterritorial and territorial movements (official, southern, and western), and the intrastate traffic summarized by State,

(i) The estimated freight revenue ton-miles,

(ii) The estimated freight revenues based on rate levels in effect at the time of the filing of the petition, and

(iii) The estimated freight revenues to be obtained from the increases proposed, including the effect on the movement of the traffic.

(c) The availability of means other than a rate increase by which carriers might absorb or offset such increases in expenses, identifying the means considered.

§ 1107.2 Notice.

Notice of the filing of such a petition will be given to the general public by publication of such a notice in the Federal Register.

§ 1107.3 Commission order.

Upon consideration of the evidence presented in such a verified petition, and in accordance with the provisions of subsection (4)(b) of section 15a, within 30 days of the filing of the petition, the Commission shall issue an order (a) permitting the establishment of interim increases in the general level of the interstate rates (across-the-board) in an amount approximating that needed to offset the increases in expenses attributable to the increases in taxes referred to above, (b) requiring the publication in the tariffs establishing the interim increase of a rule requiring the carriers to pay refunds, with interest, to the extent that the increase ultimately approved under the provisions of subsection (4)(c) of section 15a is less than that approved on an interim basis, (c) requiring publication of the said order in the FEDERAL REGISTER, and (d) providing for notification to this Commission by all persons who are interested in participating in the subsequent hearings to be held under the provisions of subsection (4)(c) of section 15a.

It is ordered, That a proceeding be, and it is hereby, instituted with the objective of establishing the above requirements and procedures.

It is further ordered, That all common carriers subject to part I of the act be, and they are hereby, made respondents in this proceeding.

It is further ordered, That no oral hearing be scheduled for the receiving of testimony, but that the respondents or any other interested parties may participate in this proceeding by submitting written statements of verified facts, views, or arguments regarding the proposed requirements and procedures.

It is further ordered, That the said statements shall be filed on or before July 18, 1973, and that no requests for extension of that date will be entertained, and that no reply statements will be permitted, in cognizance of the statutory requirement that such requirements be established no later than August 1, 1973.

And it is further ordered, That a copy of this notice and order be served on each respondent, each party to the proceeding in Ex Parte No. 281, and all known consumer groups and environmental groups, that a copy be deposited in the office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and that statutory notice of the institution of this proceeding be given by delivering a copy thereof to the Director, Office of the Federal Register, for publication therein.

By the Commission.

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

[FR Doc.73-14123 Filed 7-9-73;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 TREASURY

Comptroller of the Currency

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document pertaining to the joint call for report of condition of insured banks, issued jointly by the Federal Deposit Insurance Corporation, the Federal Reserve System, and the Comptroller of the Currency, see FR Doc. 73-13960, *infra*.

Internal Revenue Service

[Order No. 138]

AUTHORITY OF KEY DISTRICTS FOR STABILIZATION FUNCTION

Delegation Order

1. The authority granted the Commissioner of Internal Revenue by Cost of Living Council Orders Number 15, 15A, 15B, 15C, and 19 is hereby delegated to the Key District Directors shown below, to exercise in and for the related Associate Districts. The Key District Directors will exercise functional supervision over Stabilization activities in the related Associate Districts.

KEY DISTRICTS	*ASSOCIATE DISTRICTS*
Boston	Augusta
	Burlington
	Portsmouth
Brooklyn	NONE
Buffalo	Albany
Hartford	Providence
Manhattan	NONE
Baltimore	NONE
Richmond	NONE
Newark	NONE
Philadelphia	Wilmington
Pittsburgh	NONE
Atlanta	Birmingham
Jacksonville	NONE
Greensboro	Columbia
Nashville	Jackson
Cincinnati	Louisville
Indianapolis	NONE
Cleveland	Parkersburg
Detroit	NONE
Chicago	NONE
St. Louis	Springfield
Des Moines	Omaha
St. Paul	Aberdeen
	Fargo
Milwaukee	NONE
Austin	New Orleans
Dallas	Albuquerque
Oklahoma City	Cheyenne
	Denver
	Little Rock
	Wichita
Los Angeles	Honolulu
	Phoenix
San Francisco	Reno
	Salt Lake City
Seattle	Anchorage
	Boise
	Helena
	Portland

2. This authority may be redelegated by the District Directors of Key Districts and may not be further redelegated.

Effective Date: July 2, 1973.

Dated: July 2, 1973.

[SEAL] DONALD C. ALEXANDER,
Commissioner.

[FR Doc.73-13999 Filed 7-9-73;8:45 am]

Office of the Secretary

NATURAL RUBBER THREAD FROM ITALY

Amendment of Antidumping Proceeding Notice

JULY 3, 1973.

An "Antidumping Proceeding Notice" with respect to natural rubber thread from Italy was published in the FEDERAL REGISTER of February 26, 1973 (38 FR 5195, FR Doc. 73-3627).

That notice is hereby amended to include synthetic rubber thread from Italy within the scope of the investigation.

Accordingly, the "Antidumping Proceeding Notice" referred to above is amended by changing the caption to read "Rubber Thread from Italy" and by deleting the word "natural" in the fifth line of the first paragraph.

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-14121 Filed 7-9-73;8:45 am]

DEPARTMENT OF JUSTICE

[Order 521-73]

FEDERAL LAW ENFORCEMENT OFFICERS

Authorization To Request the Issuance of Search Warrants

On March 19, 1973, a list of agencies with law enforcement personnel authorized to request the issuance of a search warrant was published in the FEDERAL REGISTER. (38 FR 7244). The list included the Bureau of Narcotics and Dangerous Drugs, which agency is abolished effective July 1, 1973, and its functions transferred to the Drug Enforcement Administration.

Accordingly, effective July 1, 1973, Order No. 510-73 of March 12, 1973, listing agencies with law enforcement personnel authorized to request the issuance of a search warrant, is amended by substituting "Drug Enforcement Administration" for "Bureau of Narcotics and Dangerous Drugs."

Dated: June 29, 1973.

ELLIOT RICHARDSON,
Attorney General.

[FR Doc.73-13645 Filed 7-9-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

NATIONAL CAPITAL MEMORIAL ADVISORY COMMITTEE

Establishment and Charter

This notice is published in accordance with the provisions of section 9(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), and advises of the establishment of the National Capital Memorial Advisory Committee. The Charter for the committee containing information prescribed by section 9(c) of Public Law 92-463 is published below.

CHARTER

NATIONAL CAPITAL MEMORIAL ADVISORY COMMITTEE

A. The official designation of the committee is the National Capital Memorial Advisory Committee.

B. The purposes of the committee are as follows: Prepare and recommend to the Secretary broad criteria, guidelines, and policies for memorializing persons and events on Federal lands in the National Capital region (as defined in the National Capital Planning Act of 1952, as amended) through the media of monuments, memorials, and statues.

Examine each memorial proposal for adequacy and appropriateness, and make recommendations to the Secretary with respect to site location on Federal land in the National Capital region.

Serve as an information focal point for those seeking to erect memorials on Federal land in the National Capital region.

In order to effectuate its purposes, the committee will be composed of seven *ex officio* members as follows:

Director, National Park Service
Architect of the Capitol
Chairman, American Battle Monuments Commission
Chairman, Commission of Fine Arts
Chairman, National Capital Planning Commission
Mayor-Commissioner of the District of Columbia
Commissioner, Public Buildings Service

Each of the foregoing *ex officio* members may designate an alternate to attend meetings and vote in his place. The Director of the National Park Service or his designee shall serve as Chairman.

In view of the fact that the vast majority of Federal lands within the National Capital region which may be deemed suitable for memorialization are under the jurisdiction of the National Park Service, this committee will render advice and assistance in connection with the performance of duties imposed on the Department of the Interior by law, and

it is in the public interest to obtain the advice of this committee.

C. In view of the goals and purposes of the committee, it will be expected to continue beyond the foreseeable future. However, its continuation will be subject to biennial review and renewal as required by section 14 of Public Law 92-463.

D. The committee will file its reports and minutes with the Secretary of the Interior, Washington, D.C.

E. Support for the committee is provided by the National Park Service, Department of the Interior.

F. The duties of the committee are solely advisory and are as stated in "B" above.

G. The estimated annual operating costs for the committee are approximately $100, and involve approximately one-twelfth man-year of time.

H. The committee will meet approximately four times a year.

I. The committee will terminate on December 31, 1974 unless prior to that date renewal action is taken as described in paragraph "C" above.

The Secretary of the Interior has made a written determination that creation of this advisory committee is in the public interest. The committee is established effective 30 days after publication of this notice in the FEDERAL REGISTER. Additional information regarding the National Capital Memorial Advisory Committee may be obtained from Mr. Robert M. Landau, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240, telephone—202/343-8953.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

JULY 2, 1973.

[FR Doc.73-13893 Filed 7-9-73;8:45 am]

OUTER CONTINENTAL SHELF OFF FLORIDA

Request for Comments Regarding Possible Oil and Gas Leasing

The Department of the Interior is preparing a draft environmental impact statement concerning possible oil and gas leasing under the Outer Continental Shelf Lands Act (43 U.S.C. 1331-1343) of certain tracts lying seaward of Mississippi, Alabama, and Florida. No determination can be made to offer these tracts for leasing until completion of all procedures required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347). In addition, certain of the tracts lying in two specific areas off Florida discussed below are in areas where critical Department of Defense high and low level air test and training activities are carried out. In the interest of national defense, it is important that any lease of these tracts be on a basis of minimizing interference with these critical Defense activities by limiting the density of surface structures (rigs or platforms) simultaneously in the areas concerned. Interior desires, therefore, to secure information as to means and impact of accomplishing such minimization in the areas concerned.

LEASING MAP PENSACOLA SOUTH NO. 1
(NH 16-8)

N682-E115; N682-E116; N682-E117; N683-E115; N683-E116; N683-E117; N684-E115; N684-E116; N684-E117; N685-E115; N685-E116; N685-E117

Any leasing in this area will be on the basis of compulsory unitization of the entire area. Leases may not be issued on the above-named 12 tracts unless development is determined to be technologically and economically feasible and unless essential defense testing can continue under the following conditions: (a) Use of not more than one fixed or mobile surface structure for exploration, development, or production for each twenty-seven square miles of the leased area; (b) all other development by subsea well completion techniques.

For this area, therefore, the Department of the Interior wishes to obtain the views of all interested parties on the technological and economic aspects of this proposal. Any comments on the environmental aspects of the proposal should be submitted to the Director, Bureau of Land Management, (Attn: 390), Washington, D.C. 20240, only in conjunction with the draft environmental impact statement which will describe the environment of the area and the defense activities. Comments on the technological and economic aspects of the proposal should be sent to the Director, Geological Survey, Washington, D.C. 20244, with copies to the Director, Bureau of Land Management (Attn: 390), Washington, D.C. 20240, to be received not later than the close of business on Monday, August 6, 1973.

In particular, attention is directed to the following questions:

1. Is efficient development of oil and gas deposits underlying the described tracts by the use of subsea well completion techniques feasible at the present time? If it is not feasible at the present time, when is it expected to become feasible?

2. Is the technology needed to implement such development currently available throughout the industry? How many potential lessees or operators have the necessary technology at the present time? How many have access to it?

3. How many mobile and fixed exploration, development, and production structures would be needed for efficient development under the methods usually employed on the OCS?

4. Within how many years after the issuance of a lease (a) can initial production be achieved (i) under the proposed conditions? (ii) under similar conditions, but with a requirement of not more than one surface structure for each thirteen and one-half square miles? (iii) using methods usually employed on the OCS? (b) can peak production be obtained (i) under the proposed conditions? (ii) under similar conditions, but with a requirement of not more than one surface structure for each thirteen and one-half square miles? (iii) using the methods usually employed on the OCS? (c) would production terminate (i) under the proposed conditions? (ii) under similar conditions, but with a requirement of not more than one surface structure for each thirteen and one-half square miles? (iii) using methods usually employed on the OCS?

5. What are the comparative costs of exploration, development, and production in the area of the twelve tracts by using (a) one surface structure for each twenty-seven square miles and subsea well completion techniques, (b) one surface structure for each thirteen and one-half square miles and subsea well completion techniques, and (c) methods usually employed on the OCS?

6. Can as much oil and gas be ultimately produced economically under the proposed conditions as by methods usually employed on the OCS? What would be the proportionate difference in ultimate production between the two methods?

7. What other technological and economic information should be considered in order to determine the feasibility of offering the twelve tracts for lease under the proposed conditions?

In responding to the seven questions, it should be considered that the proposed conditions contemplate a limitation of the size of each surface structure to a horizontal area no larger than 200' by 200' and a vertical limit no higher than 400' above the surface of the water.

LEASING MAP PENSACOLA SOUTH NO. 1
(NH 16-8)

N681-E123; N681-E124; N682-E118; N682-E119; N682-E120; N682-E121; N682-E122; N682-E123; N682-E124; N683-E118; N683-E119; N683-E120; N683-E121; N683-E122; N683-E123; N683-E124; N684-E118; N684-E119; N684-E120; N684-E121; N684-E122; N684-E123; N684-E124; N685-E118; N685-E119; N685-E120; N685-E121; N685-E122; N685-E123; N686-E118; N686-E119; N686-E120; N686-E121; N687-E118; N687-E119.

Any leases which may be offered for the above-named tracts will be on the basis of taking all reasonable measures to minimize the number of surface structures (rigs or platforms) simultaneously in the area concerned. It is expected that such development may also involve unitization and undersea well completion techniques, as well as any other procedures for accomplishing the objective of effecting minimization. The Department of the Interior wishes to receive recommendations as to the development of these tracts. If it is required that a surface structure exceed 200' by 200' in horizontal area or a height greater than 400', this should be indicated.

Interested parties are requested to submit their comments as soon as possible and in any event by the close of business on August 6, 1973. Any proprietary information submitted, and so identified by the respondent, will be treated on a confidential basis.

JOHN P. WHITAKER,
Under Secretary of the Interior.

JULY 9, 1973.

[FR Doc.73-14154 Filed 7-9-73;9:09 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

IOWA INSPECTION POINT

Grain Standards

Statement of considerations. On April 23, 1973, there was published in the FEDERAL REGISTER (38 FR 10028) a notice announcing that: (1) The Davenport Grain Exchange, Inc., Davenport, Iowa, had requested that its designation under section 3(m) of the U.S. Grain Standards Act (sec. 3, 39 Stat. 482, as amended, 82 Stat. 762; 7 U.S.C. 75(m)) to operate as an official grain inspection agency in Dubuque, Iowa, be transferred to another agency or person; and (2) that applications for the designation had been received from the following agencies:

Cedar Rapids Chamber of Commerce Grain Service, Inc. Cedar Rapids, Iowa
Dubuque Area Chamber of Commerce Dubuque, Iowa
Eastern Iowa Grain Inspection Service, Inc. Muscatine, Iowa

The three agencies are located in eastern Iowa.

Interested persons were given until May 23, 1973, to submit application for the designation, and to submit written data, views, or arguments as to which agency or person the designation should be transferred.

No further applications were submitted. A total of 20 comments were submitted as to which agency the designation should be transferred.

Seven of the comments recommended that the designation be transferred to the Cedar Rapids Chamber of Commerce Grain Service, Inc. The seven comments were from users of the grain inspection service in the Cedar Rapids grain market. The Cedar Rapids Chamber of Commerce Grain Service, Inc., is currently designated to operate as an official grain inspection agency in Cedar Rapids, Iowa.

Ten of the comments recommended that the designation be transferred to the Dubuque Area Chamber of Commerce. The ten comments were from nonusers of the grain inspection service in the Dubuque grain market. The Dubuque Area Chamber of Commerce is not currently designated to operate as an official grain inspection agency in any location.

Two of the comments recommended that the designation be transferred to the Eastern Iowa Grain Inspection Service, Inc. Both comments were from one of the principal users of the grain inspection service in the Dubuque grain market. No comments were submitted by the other users of the service in Dubuque. The Eastern Iowa Grain Inspection Service, Inc., is currently designated to operate as an official grain inspection agency in Muscatine, Iowa. (Note: The chief grain inspector for the Eastern Iowa Grain Inspection Service, Inc., is also the chief grain inspector for the Davenport Grain Exchange, Inc., in Davenport, Iowa and in Dubuque, Iowa.)

One of the comments did not recommend that the transfer be made to a particular agency or person, but it did recommend that the transfer be based on experience and competency.

It is the Department's policy, in designating an agency or person to operate as an official grain inspection agency, to give priority first to State grain inspection agencies and then to currently operative grain inspection agencies. None of the applicants is a State agency. Two of the applicants, as indicated above, are currently operative.

All applicants for the transfer were found to have met the prerequisites for designation set forth in § 26.96 of the regulations (7 CFR 26.96), and to have filed a proper application for designation as specified in § 26.97 of the regulations (7 CFR 26.97). The Eastern Iowa Grain Inspection Service, Inc., was found to be qualified and competent. In addition, its application for the transfer was supported by one of the principal users of the service in Dubuque. Therefore, after due consideration of all submissions made pursuant to the notice of April 23, 1973, and all other relevant matters, the designation to operate as an official grain inspection agency in Dubuque is hereby transferred from the Davenport Grain Exchange, Inc., Davenport, Iowa, to the Eastern Iowa Grain Inspection Service, Inc., Muscatine, Iowa.

(Secs. 3 and 7, 39 Stat. 482, as amended, 82 Stat. 762 and 764; 7 U.S.C. 75(m) and 79(f); 37 F.R. 28464 and 28476)

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

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

JULY 3, 1973.

[FR Doc.73-13998 Filed 7-9-73;8:45 am]

RICE STANDARDS

Proposed Changes

Statement of considerations. Notice is hereby given that the Agricultural Marketing Service is considering changing the United States grade standards for rough rice so the standards will better reflect the presence of "weed seeds" and "heat-damaged kernels" in the total milled rice produced from the rough rice, and so the standards will better correlate with the United States grade standards for milled rice.

This notice identifies the changes that are being considered in the United States standards for rough rice, and invites interested persons to review the proposed changes, submit comments and recommendations on the proposed changes, and submit other suggested changes in the standards.

Background. In determining the grade of rough rice under the United States standards, a sample of the rice is cleaned, hulled, and milled. In the cleaning process, three sieves are used to separate the readily removable foreign material, including the weed seeds, if any, from the rough rice. The foreign material that is separated is called dockage and is discarded.

In the hulling process, the outer hull or husk is removed from the kernels. The removed hulls, or husks, are discarded.

In the milling process, practically all of the germs and the bran layers are removed from the kernels, and whole kernels, large broken kernels, and medium and small broken kernels are produced. The removed germs and bran layers are discarded.

Whole kernels, large broken kernels, and medium and small broken kernels are defined as follows:

Whole kernels are unbroken kernels of rice and broken kernels of rice which are at least three-fourths of an unbroken kernel.

Large broken kernels (commonly referred to as "second head") are broken kernels that pass over a 6 plate (southern production) or broken kernels remaining on a 6 sieve (western production).

Medium and small broken kernels (commonly referred to as "screenings and brewers") are broken kernels removed by a 6 plate (southern production) or broken kernels that pass through a 6 sieve (western production).

In the grading process the percentage of whole kernels, and the total milled rice (milling yield) is determined. After the milling yield is determined, the large broken kernels and the medium and small broken kernels are discarded and the grade of the rough rice is determined on the basis of the whole kernel portion only.

In the commercial milling process the large broken kernels and the medium and small broken kernels are removed for blending with the whole kernels according to grade or contract specifications, or are removed and retained for sale.

The recommendations that have been received indicate that by using three sieves for cleaning, and by determining the grade of the rough rice on the whole kernel portion only, the resulting grades do not accurately reflect the quality of the rough rice, especially when the rough rice contains weed seeds or heat-damaged kernels. It is also indicated that since the grades do not reflect the true quality of the rough rice, the grades do not correlate with the grades for the rice which is produced from the rough rice in commercial milling.

Proposed changes. Three recommendations to correct the situation have been received:

Proposal 1. A. Use only one sieve instead of three sieves in the laboratory cleaning of the rough rice. This could result in less weed seeds being removed as dockage and in an increase in milling yield.

B. Determine the number of weed seeds and heat-damaged kernels in a combination of the whole kernel and the large broken kernel portions, instead of the whole kernel portion only. This could result in a finding of more weed seeds and heat-damaged kernels. It could also increase inspection time and costs.

C. Increase the limits for objectionable seeds and heat-damaged kernels per 500 grams of sample from 1, 2, 5, 15, 25, 75, and over 75 in grades Nos. 1 through Sample grade to 10, 25, 40, 65, 95, 95, and over 95, respectively. This increase would

tend to offset the increase in weed seeds and heat-damaged kernels resulting from item "A" and "B" above.

Proposal 2. Determine the grade of the whole kernel, the large broken kernel, and the medium and small broken kernel portions separately; using the present grade limits for the classes of rough rice and the classes Second Head Milled Rice and Brewers Milled Rice, respectively, instead of grading the whole kernel portion only. This would involve separating each portion mechanically, and could result in a finding of more weed seeds and heat-damaged kernels. It would increase inspection time and costs.

Proposal 3. A. Determine the number of weed seeds and heat-damaged kernels in a combination of the whole kernel and the large broken kernel portions, instead of on the whole kernel portion only. This could result in a finding of more weed seeds and heat-damaged kernels. It could also increase inspection time and costs.

B. Mechanize the grading by defining "whole and large broken kernels" as kernels and all other material that (1) passes over a 6 plate (southern production) or (2) remains on top of a 6 sieve (western production), and provide that no handpicking of the separations shall be performed. This would make the determination of whole kernels and large broken kernels more objective and would help minimize a possible increase in inspection time and costs.

C. Delete the heading "Seeds and heat-damaged kernels" and the subheadings "Total (singly or combined)" and "Heat-damaged kernels and objectionable seed (singly or combined)" in the present grade table for rough rice and provide one heading for "Seeds" and one heading for "Heat-damaged kernels." Establish limits per 500 grams for both factors, as follows: "Seeds"—1, 5, 15, 25, 40, 60, and over 60 in grades Nos. 1 through Sample grade. "Heat-damaged kernels"—1, 2, 5, 15, 25, 75, and over 75 in grades Nos. 1 through Sample grade. These limits would tend to offset the increase in weed seeds and heat-damaged kernels resulting from item "A" above.

Comments. The Agricultural Marketing Service intends to study the three proposals during the 1973 rice marketing season and to obtain data and comments in anticipation of proposing a specific revision of the rough rice standards. Such a revision would be contingent, in part, upon a "typical" 1973 rice growing season. Interested persons are invited to study the three proposals and submit comments to the Hearing Clerk on the following:

1. Do the present rough rice standards accurately reflect the quality of rough rice with respect to "seeds" and "heat-damaged" kernels?

2. Do the present rough rice standards correlate with the present "milled" rice standards with respect to "seeds" and "heat-damaged" kernels?

3. Do the present rough rice standards correlate with the present "milled" rice standards with respect to other grading factors such as "red rice," "damaged kernels," and "chalky kernels"?

4. If changes are desired and needed in the rought rice standards, which of the three proposals would be most practicable and meaningful to producers, driers, millers, merchandisers, and consumers?

5. Are other changes in the rough, brown rice for processing, or milled rice standards desired and needed?

Interested persons are invited to submit written data, views, comments or recommendations concerning proposed changes in the standards for rough rice, in duplicate, to the Hearing Clerk, U.S. Department of Agriculture, room 112, Administration Building, Washington, D.C. 20250. Any person who wishes to present oral comments should notify the Director, Grain Division, Agricultural Marketing Service, U.S. Department of Agriculture, 6525 Belcrest Road, Hyattsville, Maryland 20782 [telephone (301) 436-8776] so that arrangements may be made for such presentations. Copies of the current rice standards may also be obtained through the Director. Communications should be received by December 1, 1973, to assure proper consideration.

Done at Washington, D.C., on: July 3, 1973.

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

[FR Doc.73-13959 Filed 7-9-73;8:45 am]

Agricultural Stabilization and Conservation Service

[Docket No. SH-319]

TEXAS SUGARCANE AREA

Notice of Hearing on Sugarcane Wages in Texas and Designation of Presiding Officers

Correction

In FR Doc. 73-12091 appearing on page 15859 of the issue for Monday, June 18, 1973 the third line, reading "of section 301(c)(1) of the act, whether", should be deleted and "of 1948, as amended (61 Stat. 929; 7" substituted therefor.

Forest Service

COMBINED TIMBER MANAGEMENT PLAN AND FOREST ROAD PROGRAM

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Combined Timber Management Plan & Forest Road Program, Forest Service Report Number USDA-FS-DES (Adm) 73-76.

The environmental statement concerns the general effects of two interrelated, and strongly dependent proposals on the Nezperce National Forest: (1) The interim adjustment to the Forest Timber Management Program, (2) the Forest Three Year Road Program. A draft statement on the Three Year Road Program was first submitted on May 25, 1972. A final statement will not be submitted. This statement will take its place. The change has been necessitated by the responses to the first draft which questioned the relationship of the road program to the timber management program, and also by recent agency restriction in "Forest, Roads and Trails Funding" which on this Forest will limit all new construction and reconstruction to timber access roads.

This draft environmental statement was filed with CEQ on July 2, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., S.W.
Washington, D.C. 20250

USDA, Forest Service
Northern Region
200 East Broadway, Room 3077
Missoula, Montana 59801.

USDA, Forest Service
Nezperce National Forest
319 East Main
Grangeville, Idaho 83530

A limited number of single copies are available upon request to:

Robert O. Rehfeld, Forest Supervisor
Nezperce National Forest
319 East Main
Grangeville, Idaho 83530

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal Agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Robert O. Rehfeld, Forest Supervisor, Nezperce National Forest, 319 East Main, Grangeville, Idaho 83530. Comments must be received by Aug. 16, 1973 in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

JULY 3, 1973.

[FR Doc.73-13956 Filed 7-9-73;8:45 am]

LITTLE SLATE CREEK UNIT PLAN

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Little Slate Creek Unit Plan, Forest Service

Report Number USDA-FS-DES(Adm) 7378.

The environmental statement concerns the proposed action to implement the Little Slate Creek Unit Plan which calls for multiple use management of 43,690 acres of National Forest land in the Little Slate Creek Drainage, Slate Creek Ranger District, Nezperce National Forest, Idaho County, Idaho. The Little Slate Creek Unit Plan identifies alternatives and specifies management guidance for key values of timber management, historic and recreational interest, elk calving and breeding grounds and high areas. It specifies access road location and probable timber sale development while outlining numerous guidelines for the protection and/or development of other resources.

This draft environmental statement was filed with CEQ on July 2, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., S.W.
Washington, D.C. 20250

USDA, Forest Service
Northern Region
Federal Building, Room 3077
Missoula, Montana 59801

USDA, Forest Service
Nezperce National Forest
319 East Main
Grangeville, Idaho 83530

A limited number of single copies are available upon request to:

Robert O. Rehfeld, Forest Supervisor
Nezperce National Forest
319 East Main
Grangeville, Idaho 83530

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Robert O. Rehfeld, Forest Supervisor, Nezperce National Forest, 319 East Main, Grangeville, Idaho 83530. Comments must be received by August 16, 1973 in order to be considered in the preparation of the final environmental statement.

JULY 3, 1973.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

[FR Doc.73-13958 Filed 7-9-73;8:45 am]

MULTIPLE USE PLAN—NORTH BRIDGER PLANNING UNIT

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Multiple Use Plan—North Bridger Planning Unit, Forest Service Report Number USDA-FS-DES (Adm) 73-77.

The environmental statement concerns a proposed Multiple Use Management Plan for the North Bridger Mountains, Bozeman Ranger District, Gallatin National Forest, in Gallatin County, Montana. The total area is about 60,000 acres, 42,000 of which are National Forest land. The plan calls for building a new road, a trail, improving other roads, harvesting timber on some areas, and maintaining other areas in a roadless condition. The plan also outlines direction for managing domestic livestock wildlife populations and ranges, and the Fairy Lake area.

This draft environmental statement was filed with CEQ on July 2, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., S.W.
Washington, D.C. 20250

USDA, Forest Service
Northern Region
200 East Broadway, Room 3077
Missoula, Montana 59801

USDA, Forest Service
Gallatin National Forest
Federal Building
Bozeman, Montana 59715

A limited number of single copies are available upon request to:

Lewis E. Hawkes, Forest Supervisor
Gallatin National Forest
P.O. Box 130
Bozeman, Montana 59715

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Lewis E. Hawkes, Forest Supervisor, Gallatin National Forest, P.O. Box 130, Bozeman, Montana 59715. Comments must be received by Aug. 16, 1973 in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

JULY 3, 1973.

[FR Doc.73-13957 Filed 7-9-73;8:45 am]

Packers and Stockyards Administration

NELSON LIVESTOCK AUCTIONS, INC.; PRESCOTT, ARIZ., ET AL.

Proposed Posting of Stockyards

The Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in Section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

AZ-105 Nelson Livestock Auctions, Inc., Prescott, Arizona
MS-150 Prentiss Stockyards, Prentiss, Mississippi
MO-233 McDonald County Livestock Market, Jane, Missouri
NC-143 Union County Livestock Auction, Inc., Monroe, North Carolina
NC-144 Carolina Stock Yards Co., Silver City, North Carolina

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. 20250, on or before July 25, 1973.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 U.S.C. 1.27(b)).

Done at Washington, D.C., this 5th day of July, 1973.

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.73-14002 Filed 7-9-73;8:45 am]

CLEBURNE COUNTY LIVESTOCK AUCTION SALE, HEBER SPRINGS, ARKANSAS, ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. et seq.), it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7

U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302, on the respective dates specified below.

Facility No., Name, and Location of Stockyard; Date of Posting

ARKANSAS

AR-148 Cleburne County Livestock Auction Sale, Heber Springs, April 15, 1973

GEORGIA

GA—176 Tri-County Feeder Pig Sales, Broxton, May 16, 1973
GA-177 Longhorn Livestock Auction, Inc., Poulan, May 1, 1973

KENTUCKY

KY-158 Louisa Stockyards, Louisa, January 17, 1973

NORTH CAROLINA

NC-142 Albemarle Marketing Association, Inc., Edenton, April 30, 1973

SOUTH CAROLINA

SC-126 Greer Livestock Company, Greer, April 25, 1973

TEXAS

TX-303 Caldwell Livestock Commission Company, Inc., Caldwell, May 2, 1973

WASHINGTON

WA-127 Puget Sound Horse and Mule Auction, Olympia, May 30, 1973

Done at Washington, D.C., this 2d day of July, 1973.

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.73-14003 Filed 7-9-73;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of East-West Trade

DIETER BUSCH AND DIETER BUSCH INDUSTRIEVERTRETUNGEN

[File No. 23(72)-14]

Order Denying Export Privileges for an Indefinite Period

In the matter of Dieter Busch and Dieter Busch Industrievertretungen D8 Munich 23 Trautenwolfstrasse 6 Federal Republic of Germany.

The Director, Compliance Division, Office of Export Control, Bureau of East-West Trade, U.S. Department of Commerce, has applied for an order denying to the above named respondents, all export privileges for an indefinite period because the said respondents, without good cause being shown, failed to furnish answers to interrogatories and failed to furnish certain records and other writings specifically requested. This application was made pursuant to § 388.15 of the Export Control Regulations. (Title 15, Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application for an Indefinite Denial Order was referred to the Hearing Commissioner, Bureau of East-West Trade, who, after consideration of the evidence, has recommended that the application be granted. The report of the Hearing Commissioner and the evidence in support of the application have been considered.

The evidence presented shows that the respondent Deiter Busch owns and operates the firm Dieter Busch Industrievertretungen, in Munich, Federal Republic of Germany; the firm is engaged in trading in electronic testing equipment and electronic components; its activities include importing and exporting such commodities. The evidence further shows that in December 1971 and April 1972 respondents received from a U.S. supplier strategic electronic items (transistors and diodes) valued in excess of $5000. The respondents have acknowledged that they reexported these items to Austria.

The Compliance Division is conducting an investigation to ascertain to whom respondents exported the above mentioned commodities and to learn what was their end-use. It is impracticable to subpoena the respondents and, pursuant to § 388.15 of the Export Control Regulations, relevant and material interrogatories were served on them inquiring as to the names of the party or parties to whom they sold the commodities and also requesting respondents to furnish pertinent documents regarding the sales and deliveries. The respondents failed to answer the interrogatories or to furnish the documents requested. They have not shown good cause for such failure.

I find that an order denying export privileges to said respondents for an indefinite period may properly be entered under § 388.15 of the Export Control Regulations and that such an order is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Administration Act of 1969, as amended.

Accordingly, *It is hereby ordered*

I. All outstanding validated export licenses in which respondents appear or participate, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Bureau of East-West Trade for cancellation.

II. The respondents are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States, in whole or in part, or to be exported, or which are otherwise subject to the Export Control Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data, in whole or in part, exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents but also to their agents, employees, representatives, and partners and to any other person, firm, corporation, or business organization with which the respondents now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondents provide responsive answers, written information and documents in response to the interrogatories heretofore served upon them or give adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Control Regulations.

V. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of East-West Trade, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents or any related party, or whereby the respondents or any related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for said respondents or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondents.

VII. In accordance with the provisions of Section 388.15 of the Export Control Regulations, the respondents may move at any time to vacate or modify this Indefinite Denial Order by filing with the Hearing Commissioner, Bureau of East-West Trade, U.S. Department of Commerce, Washington, D.C., 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Hearing Commissioner, at Washington, D.C., at the earliest convenient date.

This order shall become effective on June 15, 1973.

RAUER H. MEYER,
Director, Office of Export Control Bureau of East-West Trade.

Dated May 15, 1973.

[FR Doc.73-13892 Filed 7-9-73;8:45 am]

Domestic and International Business Administration

LOUISIANA STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 72-00254-01-77095. Applicant: Louisiana State University, Department of Chemistry, Baton Rouge, La. 70803. Article: Spectrophotometer, Model JRS-S1. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in studies of the following materials:

a. Pure solid, liquid and gaseous organic compounds,
b. Solid ionic and covalent inorganic and organometallic compounds,
c. Transition metal organometallic and coordination complexes,
d. Gaseous molecular compounds (e.g. PF_3), and
e. Aqueous solutions of ionic salts.

Experiments to be conducted involve routine spectral analysis, temperature variation of band intensities, pressure broadening in gaseous samples, solvent-solute interactions and depolarization measurements. The article will also be utilized to teach undergraduates the use of analytical instruments and the design of sophisticated analytical experiments.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is capable of automatic depolarization measurement. The most closely comparable domestic instrument is the Model 700 Raman spectrometer manufactured by Beckman Instruments, Inc. (Beckman). The Beckman Model 700 does not provide automatic depolarization measurement. Non-automatic depolarization ratio measurements conventionally require the observation of two spectra with different polarizations and a calculation of the depolarization ratio from the observed intensities of the two spectra. This is a time-consuming and difficult procedure that limits the number of measurements that can be made. The automatic feature permits the student to make useful measurements without requiring an excessively long time for him to become accustomed to using the spectrometer; further, many more students may be accommodated. Accordingly, the National Bureau of Standards (NBS) advises in its memorandum dated June 15, 1973 that the automatic depolarization measurement feature of the foreign article is pertinent to the applicant's educational purposes. We, therefore, find that the Model 700 is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used. NBS further advises that it knows of no domestically manufactured instrument of equivalent scientific value to the foreign article for the applicant's intended use.

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.73-13925 Filed 7-9-73;8:45 am]

N.Y. LEAGUE FOR THE HARD OF HEARING

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

DOCKET NUMBER: 73-00441-99-03400. APPLICANT: New York League for the Hard of Hearing, 71 West 23rd Street, New York, N.Y. 10010. ARTICLE: Seven Suvag Vibar, Model 73, 16 OHMS with holders and three extra holders. MANUFACTURER: SEDI, France. INTENDED USE OF ARTICLE: The article is intended to be used in a research project involving the aural health care and educational training of hearing impaired people.

COMMENTS: No comments have been received with respect to this application.

DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

REASONS: The foreign article has the capacity for extended low frequency response. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated June 14, 1973 that this characteristic is pertinent to the purposes for which the article is intended to be used. HEW further advises that it knows of no comparable domestic instrument matching the pertinent characteristic of the foreign article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.73-13923 Filed 7-9-73;8:45 am]

N.Y. LEAGUE FOR THE HARD OF HEARING

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

DOCKET NUMBER: 73-00440-99-03400. APPLICANT: New York League for the Hard of Hearing, 71 West 23rd Street, New York, N.Y. 10010. ARTICLE: Three Suvag II (Auditory trainers) and One Suvag II (Auditory trainer). MANUFACTURER: SEDI, France. INTENDED USE OF ARTICLE: The article is intended to be used in a research project involving the aural health care and educational training of hearing impaired people.

COMMENTS: No comments have been received with respect to this application.

DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

REASONS: The foreign article provides an operating frequency range of 0.5 to 500 cycles. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated June 14, 1973, that the capability described above is pertinent to the purposes for which the article is intended to be used. HEW also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.73-13924 Filed 7-9-73;8:45 am]

UNIVERSITY OF ILLINOIS ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry

of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before July 30, 1973.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

DOCKET NUMBER: 73-00557-00-77040. APPLICANT: University of Illinois-Urbana-Champaign, Purchasing Division, 223 Administration Building, Urbana, Illinois 61801. ARTICLE: Combination Field Desorption-Field Ionization-Electron Impact Ion Source Device. MANUFACTURER: Varian MAT GmBH, West Germany. INTENDED USE OF ARTICLE: The articles are accessories to an existing mass spectrometer to be used for studies of organic compounds and mixtures of interest in biology and medicine to determine their molecular weights and molecular formulas. The article will also be used for educational purposes in various Chemistry courses. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: May 25, 1973.

DOCKET NUMBER: 73-00558-33-46040. APPLICANT: V.A. Hospital, Holland Avenue, Albany, N.Y. 12208. ARTICLE: Electron Microscope, Model EM 300. MANUFACTURER: Philips Electronic Instruments NVD, The Netherlands. INTENDED USE OF ARTICLE: The article is intended to be used for the training of post-doctoral personnel, resident pathologists, medical students and Ph.D. candidates and college students aspiring to the bachelor's degree in biology in electron microscopy techniques. The article will also be used to provide a diagnostic service in electron microscopy on specimens derived from surgical and autopsy specimens from patients at the Hospital. In addition the article will be used for research in blood vessel pathology. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 8, 1973.

DOCKET NUMBER: 73-00559-01-09500. APPLICANT: Environmental Protection Agency, Transportation Section, Research Triangle Park, N.C. 27711. ARTICLE: Type 350 Centrifuge. MANUFACTURER: I. Kruger A/S, Denmark. INTENDED USE OF ARTICLE: The article is intended to be used for studies of waste sludges from wastewater treatment plants to ascertain the suitability of centrifugal processing of sludges. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 8, 1973.

DOCKET NUMBER: 73-00560-33-46040. APPLICANT: University of California, School of Medicine, Department of Human Anatomy TB 171, Davis, California 95616. ARTICLE: Electron Microscope, Model Corinth 275. MANUFACTURER: AEI Scientific Apparatus Inc., United Kingdom. INTENDED USE OF ARTICLE: The article is intended to be used for several projects which include the following:

(1) Study of the ultrastructures of breast tumor from women cancer patients,

(2) Cardiovascular Research,

(a) Study of the developing and differentiating tissue elements from the ultrastructural point of view,

(b) Study of the heart muscle to determine the effect of alcohol and other drugs on the structural integrity of the heart muscle, and

(c) Hypertension studies.

(3) Fundamental research in Muscular Dystrophy in man and animals, and

(4) Investigation of the effect of some commonly used pesticides on the brain tissue and other neural elements.

In addition, the article will be used (1) to teach graduate students its use as an aid to research and (2) in introductory courses in electron microscopy. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: MAY 29, 1973.

DOCKET NUMBER: 73-00561-90-73610. APPLICANT: Cornell University, NYS Agricultural Experiment Station, Department of Plant Pathology, Geneva, New York 14456. ARTICLE: Recording Volumetric Spore Trap. MANUFACTURER: Burkard Manufacturing Co. Ltd., United Kingdom. INTENDED USE OF ARTICLE: The article is intended to be used in studies of fungus spores to determine the type and quantity of spores in the air in relation to weather conditions. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 8, 1973.

DOCKET NUMBER: 73-00564-33-46040. APPLICANT: California Institute of Technology, 1201 E. California Blvd., Pasadena, California 91109. ARTICLE: Electron Microscope, Model EM 201. MANUFACTURER: Philips Electronic Instruments, NVD., The Netherlands. INTENDED USE OF ARTICLE: The article is intended to be used for investigations of cellular membranes and research on the organization of genetic material in various organisms. The following projects will be carried out with this instrument:

(1) Studies on the structure of cellular membranes,

(2) Studies on the organization of the nervous system,

(3) Investigations of the mode of formation of intercellular contacts in hepatoma cells, and

(4) Investigations of the arrangement of genes on DNA molecules will be carried out by electron microscope methods.

In addition, the article is intended to be used in the courses: *Bi 133—Biophysics of macromolecules laboratory*, designed to provide an intensive training in the techniques for the characterization of biological macromolecules, and *Bi 136—Optical Methods in biology laboratory* which presents the practice of operation of various types of light and electron microscopes. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 11, 1973.

DOCKET NUMBER: 73-00565-33-46500. APPLICANT: University of Wisconsin-Madison, Madison, Wisconsin 53706. ARTICLE: Ultramicrotome, Model LKB 8800-NM.

MANUFACTURER: LKB Produkter AB, Sweden. INTENDED USE OF ARTICLE: The article is intended to be used to prepare sections of laboratory animal tissues for purposes of studying spontaneous diseases of laboratory animals. Experiments will be on lungs of rabbits and upper respiratory tract tissues of laboratory rats to detect, and determine location of, mycoplasma organisms. The article will also be used as a teaching aid in Veterinary Science 350 (Diseases of Fishes), Veterinary Science 360 (Laboratory Animal Diseases) and Veterinary Science 760 (Advanced Veterinary Pathology) to acquaint graduate students with the mechanisms of actions of the agents causative of disease. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 13, 1973.

DOCKET NUMBER: 73-00566-33-46500. APPLICANT: Mayo Foundation, 200 First Street Southwest, Rochester, Minnesota 55901. ARTICLE: Ultramicrotome, Model LKB 8800A.

MANUFACTURER: LKB Produkter AB, Sweden. INTENDED USE OF ARTICLE: The article is intended for studies of biological materials consisting of human and experimental animal tissues both normal and pathological as well as mammalian cells grown in tissue culture under a variety of experimental conditions. The experiments to be conducted will include an examination of the normal behavior and structure of cells in culture and tissues; the localization of specific subcellular sites of interaction of inducing or transforming chemicals; and an examination of the induced acute and long-term functional and structural alterations. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 13, 1973.

DOCKET NUMBER: 73-00567-99-46500. APPLICANT: San Joaquin Delta College, 3301 Kensington Way, Stockton, California 95204. ARTICLE: Ultramicrotome, Model LKB 8800A. MANUFACTURER: LKB Produkter, Sweden. INTENDED USE OF ARTICLE: The article is intended to be used in a program in electron microscopy to train electron microscopy technicians. Students will be trained in all phases of biological specimen preparation for the EM including fixation, embedding, staining and thin sectioning of samples. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 13, 1973.

DOCKET NUMBER: 73-00568-33-46500. APPLICANT: Mayo Foundation,

Department of Physiology, Rochester, Minnesota 55901. ARTICLE: Ultramicrotome, Model LKB 8800A. MANUFACTURER: LKB Produkter AB, Sweden. INTENDED USE OF ARTICLE: The article is intended to be used for studies of jellyfish tissue, mammalian muscle and nerve preparations, amphibian muscle preparations plus isolated subcellular particles from various tissues of these organisms to determine the structural correlates of various features of the function of excitable tissues. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 13, 1973.

DOCKET NUMBER: 73-00569-01-01100. APPLICANT: Yale University School of Medicine, 333 Cedar Street, New Haven, Conn. 06510. ARTICLE: Sequence Analyzer, Model JAS-47K. MANUFACTURER: JEOL Ltd., Japan. INTENDED USE OF ARTICLE: The article is intended to be used to determine the sequence of peptides associated with the active binding site of various immunoglobulins such as MOPC 315 and MOPC 460, among others, using the subtractive Edman-Dansyl method of detection. The active peptides will be separated from the whole molecule using affinity labelling techniques. The end result will be determination of the sequential arrangement of the amino acids involved in the active binding site of these immunoglobulins. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 13, 1973.

DOCKET NUMBER: 73-00571-75-47500. APPLICANT: University of California, Lawrence Livermore Laboratory, P.O. Box 808, Livermore, California 94550. ARTICLE: Two (2) Monochrometers type THRP with Photomultiplier attachment type PMB 6256.

MANUFACTURER: Jobin - Yvon, France. INTENDED USE OF ARTICLE: The article is intended to be used in a laser isotope separation program to make spectroscopic measurements on atomic and molecular vapor samples. The materials to be studied include europium and other rare metals, uranium, uranium hexafluoride and other uranium compounds. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 11, 1973.

DOCKET NUMBER: 73-00572-33-46070. APPLICANT: Children's Hospital Medical Center, 300 Longwood Avenue, Boston, Massachusetts 02115. ARTICLE: Scanning Electron Microscope, Model JSM 50A. MANUFACTURER: JEOL Ltd., Japan.

INTENDED USE OF ARTICLE: The article is intended to be used in a system which is to be used to perform high spatial resolution microanalysis of calcifying tissues obtained from mammalian species such as the rat and rabbit and from embryonic chick. Analysis of intracellular structures, extracellular matrixes and macromolecular aggregations located in thin sections of developing bones, cartilage and teeth will be performed for the presence of calcium, phosphorous and other biologically important inorganic elements. In addition, the article will be available to selected postdoctoral and research fellows for training in the proper applications of the techniques used in the above research. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 14, 1973.

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.73-13922 Filed 7-9-73;8:45 am]

UNIVERSITY OF NEBRASKA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number 73-00448-60-02300. Applicant: University of Nebraska North Platte Station, Route No. 4, Box 429, North Platte, Nebr. 69101. Article: Electronic individual animal feeder. Manufacturer: Calan Electronics Ltd., United Kingdom. Intended use of article: The article is intended to be used to study the effect of supplementing energy to yearling cattle grazing pasture and measurement of the ad libitum intake of supplement consumed by individual animals.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is capable of allowing individual animals to feed at their own feeding station without interference or use by other members of the herd. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated June 14, 1973 that this capability is pertinent to the applicant's feeding experiments. HEW further advises that it knows of no domestic instrument or apparatus which provides the pertinent characteristic of the article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.73-13926 Filed 7-9-73;8:45 am]

Maritime Administration

CONSTRUCTION OF TWO 265,000 DWT TANKERS

Filing of Application for Construction-Differential Subsidy

Notice is hereby given pursuant to title V of the Merchant Marine Act, 1936, as amended, that First Pennsylvania Tanker I, Inc. and First Pennsylvania Tanker II, Inc. Filed on June 19, 1973, applications for construction-differential subsidy to aid in the construction of two 265,000 deadweight ton tankers to be operated in the worldwide liquid bulk trade carrying crude oil throughout the world.

The vessels will be constructed in accordance with the plans and specifications previously approved by the Maritime Administration for the three vessels presently under construction for the MFC-Boston Tanker Companies, Inc., which plans and specifications are described in the material prepared by Bethleham Steel Corporation and titled "Specifications—265,000 DWT Tanker, Design PR-2856, Edition Av, June 1972."

Interested parties may inspect this proposal in the Office of the Secretary, Room 3099-B, Maritime Administration, Commerce Department Building, Fourteenth and E Streets, N.W., Washington, D.C. 20230.

Date: July 3, 1973.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-14012 Filed 7-9-73;8:45 am]

CONSTRUCTION OF THREE 390,000 DWT TANKERS

Filing of Application for Construction-Differential Subsidy

Notice is hereby given pursuant to Title V of the Merchant Marine Act, 1936, as amended, that Zapato Bulk Transport, Inc. filed on June 22, 1973, an application for construction-differential subsidy to aid in the construction of three approximately 390,000 deadweight ton tankers to be dedicated to foreign-to-U.S. crude oil transportation service, to support a substitute natural gas project currently being developed as a proposed joint venture by Texas Eastern Transmission Corporation and Zapata Corporation, through its subsidiary Zapata Fuels, Inc.

Interested parties may inspect this application in the Office of the Secretary, Room 3099-B, Maritime Administration, Commerce Department Building, Fourteenth and E Streets, N.W., Washington, D.C. 20230.

Dated: July 3, 1973.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-14013 Filed 7-9-73;8:45 am]

[Docket No. S-365]

PACIFIC FAR EAST LINE, INC.

Notice of Application for Approval of Certain Cruises

Notice is hereby given that Pacific Far East Line, Inc. has applied for approval, pursuant to Section 613 of the Merchant Marine Act, 1936, as amended, of the following cruises:

Ship	Approximate Cruise Dates 1974	Itinerary
SS MARIPOSA.	Mar. 22-May 5...	San Francisco, Los Angeles, Honolulu, Yokohoma, Kobe, Chi-lung (Keelung), Hong Kong, Manila, Guam, Honolulu, San Francisco, Los Angeles
	May 6-May 26...	San Francisco, Los Angeles, Honolulu, Hilo, Lahaina, Nawiliwili, Honolulu, San Francisco, Los Angeles
	May 27-June 17.	San Francisco, Los Angeles, San Diego, Honolulu, Hilo, Lahaina, Nawiliwili, Honolulu, San Francisco, Los Angeles
	June 18-July 1...	San Francisco, Los Angeles, Vancouver, Juneau, Skagway, Sitka, Victoria, San Francisco, Los Angeles
	July 2-July 19...	San Francisco, Los Angeles, Honolulu, Hilo, Lahaina, Nawiliwili, Honolulu, San Francisco, Los Angeles
	July 20-July 30..	San Francisco, Los Angeles, Honolulu, San Francisco, Los Angeles
	July 31-Aug. 17.	San Francisco, Los Angeles, Honolulu, Hilo, Lahaina, Nawiliwili, Honolulu, San Francisco, Los Angeles
	Aug. 18-Aug. 29.	San Francisco, Los Angeles, Honolulu San Francisco, Los, Angeles
	Aug. 30-Oct. 12..	San Francisco, Los Angeles, Honolulu, Yokohoma, Kobe, Chi-lung (Keelung), Hong Kong, Manila, Guam, Honolulu, San Francisco, Los Angeles
	Oct. 13-Nov. 1...	San Francisco, Los Angeles, Honolulu, Hilo, Lahaina, Nawiliwili, Honolulu, San Francisco, Los Angeles
	Dec. 14-Jan. 3 1975.	San Francisco, Los Angeles, Honolulu, Hilo, Lahaina, Nawiliwili, Honolulu, San Francisco, Los Angeles
SS MONTEREY.	Apr. 6-Apr. 26...	Los Angeles, San Francisco, Honolulu, Hilo, Lahaina, Nawiliwili, Honolulu, Los Angeles, San Francisco
	May 3-July 13...	San Francisco, Los Angeles, San Diego, Puerto Vallarta, Balboa, Cristobal, Port-au-Prince (Haiti), Hamilton (Bermuda), Southampton (London), Zeebrugge (Belgium), Amsterdam, Hamburg, Kiel Canal, Gdynia, Leningrad, Helsinki, Stockholm, Kobenhavn (Copenhagen), Oslo, Bergen, Geiranger, Trondheim, Hammerfest (Norway), Nordkapp (North Cape), Edinburgh (Scotland), Ponta Delgada (Azores), St. Thomas (Virgin Islands), Curacao, Balboa, Los Angeles, San Francisco (each cruise)
	July 14-July 27...	San Francisco, Los Angeles, Vancouver, Juneau, Skagway, Sitka, Victoria, San Francisco, Los Angeles
	July 28-Aug. 10	
	Aug. 11-Aug. 23	
	Aug. 24-Sept. 6	
	Sept. 7-Sept. 26..	San Francisco, Los Angeles, Honolulu, Hilo, Lahaina, Nawiliwili, Honolulu, San Francisco, Los Angeles
	Nov. 14-Dec. 4...	San Francisco, Los Angeles, Honolulu, Hilo, Lahaina, Nawiliwili, Honolulu, San Francisco, Los Angeles

Any person, firm or corporation having any interest, within the meaning of section 613 of the Merchant Marine Act, 1936, as amended, in the foregoing who desires to offer data, views, or arguments should submit the same in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C. 20230, by the close of business on July 23, 1973.

In the event an opportunity to present oral argument is also desired, specific reason for such request should be included. The Maritime Subsidy Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

By order of the Maritime Subsidy Board/Maritime Administration.

Dated: July 5, 1973.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-14014 Filed 7-9-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services and Mental Health Administration

NATIONAL ADVISORY COMMITTEE

Notice of Meeting

The Administrator, Health Services and Mental Health Administration, announces the meeting date and other required information for the following National Advisory body scheduled to assemble the month of July 1973:

Committee Name	Date/Time/ Place	Type of Meeting and/or Contact Person
National Advisory Council on Regional Medical Programs	7/17, 9:00 a.m..... Parklawn Building Conference Room G 5600 Fishers Lane Rockville, Maryland	Open Contact Mr. Kenneth Baum Room 11-19 Parklawn Building 5600 Fishers Lane Rockville, Maryland Code 301-443-1514

Purpose. The Council advises and assists the Secretary in the preparation of regulations for, and as to policy matters arising with respect for grants under Title IX, and recommends to the Secretary with respect to approval of applications for, and the amounts of, grants under this Title.

Agenda. The Council will discuss policy matters and conduct other business, and the meeting shall be open to the public.

Agenda items are subject to change as priorities dictate.

A roster of members and other relevant information regarding the open session may be obtained from the contact person listed above.

Dated: June 29, 1973.

ANDREW J. CARDINAL,
Acting Associate Administrator for Management Health Services and Mental Health Administration.

[FR Doc.73-13886 Filed 7-9-73;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION

Public Meeting

Notice is hereby given, pursuant to PL-92-463, that the next meeting of the National Advisory Council on Vocational Education will be held on July 26, 1973, from 8:00 p.m. to 10:00 p.m., local time, and on July 27, 1973, from 9:00 a.m. to 5:00 p.m., local time, at the L'enfant Plaza Hotel, Washington, D.C.

The National Advisory Council on Vocational Education is established under section 104 of the Vocational Education Amendments of 1968 (20 U.S.C. 1244). The Council is directed to advise the Commissioner of Education concerning the administration of, preparation of general regulations for, and operation of, vocational education programs supported with assistance under the act; review the administration and operation of vocational education programs under the act, including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations to the Secretary of HEW

for transmittal to the Congress; and conduct independent evaluation of programs carried out under the act and publish and distribute the results thereof.

The meetings of the Council shall be open to the public. The proposed agenda includes:

Report on response from the Government Accounting Office to NACVE requests for legal rulings.
Discussion of plans for public hearing in Pittsburgh, Pennsylvania.
Report on the implementation of guidelines for Title 10 of the Education Amendments of 1972.
Report on the staffing of the Bureau of Occupational and Adult Education, USOE.
Committee Reports.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the Council's Executive Director, located in Suite 852, 425–13th Street, NW., Washington, D.C. 20004.

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

CALVIN DELLEFIELD,
Executive Director.

[FR Doc.73–13945 Filed 7–9–73;8:45 am]

Office of the Secretary

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority; Correction

In FR Doc. 73–11519 appearing at page 15379 in the issue of Monday, June 11, 1973, the functional statement for the Office of Research and Statistics, Social Security Administration, should read as follows: "*Office of Research and Statistics* (ORS). Conducts and directs SSA's research and statistical programs. Conducts research relating to retirement age, methods of financing, redistributional effects of social security and supplemental security payments, and adequacy of supplemental security, cash, and health benefits. Studies and makes recommendations concerning problems of poverty, insecurity, and health costs, and the contributions that social insurance, supplemental security income, and related programs can make toward their solution. Conducts national surveys of the aged, the disabled, and families with children. Provides continuing evaluation of national policies and procedures for effectiveness in meeting program goals. Publishes statistical data and research findings. Represents SSA on matters of research and statistics with DHEW, other agencies, universities, research centers, and international organizations."

Dated: July 2, 1973.

THOMAS S. MCFEE,
Deputy Assistant Secretary for Management Planning and Technology.

[FR Doc.73–13909 Filed 7–9–73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Management

[Docket No. D–73–240]

CHIEF PROPERTY OFFICER; FLINT, MICH., SERVICE OFFICE

Redelegation of Authority With Respect to Property Disposition

The Chief Property Officer, Flint, Michigan, Service Office (Region V) is authorized to exercise the power and authority redelegated to each Chief, Property Disposition Branch, in Area Offices as published in the FEDERAL REGISTER at 35 FR 16106, October 14, 1970, as amended at 36 FR 13854, July 27, 1971, 36 F.R. 21539, November 10, 1971, and 37 FR 10408, May 20, 1972 (Secretary's delegation of authority to redelegate published at 36 FR 5005, March 16, 1971).

Effective date. This redelegation of authority is effective as of May 21, 1973.

H. R. CRAWFORD,
Assistant Secretary for Housing Management.

[FR Doc.73–13980 Filed 7–9–73;8:45 am]

Office of Interstate Land Sales Registration

[Docket No. N–73–181; OILSR No. 0–1049–03–36; File No. Z–162]

LAKE FOREST ESTATES

Order of Suspension

Notice is hereby given that: On April 16, 1973, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, published in the FEDERAL REGISTER a Notice of Proceedings and Opportunity for Hearing, pursuant to 44 U.S.C. 1508, informing the Developer of alleged untrue statements or omissions of material facts in the Developer's Statement of Record. The Developer has failed to request a hearing pursuant to 24 CFR 1720.160 within 15 days of said notice. Accordingly, pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), the Order of Suspension is being issued as follows:

1. Lake Forest Developers, Inc., hereinafter referred to as the Developer, being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Public Law 90–448) (15 U.S.C. 1701 et seq.) and the Rules and Regulations lawfully promulgated thereto pursuant to 15 U.S.C. 1718, has filed its Statement of Record covering its subdivision located in Arkansas (OILSR No. 0–1049–03–36), which became effective on April 13, 1970, pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said Statement is still in effect.

2. Pursuant to lawful delegation, as authorized by 15 U.S.C. 1715, the authority and responsibility for administration of the Interstate Land Sales Full Disclosure Act has been vested in the Interstate Land Sales Administrator.

3. Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), if it appears to the Interstate Land Sales Administrator at any time that a Statement of Record, which is in effect, includes any untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the statement therein not misleading, the Administrator may, after notice, and after an opportunity for a hearing requested within 15 days of receipt of such notice, issue an order suspending the Statement of Record.

4. A Notice of Proceedings and Opportunity for Hearing was published in the FEDERAL REGISTER on April 16, 1973, pursuant to 44 U.S.C. 1508, informing the Developer of information obtained by the Office of Interstate Land Sales Registration showing an untrue statement of a material fact or an omission of a material fact required to be stated therein or necessary to make the statements therein not misleading in the above-specified Statement of Record. The Developer was notified of his right to request a hearing and that if he failed to request a hearing he would be deemed in default and the proceedings would be determined against him, the allegations of which would be determined to be true. The Developer has failed to request a hearing pursuant to 24 CFR 1720.160 within 15 days of publication of said Notice of Proceedings and Opportunity for Hearing.

Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), the Statement of Record filed by the Developer covering its subdivision is hereby suspended, effective as of July 10, 1973. This Order of Suspension shall remain in full force and effect until the Statement of Record has been properly amended as required by the Interstate Land Sales Full Disclosure Act and the implementing Regulations.

Any sales or offers to sell made by the Developer or its agents, successors, or assigns while this Order of Suspension is in effect will be in violation of the provisions of said Act.

Issued in Washington, D.C., July 5, 1973.

By the Secretary,

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

[FR Doc.73–14015 Filed 7–9–73;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS' WORKING GROUP ON PEAKING FACTORS

Notice of Meeting

JULY 6, 1973.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safe-

guards' Working Group on Peaking Factors will hold a meeting on July 17, 1973, in Room 1062, 1717 H Street, NW., Washington, DC. The subjects scheduled for discussion are calculational techniques and plant operating conditions related to peaking factors.

The Subcommittee is meeting to formulate recommendations to the full ACRS regarding the above subject.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that 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 in addition, the discussion will involve information from certain documents which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). It is essential to close the meeting to protect the free interchange of internal views and such privileged information and to avoid undue interference with agency or Committee operation.

JOHN C. RYAN,
Acting Advisory Committee Management Officer.

[FR Doc.73-14116 Filed 7-9-73;8:45 am]

[Docket No. 50-411]

GULF OIL CORP.

Issuance of Facility Export License

Please take notice that no request for a hearing or a petition for leave to intervene having been filed following publication of notice of proposed action in the FEDERAL REGISTER on January 31, 1973 (38 FR 3000) and the Atomic Energy Commission having found that:

(a) The application filed by Gulf Oil Corporation, Docket No. 50-411, complies with the requirements of the Act, and the Commission's regulations set forth in Title 10, Chapter I, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations,

the Commission has issued License No. XR-91 to Gulf Oil Corporation, authorizing the export of a pool-type research reactor to the Institute of Nuclear Technologies, Romanian State Committee for Nuclear Energy, Pietesti, Romania.

This export to Romania is within the purview of the "Agreement Between The Government Of The United States Of America And The International Atomic Energy Agency: Cooperation In Peaceful Applications," which entered into force on August 7, 1959.

Dated at Bethesda, Maryland this 2d day of July 1973.

For the Atomic Energy Commission.

S. H. SMILEY,
Deputy Director for Fuels and Materials, Directorate of Licensing.

[FR Doc.73-13903 Filed 7-9-73;8:45 am]

[Docket No. 50-431]

MITSUBISHI INTERNATIONAL CORP.

Notice of Issuance of Facility Export License

Please take notice that no request for a hearing or a petition for leave to intervene having been filed following publication of notice of proposed action in the FEDERAL REGISTER on April 30, 1973 (38 FR 10660) and the Atomic Energy Commission having found that:

(a) The application filed by Mitsubishi International Corporation, Docket No. 50-431, complies with the requirements of the Act, and the Commission's regulations set forth in Title 10, Chapter I, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations,

the Commission has issued License No. XR-92 to Mitsubishi International Corporation, authorizing the export of a pressurized water reactor with a thermal power level of 1,650 magawatts to the Kyushu Electric Power Co. Fukuoka-shi, Japan.

The export of the reactor to Japan is within the purview of the present Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy.

Dated at Bethesda, Maryland this 2nd day of July 1973.

For the Atomic Energy Commission.

S. H. SMILEY,
Deputy Director for Fuels and Materials Directorate of Licensing.

[FR Doc.73-13902 Filed 7-9-73;8:45 am]

[Docket No. 50-428]

WESTINGHOUSE ELECTRIC CORP.

Issuance of Facility Export License

Please take notice that no request for a hearing or a petition for leave to intervene having been filed following publication of notice of proposed action in the FEDERAL REGISTER on April 23, 1973 (38 FR 10034-10035) and the Atomic Energy Commission having found that:

(a) The application filed by Westinghouse Electric Corporation, Docket No. 50-428, complies with the requirements of the Act, and the Commission's regulations set forth in Title 10, Chapter I, Code of Federal Regulations, and

(b) The reactors proposed to be exported are utilization facilities as defined in said Act and regulations,

the Commission has issued License No. XR-88 to Westinghouse Electric Corporation, authorizing the export of two pressurized water reactors, each with a thermal power level of 2,696 magawatts, to the Central Nuclear de Almaraz, Madrid, Spain, (Almaraz site).

The export of these reactors to Spain is within the purview of the present Agreement for Cooperation Between the Government of the United States of America and the Government of Spain Concerning Civil Uses of Atomic Energy.

Dated at Bethesda, Maryland this 26th day of June 1973.

For the Atomic Energy Commission.

S. H. SMILEY,
Deputy Director for Fuels and Materials Directorate of Licensing.

[FR Doc.73-13906 Filed 7-9-73;8:45 am]

[Docket No. 50-430]

WESTINGHOUSE ELECTRIC CORP.

Issuance of Facility Export License

Please take notice that no request for a hearing or a petition for leave to intervene having been filed following publication of notice of proposed action in the FEDERAL REGISTER on April 23, 1973 (38 FR 10035) and the Atomic Energy Commission having found that:

(a) The application filed by Westinghouse Electric Corporation, Docket No. 50-430, complies with the requirements of the Act, and the Commission's regulations set forth in Title 10, Chapter I, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations,

the Commission has issued License No. XR-90 to Westinghouse Electric Corporation, authorizing the export of a pressurized water reactor with a thermal power level of 2,696 megawatts to the Fuerzas Electricas de Cataluna S.A., Barcelona, Spain (Asco site).

The export of the reactor to Spain is within the purview of the present Agreement for Cooperation Between the Government of the United States of America and the Government of Spain Concerning Civil Uses of Atomic Energy.

Dated at Bethesda, Maryland this 26th day of June 1973.

For the Atomic Energy Commission.

S. H. SMILEY,
Deputy Director for Fuels and Materials Directorate of Licensing.

[FR Doc.73-13908 Filed 7-9-73;8:45 am]

[Docket No. 50-429]

WESTINGHOUSE ELECTRIC CORP.

Issuance of Facility Export License

Please take notice that no request for a hearing or a petition for leave to intervene having been filed following publication of notice of proposed action in the FEDERAL REGISTER on April 23, 1973 (38 FR 10035) and the Atomic Energy Commission having found that:

(a) The application filed by Westinghouse Electric Corporation, Docket No. 50-429, complies with the requirements of the Act, and the Commission's regulations set forth in Title 10, Chapter I, Code of Federal Regulations, and

(b) The reactors proposed to be exported are utilization facilities as defined in said Act and regulations,

the Commission has issued License No. XR–89 to Westinghouse Electric Corporation, authorizing the export of two pressurized water reactors, each with a thermal power level of 2,696 megawatts, to the Hidroelectrica Iberico Iberduero S.A., Gardoqui, Spain (Lemoniz site).

The export of these reactors to Spain is within the purview of the present Agreement for Cooperation Between the Government of the United States of America and the Government of Spain Concerning Civil Uses of Atomic Energy.

Dated at Bethesda, Maryland this 26th day of June 1973.

For the Atomic Energy Commission.

S. H. SMILEY,
Deputy Director for Fuels and Materials Directorate of Licensing.

[FR Doc.73-13907 Filed 7-9-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25315]

AIRPORT SECURITY CHARGES PROPOSED BY VARIOUS SCHEDULED AIR CARRIERS

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 2, 1973, at 10:00 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge E. Robert Seaver.

In order to facilitate the conduct of the conference parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Economics will circulate its material on or before September 14, 1973, and the other parties on or before September 25, 1973. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Economics and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., July 3, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-14007 Filed 7-9-73;8:45 am]

[Docket No. 25441; Order 73-7-7]

AIRLINE TARIFF PUBLISHERS, INC.

Application To Engage in Carrier Discussions on Joint Fares; Order Approving Discussions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 3rd day of July 1973.

Airline Tariff Publishers, Inc. (ATP) as agent for carrier participants in its Joint Passenger Fares Tariff, C.A.B. No. 190, has filed an application requesting that the Board approve carrier discussions directed toward improving present procedures for filing joint fares, and developing standards to be applied in automating publication of joint fares.

In support of its petition, ATP states that the present joint fares tariff contains over 152,000 routings and, under present procedures, it is the individual carrier's responsibility to propose additions, deletions, or revisions in the tariff. Such proposals are submitted to other participants in the joint routing, who must concur in the proposal before it can be implemented by a tariff filing. ATP contends that the number of proposals, concurrences to proposals, counter-proposals and concurrences thereto is virtually endless and that, with each reissue of the tariff, it has received and acted upon up to ten thousand sheets of paper as a result of this procedure.

ATP contends that one purpose of the discussions is to eliminate as much of this paperwork as possible, and to automate at least the routine additions of, and adjustments to, joint fares. Far more important, however, is the alleged potential for improving the tariff itself through the elimination of errors and prompt publication of the latest revisions. ATP alleges that errors and omissions cannot be corrected in a timely fashion by a system which requires each carrier to review the 152,000 published fares and the thousands of potential fares, to submit proposals involving corrections and additions to other carriers, and to await their concurrences. A method of identifying these situations and of reacting to them through the use of computer facilities must be devised and, in order to do so, carriers must meet and agree upon the standards under which the computer is to function. ATP states that, if an agreement for the orderly publication and revision of joint fares can be reached by the carriers and approved by the Board, the public, the Board, and the carriers will all benefit.

The National Air Transportation Conferences, Inc. (NATC) has filed an answer in support of ATP's request, subject, however, to the condition that commuter air carrier representatives be given notice of and be provided an opportunity for participation in any such discussions.

Upon consideration of the application, the Board has decided to permit the carriers to meet for the purposes requested, subject to the conditions discussed below. As a matter of general policy, the Board permits carrier discussion of matters relating to domestic fares only when two basic considerations are met. First, the intended purpose of the discussions must appear, *per se*, in the public interest. Second, the intended result must be one that could not readily be achieved by individual carrier action. In our opinion, ATP's proposal meets both these tests.

Automation of the joint fares tariff should materially assist in achieving both an error free, up-to-date tariff, and publication of additional joint fares. To the extent this will in turn result in diminishing the incidence of fare misquotations, the discussions would appear clearly in the public interest. The Board has repeatedly urged the specific publication of additional joint fares as one of the more meaningful ways of alleviating the misquotation problem. Although the carriers have responded favorably, errors in quotation persist and more extensive publication of joint fares continues to be necessary. On the other hand, we are persuaded that individual carrier action cannot be relied upon to accomplish this objective on an expeditious basis. ATP has demonstrated the complex and time-consuming nature of present joint fare filing procedures, requiring as they do proposals by individual carriers and individual concurrences by the various other carriers concerned.

We note that the authority requested is rather broadly described, and that the application repeatedly speaks of revising existing joint fares. While the precise intention is not specifically set forth, it appears to contemplate adjustments to correct errors in publication and to keep revisions in competitive fares current. The effect would be to create a "clean" tariff, which would be kept up-to-date by the automated system that carriers seek to develop. It seems entirely probable that a limited number of fare increases will be the incidental result of implementing a uniform automated system, and we are not prepared to foreclose discussions on this account. However, we emphasize that the authority here granted does not extend to discussion of fare increases beyond this scope.

We will also limit the carriers' authority so as to preclude any discussion of modification in or cancellation of the fare construction rules as presently published. Finally, we will require that the discussions encompass at a minimum publication of the joint first-class, coach, and single-class fares for all routings which have appeared in three of the last four quarterly origin and destination surveys.[1]

We will deny, however, NATC's request that the discussion authority be granted subject to conditions requiring notice to and opportunity for participation by commuter air carrier representatives. At the present time no joint fares between commuter and certificated carriers are published by ATP, and whether or not they will be in the future is speculative. We are concerned that participation by the commuter carriers at this time may more likely result in unnecessary delay than improve the system.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 404, 412, and 414 thereof,

It is ordered, That: 1. Air Canada, Air West, Alaska Airlines, Inc., Alle-

[1] We would also urge the carriers to take this opportunity to discuss the complicated and confusing nature of tariffs in general. In our view, a great deal of the complexity is unnecessary and could be diminished with very little carrier effort. As an example, the fare designations for the same type fare often vary needlessly from carrier to carrier. Such discussions should, of course, not encompass matters pertaining to fare level.

gheny Airlines, Inc., Aloha Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Canadian Pacific Airlines Limited, Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Frontier Airlines, Inc., Hawaiian Airlines, Inc., National Airlines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Wien Consolidated Airlines, Inc., and Western Air Lines, Inc., may engage in meetings at which the Board's representatives may be present, for a 90-day period extending from the date of this order to discuss subject to the limitations set forth above the joint fare matters set forth in the petition of Airline Tariff Publishers, Inc., in Docket 25441;

2. The request of the National Air Transportation Conferences, Inc., insofar as it would condition the discussions authorized in ordering paragraph 1 above on the opportunity for participation by commuter air carrier representatives is denied;

3. The Director of the Bureau of Economics shall be given at least 48 hours' notice of the time and place of meetings;

4. The carriers shall keep complete and accurate minutes of such discussions and a true copy of such minutes shall be filed with the Board's Docket Section not later than two weeks after the close of the discussions;

5. Any agreement or agreements reached as a result of such discussions shall be filed with the Board in accordance with section 412 of the Federal Aviation Act of 1958 and approved by the Board prior to being incorporated in a tariff filing or placed in effect; and

6. This order shall be served upon Air Canada, Air West, Alaska Airlines, Inc., Allegheny Airlines, Inc., Aloha Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Canadian Pacific Airlines Limited, Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Frontier Airlines, Inc., Hawaiian Airlines, Inc., National Airlines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Wien Consolidated Airlines, Inc., Western Air Lines, Inc., Airline Tariff Publishers, Inc., and the National Air Transportation Conference, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-14005 Filed 7-9-73;8:45 am]

[Docket Nos. 21866-6A, 25587; Order 73-7-6]

CONTINENTAL AIR LINES, INC. AND UNITED AIR LINES, INC.

Order Regarding Fare Reductions in the Chicago-Los Angeles Market

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 3rd day of July, 1973.

By Order 73-6-4, June 1, 1973, the Board dismissed a complaint filed by Continental Air Lines, Inc. (Continental) and permitted United Air Lines, Inc. (United) to reduce by $10.00 (including tax) its coach and economy fares applicable on non-lounge wide-body aircraft between Chicago and Los Angeles. At the same time, the Board suspended Continental's companion proposal to match the fare reduction while retaining its lounges. On June 6, 1973, Continental filed a motion requesting the Board to reconsider its decision and permit the suspended fares to become effective pending investigation. Should the Board decline to grant that request, Continental requests the Board to stay that portion of Order 73-6-4, which ordered the suspension of its fares pending a decision by the court on an appeal Continental intends to file.[1]

Subsequent to the filing of Continental's petition and the answers thereto, described hereinafter, the Board issued its Opinion and Order on Reconsideration in Phase 6A of the *Domestic Passenger-Fare Investigation*, Docket 21866-6A.[2] With regard to coach lounges, the Board modified its previous findings (Order 72-5-101) to provide that "(1) any such carrier who converts from a lounge to a non-lounge service may do so at a lower fare which is reasonably related to the cost savings where it appears that the risk of adverse competitive impact would otherwise inhibit such conversion, and such lower fare may be matched by a lounge operator only upon a showing of special or unusual circumstances; and (2) upon a showing of adverse competitive impact, a non-lounge operator may establish a lower fare at the level necessary to meet such competition, and which may not be matched by a lounge operator except upon the showing enumerated in subparagraph (1) above."

In support of its petition Continental alleges that no carrier can afford to be frozen at a higher fare than that charged by its competitors for any period of time, much less the six months covered by the Board's suspension power. From this, Continental reasons that the practical effect of the Board's action is to prescribe the Chicago-Los Angeles fare without an investigation; that it is pointless to argue that the Board merely exercised its suspension power pending the outcome of the investigation; and that unless the Board permits Continental's fares to be effective pending investigation, it will suffer irreparable injury.

Continental further alleges that there is no evidence to support the Board's conclusion that other carriers would not have a reasonable opportunity to remain competitive with a lounge operator absent a price advantage; and that it would be impossible to find such evidence given the fact that the other carriers have so much more beyond traffic feed than does Continental. Continental also alleges that permitting its fares pending investigation will benefit the public at no cost to Continental; that although the lounge unquestionably offers a higher value of service there is no reason to force the public to pay more when it costs Continental nothing to offer the lounge; and finally, that the Board could cite no evidence bearing upon the cost of the lounge and its relation to the current fare.

The United States Department of Justice (Justice) has filed an answer in support of Continental's petition. Justice is concerned with what it believes to be anti-competitive implications of Order 73-6-4. Justice alleges that the arguments advanced by Continental's opponents, and the implicit reasoning of Order 73-6-4, lead to the conclusion that Continental is giving the public too much for its money, and must be forced to give less; that the Board's suspension of Continental's tariff is without any evidentiary basis and encroaches on Continental's individual competitive discretion.

The Puget Sound Traffic Association (Puget Sound) has answered the petition, alleging that application of a lower fare between Chicago-Los Angeles than between Chicago-Seattle is unjust, unreasonable and discriminatory. Puget Sound requests the Board to reconsider its decision in Order 73-6-4 and either require United to maintain its present level of coach fares between Chicago and Los Angeles or, in the alternative, require United to immediately publish a similar fare reduction between Chicago and Seattle.

American, TWA, and United have answered in opposition to Continental's petition. In summary, one or more of these carriers allege that Continental has not based its request on new matter but reargues earlier claims which have already been considered and rejected by the Board; that Continental's claim of irreparable injury is vitiated by its own admission that unquestionably a lounge offers a higher value of service to the public; and that it is entirely reasonable for the Board to allow a carrier providing a lesser value of service to charge less. It is contended that Continental's alleged inability to reduce its Chicago-Los An-

[1] On June 26, 1973, Continental did file a petition in the Court of Appeals for the District of Columbia seeking review of Order 73-6-4.

[2] Order 73-6-102, June 26, 1973.

geles frequency is destroyed by its admission that its current coach load factors are in the mid-30 percent range; that the claim that it should be protected by the Board when operating at such uneconomic load factors does not deserve serious consideration; and that it is the long term economic drain on other carriers from having to meet Continental's lounge competition that constitutes irreparable injury, not the alleged temporary competitive impact upon Continental.

The carriers go on to allege that the order in and of itself does not force Continental to remove its lounges as it contends, but merely permits a lower fare for non-lounge aircraft; and that if Continental as a matter of marketing judgment feels that the lounge is a significant marketing tool—rather than a wasteful frill, it now has the opportunity to test its theory in the market place. If Continental finds it necessary to remove the lounge, this will allegedly demonstrate that the traveling public itself, when given a free choice in the marketplace, concludes that it does not in fact place a sufficiently high value on the lounge to warrant paying for it. Finally, these carriers allege that the Board could not regulate the industry in any rational way if it were to let low load factors on one particular route determine whether or not such frills as lounges are indeed wasteful of the valuable resource of aircraft capacity; and that Continental's attempt to analogize the suspension of its tariff with the *Moss* case fails since there have been no *ex parte* meetings and the Board has made no proposal of its own with respect to fares. Rather, the Board has adhered to the statutory procedures, refusing to suspend one tariff, and suspending another pending investigation.

Upon consideration of the pleadings, the Board finds that the petition does not establish that the risk of adverse competitive impact is insufficient to inhibit United's conversion from a lounge to non-lounge service and does not show any special or unusual circumstances which warrant permitting Continental to match United's lower fare. Accordingly, the petition for reconsideration of Order 73–6–4 will be denied.[3] The Board further concludes, on the basis of the information before it, that a stay of Order 73–6–4 should not be granted.

The underlying basis of Continental's position is that, in view of facts peculiar to it in this particular market, there is no economic reason for it to discontinue its coach lounges. This may or may not be true. However, we believe the lounge must be treated within the framework of the industry as a whole. The Board's rate regulation is on the basis of industry needs and, while it may be true that Continental can provide the lounge without economic penalty to it at the present time, available data indicates that this is not or shortly will not be true in the case of other carriers.

Service segment data filed with the Board pursuant to ER–586 reveal that during the past year both American and United operated in the Chicago-Los Angeles market with average overall load factors on particular wide-body flights in excess of 60 percent during a number of months. In fact, United operated one flight with an average monthly overall load factor exceeding 70 percent in three months, and exceeding 80 percent in two other months. Such load factors suggest the likelihood of substantial traffic peaking on certain days of the week, and that the lounge may now be causing pressure on capacity. On the other hand, during this period Continental operated rather consistently at load factors in the low to mid 30's, and contends that this is due to its lack of traffic feeding into its Chicago-Los Angeles service from points east and its inability to reduce frequencies if it is to remain competitive in the market. In effect, Continental seems to be suggesting that it should be permitted a service advantage over its competitors to compensate for an alleged disadvantage in market opportunity. In our opinion, this has little if anything to do with the lawfulness of fares for a particular service, and does not constitute an unusual circumstance which would warrant permitting Continental to match United's lower fare for loungeless service. We do not disagree with Continental's allegation that it should be given leeway in tailoring its services to suit its particular route and operating circumstances. By the same token, however, other carriers whose circumstances are different should likewise be permitted to initiate a reasonable competitive response tailored to those circumstances. In a situation such as this, we believe the Board must opt in favor of the solution most economically favorable for the system as a whole.

We believe it pertinent in this connection to point out that Continental is not without the opportunity to tailor its capacity in this market more closely to traffic demand without reducing frequencies, by greater use of narrow-body aircraft. The traffic volume which generates a 30-percent load factor on a B–747 would provide an approximate 80-percent load factor on one of its B–707 aircraft. On the other hand, Continental provides all of its westbound nonstop service with wide-body equipment, the only carrier which does so. It operates the same number of such flights as United, and as many as American and TWA together. Whether or not Continental's service in the market is the result of an excess number of wide-body aircraft and an inability to utilize the fleet as efficiently elsewhere on its system need not be resolved here. The fact is, however, that for whatever reason the quantum of capacity appears excessive for the market and should not be allowed as a valid consideration in support of its petition.

Nor are we persuaded that the Board's action will cause Continental irreparable injury. The cost of reconversion, of course, need not be incurred at this time if, in fact, the seats would not be used by the public as alleged, since Continental could elect to simply rope-off its lounge pending investigation. On the other hand, at such time as the additional capacity could be used we would expect the carrier to willingly sustain the cost in its own self-interest and, indeed, Continental has so stated.

Continental alleges that it cannot compete effectively against a lower fare and that the result will be a loss in its market share. Whether or not this is true is, of course, a matter which can only be determined by actual test. To the extent this does prove to be the case, the Board's view that the lounge is a wasteful frill would be supported. It does not follow, however, that the Board would be forcing this result on Continental but rather that public demand, or more accurately the lack of it, caused elimination of lounges. Stated differently, grant of Continental's petition could likely impose a costly service upon the carriers which the public generally wants only if it can be had free of charge. For it seems clear that the carriers, if not wholly convinced, are sufficiently wary that it is an effective competitive device that lounge and non-lounge services will not be operated against each other at the same price. To the extent a question of irreparable injury is raised here, we believe it lies more in the long-term economic inefficiency of continued lounge service throughout the system, than in any possible short-term competitive impact upon Continental.

Continental argues that Order 73–6–4 is unlawful in that it has no meaningful choice but to eliminate its lounge service, and that the order therefore prescribed fares without a legally required hearing.[4] The Board's decision to permit United to charge a lower fare for a lesser value of service was made in a manner wholly consistent with the statutory ratemaking scheme. Thus, contrary to

[3] Puget Sound's filing, which amounts to a late-filed petition for reconsideration, will be denied. Puget Sound is essentially concerned with the fact that the Board's action resulted in de-common faring Seattle and Los Angeles. While it is true that west coast points have historically been common fared to Chicago and points east, this has been permitted but not required. The question of common fares is at issue in Phase 9 of the *Domestic Passenger Fare Investigation*, Docket 21866–9, which is now before the Board for decision.

[4] Justice contends that Order 73–6–4 is inconsistent with Order 73–6–5, which suspended a proposal of American to reduce fares in markets where TWA provides a carry-on baggage service, reasoning that both TWA's baggage bin and Continental's lounge replaced slightly more than three percent of cabin capacity. A more appropriate comparison is the 37 seat (12 percent) difference between United's wide-body aircraft with and without lounges (United's loungeless configuration would have 47 seats more than Continental's lounge configured aircraft). Moreover, Justice fails to acknowledge the Board's conclusion that the TWA carry-on option is a means of satisfying the carriers' obligation to accommodate baggage, as opposed to a service having no direct connection with the provision of air transportation. Also, with the passengers carrying their own baggage aboard there should be some offsetting baggage handling cost savings to the carriers.

Justice's contention, the effect of the Board's action is to provide the public a choice of services depending upon its willingness to pay a reasonable price differential. As was stated in our previous order, the $10.00 differential proposed by United and permitted by the Board appears to be reasonable, notwithstanding that the same differential was earlier permitted in the longer haul New York-Los Angeles market (Order 73-1-69). The fare reduction involved is approximately eight percent. By comparison, the seating capacity of Continental's competitors will be increased something more than 10 percent as a result of eliminating the lounge. Nevertheless, because of the interrelationship between the filings of the two carriers, we will order United's fare reduction investigated along with Continental's.[2]

Accordingly, *it is ordered*, That: 1. The motion for stay and reconsideration of Order 73-6-4, filed by Continental Air Lines, Inc., be and it is hereby denied;

2. An investigation be instituted to determine whether the fares and provisions described in Appendix A filed as part of the original document, and rules, regulations, and practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

3. The proceeding ordered herein shall be consolidated into Docket 25587; and

4. This order shall be served upon American Airlines, Inc., Continental Air Lines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Department of Justice, and Puget Sound Traffic Association, which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[3]

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-14006 Filed 7-9-73;8:45 am]

[Docket No. 21950; Order 73-7-11]

UNITED AIR LINES, INC.

Order Authorizing Expanded Discussions on Petition Concerning Chicago Midway Airport

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of July, 1973.

In monitoring the discussions authorized in Order 72-10-85, the Board observers have noted that at least some of the discussants feel that among the mix of considerations that enters into the construction of a workable and useful pattern of service at Midway is the impact of the service to and from Chicago offered through O'Hare International Airport. Thus some discussants seek to explore in discussions the effect of a limitation or ceiling on total movements at O'Hare on the building of a viable service pattern at Midway. However, discussion of such carrier-imposed ceilings on O'Hare operations is prohibited by the last textual paragraph in Order 72-10-85.

It is apparent from the discussions held to date that the construction of a useful pattern of service at Midway is not going to be accomplished with ease. Yet, as the Board has stated several times in the past, the construction of a comprehensive service pattern at Midway is in the public interest. See Order 72-10-85 and orders cited therein. Without determining what action the Board might take in respect to an agreement which effects, through joint carrier action, a limitation of service at O'Hare, it appears desirable, and possibly necessary to fulfillment of the goals stated in Order 72-10-85, that the discussants be allowed to consider how such a limitation would or could be used as a tool in fashioning the desired improvement in the Midway pattern.

Accordingly, it is ordered, That Order 72-10-85 be and it hereby is amended to include within the authorized scope of the discussions matters which deal with the limitation of the quantity of service which the discussants will offer through O'Hare International Airport as a means to enhance the pattern of service which will be operated through Midway Airport.[1]

This order shall be served as stated in ordering paragraph 2 of Order 72-10-85, and shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-14004 Filed 7-9-73;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2:00 p.m. on Tuesday, July 17, 1973, to continue discussions on the fiscal year 1974 comparability adjustment for the statutory pay systems of the Federal Government.

In accordance with the provisions of section 10(d) of the Federal Advisory Committee Act, it has been determined by the Director of the Office of Management and Budget and the Chairman of the Civil Service Commission, who serve jointly as the President's Agent for the purposes of the Federal pay comparability process, that this meeting of the Federal Employees Pay Council will not be open to the public.

For the President's Agent.

FRANK S. MELLOR,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.73-13948 Filed 7-9-73;8:45 am]

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2:00 p.m. on Thursday, July 19, to continue discussions on the fiscal year 1974 comparability adjustment for the statutory pay systems of the Federal Government.

In accordance with the provisions of section 10(d) of the Federal Advisory Committee Act, it has been determined by the Director of the Office of Management and Budget and the Chairman of the Civil Service Commission, who serve jointly as the President's Agent for the purposes of the Federal pay comparability process, that this meeting of the Federal Employees Pay Council will not be open to the public.

For the President's Agent.

FRANK S. MELLOR,
Advisory Committee Management Officer for the President's Agent.

[FR Doc. 73-13947 Filed 7-9-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Securities and Exchange Commission to fill by noncareer executive assignment in the excepted service the position of Executive Director, Office of the Executive Director.

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

[FR Doc.73-13953 Filed 7-9-73;8:45 am]

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1973

Notice of Proposed Additions

Notice is hereby given pursuant to section 2(a)(2) of Public Law 92-28; 85 Stat. 79, of the proposed addition of the following commodity and services to Procurement List 1973, March 12, 1973 (38 FR 6742).

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[2] We are also ordering matching tariffs of American and TWA investigated.

[3] Dissent by member Murphy filed as part of original document.

[1] Any discussion on flight limitations at O'Hare shall deal only with aggregate movements, not focusing on any market or segment.

COMMODITY

CLASS 7210
Bedspread, Beige, Navy
7210-408-2800

SERVICES

INDUSTRIAL CLASS 7349
Janitorial/Custodial
Peru, Illinois
Janitorial/Custodial
Boise, Idaho

Comments and views regarding these proposed additions may be filed with the Committee not later than August 9, 1973. Communications should be addressed to the Executive Director, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

CHARLES W. FLETCHER,
Executive Director.

[FR Doc.73-13904 Filed 7-9-73;8:45 am]

PROCUREMENT LIST 1973

Addition to Procurement List 1973

Notice of proposed addition to the Initial Procurement List, August 26, 1971 (36 FR 16982), was published in the FEDERAL REGISTER on October 19, 1971 (36 FR 20260).

Pursuant to the above notice the following commodity is added to Procurement List 1973, March 12, 1973 (38 FR 6742).

COMMODITY

CLASS 8465

Bag, Sleeping, Firefighter's, M-1971 (IB)

	PRICE
8465-081-0798 ---------- EA.	$5.11

By the Committee.

CHARLES W. FLETCHER,
Executive Director.

[FR Doc.73-13905 Filed 7-9-73;8:45 am]

COST OF LIVING COUNCIL

[Cost of Living Council Order No. 25; Amdt. No. 1]

ADMINISTRATOR, OFFICE OF PRICE MONITORING, ET AL.

Delegation of Authority

On May 15, 1973 the Cost of Living Council published order No. 25 (38 FR 12775) which, among other things, delegated to the Administrator, Office of Price Monitoring, the authority to make decisions and issue orders with respect to individual requests for exception from the regulations and orders governing price matters. In order to effectively implement the price freeze established by Executive Order 11723 it is necessary that the authority to take action with respect to requests for relief from the provisions of the meat ceiling regulations be transferred to the Director, Special Freeze Group and a separate order is being issued to transfer this authority. To avoid any confusion as to the continuing authority of the Administrator, Office of Price Monitoring, in this connection, Cost of Living Council Order No. 25 is amended in section 1(d) to read as follows:

1(d) Make decisions and issue orders with respect to individual requests for exception from the regulations and orders governing price matters except this authority does not extend to the provisions of 6 CFR Part 130, Subpart M.

This amendment shall be effective June 14, 1973.

JOHN T. DUNLOP,
Director,
Cost of Living Council.

[FR Doc.73-13985 Filed 7-5-73;3:49 pm]

[Cost of Living Council Order No. 32]

EXCEPTION REQUESTS WITH RESPECT TO SUBPART M

Delegation of Authority

Pursuant to the authority vested in me by Cost of Living Council Order No. 14 there is delegated to the Deputy Director of the Cost of Living Council/Director, Special Freeze Group (hereinafter, the Deputy Director) subject to the general policy guidance of and in coordination with the Director of the Cost of Living Council the authority to make decisions and issue orders with respect to individual requests for exception from the provisions of 6 CFR Part 130, Subpart M and authority to consider and decide requests for reconsideration of denials and partial approvals of such requests for exception.

The Deputy Director is authorized to redelegate any or all of the authorizations set out in this order that he deems necessary for the orderly and efficient exercise of the authority delegated to him.

This order is effective June 14, 1973.

JOHN T. DUNLOP,
Director,
Cost of Living Council.

[FR Doc.73-13986 Filed 7-5-73;3:49 pm]

[Special Freeze Group Order No. 1]

ASSOCIATE DIRECTOR, OPERATIONS, ET AL.

Special Freeze Group; Delegations of Authority

Pursuant to the authority vested in me as Director of the Special Freeze Group by Cost of Living Council Order No. 30, and subject to the general policy guidance of and in coordination with the Director of the Special Freeze Group, and the regulations and rulings of the Special Freeze Group, it is hereby ordered as follows:

1. In implementing the price freeze established by Executive Order 11723 and the regulations issued thereunder in 6 CFR Part 140, there is delegated to the Associate Director, Operations, authority to direct the support operations of the Internal Revenue Service.

2. In implementing the price freeze established by Executive Order 11723 and the regulations issued thereunder in 6 CFR Part 140, there is delegated to the General Counsel, authority to:

(a) Represent the Special Freeze Group and make recommendations to the Department of Justice with respect to litigation in which the Special Freeze Group is a party;

(b) Make recommendations to the Department of Justice as to the prosecution of violations and the handling of all other court proceedings relating to the regulations and orders of the Special Freeze Group;

(c) Issue legal opinions and interpretations of the regulations, decisions, and orders of the Special Freeze Group and the laws relating thereto.

3. In implementing the price freeze established by Executive Order 11723 and the regulations issued thereunder in 6 CFR Part 140, there is delegated to the Associate Director, Policy Review, the authority to issue orders with respect to individual requests for exceptions from regulations and orders governing price freeze matters.

4. Each official to whom authority is delegated by this order may redelegate that authority upon approval of the Director, Special Freeze Group.

5. This order is effective June 14, 1973.

JAMES W. MCLANE,
Director,
Special Freeze Group.

[FR Doc.73-13984 Filed 7-5-73;3:49 pm]

ENVIRONMENTAL PROTECTION AGENCY

WATER QUALITY PROGRAMS AND IMPLEMENTATION PLANS

Notice of Proposed Agreements

Notice is hereby given that the Administrator of the Environmental Protection Agency proposes to enter into agreements with the Secretary of Agriculture, the Secretary of the Army and the Secretary of the Interior pursuant to section 304(j) of the Federal Water Pollution Control Act Amendments of 1972. That section provides that the Administrator shall enter into agreements with those Secretaries to provide for maximum utilization of the appropriate programs authorized under other Federal law to be carried out by those Secretaries for the purpose of achieving and maintaining water quality through appropriate implementation of plans approved under section 208 of the Act. The proposed agreement provides that:

1. EPA will require recipients of planning grants under section 208 to provide for the creation of an advisory committee and recommend that the planning agency invite those Departments to participate if they deem appropriate.

2. Programs of the Departments which may implement portions of approved section 208 plans will be utilized as provided in the agreement.

3. The Administrator may employ funds authorized under section 304(j) to supplement related programs of the Departments as provided in the agreement.

The agreement will be effective on the date of signature of the parties. Prior to signature, consideration will be given to comments, suggestions, or objections which may be submitted in writing within 30 days after the date of this notice to Chief, Planning and Standards Branch, Water Planning Division, Office of Air and Water Programs, Environmental, Protection Agency, Washington, D.C. 20460.

Dated: July 5, 1973.

ROBERT W. FRI,
Acting Administrator.

AGREEMENT FOR IMPLEMENTATION OF SECTION 304(j) OF FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972 (P.L. 92-500)

Purpose. Section 304(j) of P.L. 92-500 states that the Administrator of the Environmental Protection Agency, hereinafter identified as the Administrator, shall enter into agreements with the Secretary of Agriculture, the Secretary of the Army and the Secretary of the Interior to provide for maximum utilization of the appropriate programs authorized under other Federal law to be carried out by such Secretaries for the purpose of achieving and maintaining water quality through appropriate implementation of plans approved under Section 208 of this Act. It is understood that other agreements may be developed between the Administrator and the individual Secretaries delineating areas of mutual interest and specific agency responsibilities under this and other statutory authorities.

Goal. The goal of this Agreement is to implement the intent of Congress as expressed in section 304(j).

Planning assistance. In each planning area under section 208(a)(2) the EPA will, as a condition of the grant proposal under Section 208(f)(3), require that the planning agency provide for the creation of an advisory committee and recommend that the planning agency invite the Departments of Agriculture, Army and Interior to participate by designating representation. Each Department may or may not participate as it deems appropriate. Participation by these Departments will serve as a means of providing for the experience and programs of the individual Departments to be made available, as resources permit, to assist the areawide planning agency in plan development and to assure that relevant Federal and State agency programs and the areawide plan are compatible.

Implementation assistance. The Departments of Agriculture, Army and Interior have various authorized programs that can implement portions of plans approved under section 208. These programs extend to both private and Federal land ownership. These programs shall be utilized to the degree that resources may be available through the agency programs, or be made available supplementally through section 304(j) to achieve and maintain water quality as provided for in plans developed under section 208. The Environmental Protection Agency will coordinate with the appropriate Secretary or Secretaries to insure that their individual programs supplement and complement the implementation of approved section 208 plans. Where feasible the Secretaries of Agriculture, Army and Interior, or their representatives may enter into collective or individual agreements with the waste treatment management agencies designated under section 208(c) to implement provisions of the approved plan.

Fund transfer. The Administrator is authorized to supplement from funds available under section 304(j)(3) any otherwise appropriated funds available to Agriculture, Army and/or Interior to carry out programs provided for in approved section 208 plans. The Administrator can transfer funds to the Secretaries for individual program accelerations and/or modifications. Program accelerations and modifications will be conditioned upon implementation needs set forth in the approved section 208 plans. Arrangements for transfer of funds from EPA which may be appropriated under section 304(j)(2) will be developed as an amendment to this agreement at the time areawide plans are available for implementation.

Effective date. This agreement will be effective on signature of the parties. The parties to this agreement are the Administrator of the Environmental Protection Agency and the Secretaries of Agriculture, Army and the Interior.

Conditions. Nothing in this Agreement for implementation of section 304(j) is to be construed as intending to limit the activities of the Secretaries to only section 208 activities nor to relinquish any of the authorities and responsibilities granted to the Secretaries in the Federal Water Pollution Control Act Amendments of 1972. Failure of the Administrator to act under the authority of section 304(j)(2) will not be construed as affecting, other than by non-receipt of supplemental funds, the programs of the Departments of Agriculture, Army, or Interior.

Amendment of this Agreement will be possible by mutual consent of all parties, signatory of this document. Such amendments may be initiated by any signatory to the agreement.

Secretary of Agriculture	Secretary of the Interior
Secretary of the Army	Administrator, Environmental Protection Agency

[FR Doc.73-14016 Filed 7-9-73;8:45 am]

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED BANKS

Joint Call for Report of Condition

Pursuant to the provisions of section 7(a)(3) of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1817(a)(3)), each insured bank is required to make a Report of Conditions as of the close of business June 30, 1973, to the appropriate agency designated herein, within ten days after notice that such report shall be made: *Provided*, That if such reporting date is a nonbusiness day for any bank, the preceding business day shall be its reporting date.

Each national bank and each bank in the District of Columbia shall make its original Report of Condition on Office of the Comptroller Form, Call No. 486 [1], and shall send the same to the Comptroller of the Currency and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. East insured State bank which is a member of the Federal Reserve System, except a bank in the District of Columbia, shall make its original Report of Condition on Federal Reserve Form 105—Call 208 [1] and shall send the same to the Federal Reserve Bank of the District wherein the bank is located and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original Report of Condition and one copy thereof on FDIC Form 64—Call No. 104 [1] and shall send the same to the Federal Deposit Insurance Corporation.

The original Report of Condition required to be furnished hereunder to the Comptroller of the Currency and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for Preparation of Consolidated Reports of Condition by National Banking Associations," dated November 1972.[1] The original Report of Condition required to be furnished hereunder to the Federal Reserve Bank of the District wherein the bank is located and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the Preparation of Reports of Condition by State Member Banks of the Federal Reserve System," dated January 1973.[1] The original Report of Condition and the copy thereof required to be furnished hereunder to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the Preparation of Report of Condition on Form 64 by Insured State Banks Not Members of the Federal Reserve System," dated December 1970, and any amendments thereto.[1]

Each insured mutual savings bank not a member of the Federal Reserve System shall make its original Report of Condition and one copy thereof on FDIC Form 64 (Savings),[1] prepared in accordance with "Instructions for the Preparation of Report of Condition on Form 64 (Savings) and Report of Income on Form 73 (Savings) by Insured Mutual Savings Banks," dated December 1971, and any amendments thereto,[1] and shall send the same to the Federal Deposit Insurance Corporation.

FRANK WILLE,
Chairman,
Federal Deposit Insurance Corporation.

JUSTIN T. WATSON,
Acting Comptroller of the Currency.

GEORGE W. MITCHELL,
Vice Chairman, Board of Governors of the Federal Reserve System.

[FR Doc.73-13960 Filed 7-9-73;8:45 am]

FEDERAL DISASTER ASSISTANCE ADMINISTRATION

[Docket No. NFD-101]

ALABAMA

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Alabama, dated June 1, 1973, and published June 7, 1973 (38 FR 14987) and amended June 11, 1973, and published June 15, 1973 (38 FR 15748) is hereby further amended to include the fol-

[1] Filed as part of original document.

lowing county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 29, 1973:

The County of:
Etowah

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance)

Dated: July 3, 1973.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.73-13919 Filed 7-9-73;8:45 am]

[Docket No. NFD-102]

ALABAMA

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Alabama, dated June 1, 1973, and published June 7, 1973 (38 FR 14987) and amended June 11, 1973, and published June 15, 1973 (38 FR 15748) is hereby further amended. Notice is hereby given that on June 29, 1973, the President amended his declaration of a major disaster of May 29, 1973, for Alabama, as follows:

I hereby amend my May 29, 1973, declaration of a "major disaster" in the State of Alabama to read as follows:

I have determined that the damage in certain areas of the State of Alabama from severe storms and flooding, beginning about May 8, 1973, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Alabama. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

The purpose of this amendment is to authorize Federal assistance only for DeKalb County for damage on May 8; only for DeKalb, Jackson, and Marshall Counties for damage on May 19-20; and for DeKalb, Jackson, and Marshall Counties, as well as previously designated counties and those areas which you subsequently determine to be eligible for Federal disaster assistance, for damage during the period May 27-28.

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance)

Dated: July 3, 1973.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.73-13920 Filed 7-9-73;8:45 am]

[Docket No. NFD-103]

OKLAHOMA

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Oklahoma, dated June 13, 1973, and published June 19, 1973 (38 FR 15995) and amended June 14, 1973, and published June 20, 1973 (38 FR 16113) and amended June 28, 1973, is hereby further amended. Notice is hereby given that on June 29, 1973, the President amended his declaration of a major disaster of June 13, 1973, for Oklahoma as follows:

I have determined that the damage in certain areas of the State of Oklahoma resulting from a tornado occurring on June 18, 1973, is of sufficient severity and magnitude to warrant amendment of my June 13, 1973, declaration of a major disaster. You are to determine the specific areas within the State eligible for Federal assistance under this amendment.

In order to provide Federal assistance, you are hereby authorized to extend the incidence period to include that time period, as requested by Governor Hall, and to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance)

Dated: July 3, 1973.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.73-13921 Filed 7-9-73;8:45 am]

FEDERAL HOME LOAN BANK BOARD

GOLDEN WEST FINANCIAL CORP.

Notice of Receipt of Application for Approval of Acquisition of Control of Madera Guarantee Savings and Loan Association

JULY 5, 1973.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Golden West Financial Corporation, Oakland, California, a unitary savings and loan holding company, for approval of acquisition of control of the Madera Guarantee Savings and Loan Association, Madera, California, an insured institution under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected by the acquisition of substantially all the assets and properties of Madera Guarantee Savings and Loan Association by Golden West Savings and Loan Association, an insured subsidiary of the applicant, in exchange for shares of Golden West Financial Corporation. Following said exchange Madera Guarantee Savings and Loan Association will be merged into Golden West Savings and Loan Association. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before August 9, 1973.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary, Federal Home Loan Bank Board.

[FR Doc.73-13983 Filed 7-9-73;8:45 am]

FEDERAL RESERVE SYSTEM

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document pertaining to the joint call for report of condition of insured banks, issued jointly by the Federal Deposit Insurance Corporation, the Federal Reserve System, and the Comptroller of the Currency, see FR Doc. 73-13960, *supra*.

CHEMICAL NEW YORK CORP.

Order Denying Acquisition of CNA Nuclear Leasing, Inc.

Chemical New York Corporation, New York, New York, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire voting shares of CNA Nuclear Leasing, Inc. ("Company"), Boston, Massachusetts, a company that is engaged in full-payout leasing of personal property and equipment. Such activity has been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a)(6)). Applicant has also applied for authority of Company to engage in financing the acquisition of coal piles and other natural resource financings as an activity closely related to the business of banking pursuant to 12 CFR 225.4(a)(1).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (29 F.R. 8099). The time for filing comments and views has expired, and all those received have been considered.

Applicant, the fourth largest banking organization in New York, controls four banks with aggregate domestic deposits of $9.8 billion, representing approximately 9 per cent of the total deposits in commercial banks in the State. (All banking data are as of December 31, 1972.) Applicant also has a nonbanking subsidiary engaged in extending short-term land development and construction loans to borrowers and providing advisory and loan servicing facilities to Applicant.

Company, organized in 1969, is presently engaged in leasing nuclear fuel cores and capital equipment, including production machinery, fleets of trucks and automobiles, electronic data processing equipment and noncommercial aircraft. Company generally leases such equipment for a noncancellable term of one year, with monthly renewals thereafter.[1] It appears that such leases would not be in compliance with the Board's leasing regulation and interpretation, which require the lessor to recover in full its acquisition cost of leased equipment through rentals, estimated salvage value, and estimated tax benefits during the

[1] No opinion has been obtained from the Internal Revenue Service that these leases would be characterized as a "lease" rather than a "conditional sale" for tax purposes. However, since Company does not take accelerated tax depreciation on its leased property and the investment tax credit for such property is passed through to the lessees, it is represented that the Company's federal income tax liability would appear to be substantially identical whatever the characterization. Furthermore, even if viewed as a "conditional sale" the activity would be permitted under § 225.4(a)(1) of Regulation Y.

initial term of the lease (12 CFR 225.4 (c)(6) and 225.123(d). However, Company's leases further provide that in the event the lease is terminated prior to full-payout recovery, the equipment is sold and the lessee is obligated to reimburse Company for any deficiency between the sale price and the unrecovered portion of the acquisition cost of the leased equipment. Where there is such an unconditional obligation, guaranteeing full-payout recovery, by a bona-fide lessee which clearly has the financial resources to meet such obligation, as in the case of Company's lessees, the Board will permit reliance on such obligation in determining whether a lease transaction meets the full-payout requirement of the Board's leasing regulation and interpretation.

Company also proposes to engage in coal and other natural supply financing agreements whereby company would purchase coal or other natural resources at the direction of a utility company and the utility company would, each month, pay Company the amount of the acquisition cost of the coal or other natural resources estimated to be consumed by the utility during the month plus a financing charge, adjusted to reflect any excess or deficiency between the amount estimated to be consumed and the amount actually consumed in the preceding month. Based on the foregoing and other conditions contained in the agreement the Board considers such coal or other natural resource agreements to be a form of extension of credit permissible under § 225.4(a)(1) of Regulation Y.

Applicant, through its lead subsidiary bank, is engaged in personal property leasing activities primarily in the metropolitan New York area and also nationwide. Company is engaged in leasing equipment nationwide. Although there is some competitive overlap between Company's leasing business and that of Applicant's lead subsidiary bank, the Board finds that consummation of this proposal would not eliminate any significant existing or potential competition due to the somewhat different nature of the leasing activities engaged in by Applicant's lead subsidiary bank and Company, the relatively low barriers to entry into this business, the large number of competitors, and the small market shares held by Applicant and Company.

In its consideration of an application to acquire a nonbanking company under section 4(c)(8) of the Act, the Board is required to consider whether performance of the activity by an affiliate of a holding company 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 interest, or unsound banking practices.

Company has grown rapidly since its inception, increasing its total assets from approximately $35 million at year-end 1970 to approximately $210 million at year-end 1972. However, Company has a very high level of debt in relation to equity capital. As of December 31, 1972 total liabilities were 74 times total equity. Because of its low equity capital base and consequent severe limitations on its capacity to absorb any losses, the investment community has apparently been unwilling to finance Company's operations at the prime commercial paper rate without the guarantee of its parent, CNA Financial Corporation.[2] As of December 31, 1972, the total amount of Company's outstanding commercial paper so guaranteed was $175 million. Upon acquisition by Applicant, Applicant would advance funds to Company to finance its existing lease portfolio as Company's outstanding commercial paper matures.

These advances would be financed on a short term basis by the issuance of Applicant's own commercial paper. Applicant estimates that Company's lease portfolio would grow from $205 million to $250–$300 million during 1973. By the end of 1974, at which time Company projects its lease portfolio will have grown to $350–$400 million, Applicant anticipates that it will reduce its direct financial support to Company. Applicant expects that Company will be free of all need for financial support from Applicant within eight years, by which time its lease portfolio could expand to as much as $750 million. Even assuming Applicant's favorable projections, it is clear that the acquisition of Company would require Applicant to commit substantial and continuing amounts of funds to support Company's growth.

The proposal involves a method of financing comparatively long-term assets with short-term debt. As discussed above, due to the low equity base of Company, the market will not finance its commercial paper obligations at a rate which makes the proposal economically viable without a guarantee. In fact, Company is being sold by its present parent due to the large amounts of financing required, limitations on the amount of commercial paper it could issue, and the cost of back-up bank lines of credit to support such paper. Thus, success of the proposal requires directly the backing of the assets of Applicant and indirectly the strength and reputation of its major subsidiary, Chemical Bank.

The Board has on numerous occasions stated that one of the primary purposes of a holding company is to serve as a source of financial strength for its subsidiary banks. In the Board's judgment a proposal such as the present to acquire an extremely leveraged company with very heavy requirements for funds could seriously impair that ability. With respect to the instant application, Company's need for funds, even assuming no growth, will require Applicant to increase its short-term borrowing by a substantial amount, i.e. to the point where Applicant's current liabilities would exceed current assets by a considerable margin if subsidiary banks are not consolidated. Chemical Bank has experienced rapid growth. Between year-end 1970 and year-end 1972 its assets increased from $11.0 billion to $15.3 billion. Even assuming that there is little growth in nonbanking activities in its system, such growth in the future will require Applicant to supply additional capital to its banks. An application such as the present, which substantially reduces the margin between debt use and debt capacity, would impair the ability to provide such capital.

The Board recognizes the public benefits that attach to the availability of suitable financing for nuclear fuel cores. However, the Board finds that there are a number of firms presently offering nuclear core financing and that there are no reasonably expected public benefits in this particular case such as greater convenience, increased competition, or gains in efficiency that outweigh the aforementioned possible adverse effects.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the public interest benefits that the Board is required to consider under section 4(c)(8) do not outweight possible adverse effects. Accordingly, the application is hereby denied.

By order of the Board of Governors,[3]

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

[FR Doc.73-13967 Filed 7-9-73;8:45 am]

[2] The risk involved is that of default and liquidity since the payments on the leases vary with the interest rate on the commercial paper.

[3] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer, Sheehan, Bucher and Holland.

effective June 29, 1973.

FIRST CITY BANCORPORATION OF TEXAS, INC.

Order Approving Acquisition of Bank

First City Bancorporation of Texas, Inc., Houston, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor to a merger of Texas Bank & Trust Company of Dallas, Dallas, Texas ("Texas Bank"), with New Texas Bank & Trust Company of Dallas, Dallas, Texas, a newly organized bank not in operation. The banks would merge under the charter and name of Texas Bank which is a member of the Federal Reserve System. Applicant has filed separate applications for approval to acquire a minority interest in each of the following banks in Texas: 24.2 percent of the voting shares of First Bank & Trust of Richardson, Richardson; 21.3 percent of the voting shares of First Bank & Trust Company, Cedar Hill; 18.1 percent of the voting shares of Central Bank and Trust Company, Farmers Branch; and 10 percent of the voting shares of Commercial National Bank of Dallas, Dallas (hereinafter referred to as "minority banks"). Each of said blocks of shares is presently held by

Texas Fiduciary, a trusteed affiliate of Texas Bank.

Notice of the applications, 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 applications 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 13 banks with aggregate deposits of approximately $1.7 billion, representing about 5.6 per cent of the aggregate deposits of commercial banks in Texas, and is the third largest banking organization and second largest multi-bank holding company in Texas.[1] Applicant also has interests in each of 13 other banks, ranging from .02 to 14.3 per cent of voting shares. Acquisition of control of Texas Bank ($239 million in deposits) and the interests in minority banks (whose deposits aggregate $57 million) would increase Applicant's share of Statewide deposits by only one percentage point and would not result in a significant increase in the concentration of banking resources in Texas. Applicant's ranking as a banking organization and bank holding company would remain unchanged.

Texas Bank is the fifth largest of 110 banks located in the Dallas banking market, which is approximated by the Dallas RMA,[2] and controls 3.7 per cent of the total deposits in commercial banks in that market. The percentage of deposits held by the minority banks is less than 1 per cent. There is no significant existing competition between Bank or any of the minority banks and any of Applicant's subsidiary offices. Applicant's banking subsidiary closest to downtown Dallas (First National Bank in Arlington) is 18 miles away in Arlington (Texas) which is between Dallas and Fort Worth, somewhat closer to Fort Worth, and that subsidiary controls less than 1 per cent of the market, on the basis of deposits. Upon consummation of the acquisition of control of Bank and the interests in minority banks,[3] Applicant's share of the Dallas RMA market would be increased to 5.6 per cent of deposits there. Applicant's lead bank is in Houston where Applicant controls 19 per cent of aggregate deposits in commercial banks.

Applicant's entry into the downtown Dallas area can be expected in view of Applicant's intention to expand into major markets across the State, and the existing ratio of persons per banking office and deposits per capita in the Dallas market, which conditions make this market attractive for expansion by Applicant. The method of entry to be used by Applicant can be either through acquisition of an existing bank or de novo. Applicant could enter the Dallas market through acquisition of a bank smaller than Texas Bank. Acquisition of a bank of the size of Texas Bank eliminates a possible vehicle for the formation of an additional Dallas-based bank holding company. Although these competitive considerations are not favorable to approval, other relevant considerations provide a basis for approval of the proposal herein.

The financial and managerial resources and future prospects of Applicant and its subsidiaries appear satisfactory. Concerning Texas Bank, however, in past years the financial condition and managerial resources of that bank have been cause for concern. Bank has a low liquidity position, and Bank's capital position lacks strength. Applicant has committed itself to an immediate injection of equity capital into Texas Bank, and the affiliation would make available to Bank a source of management personnel and expertise in banking services; and should enable Bank to provide more vigorous competition to the three largest banks in the Dallas market. Thus, consummation of the proposal herein should enhance substantially the prospects for Texas Bank and improve its financial conditions and competitive strength. It is the Board's judgment that considerations relating to the financial and managerial resources of Texas Bank lend substantial weight in favor of approval of the subject applications.

A strengthening of Bank through affiliation with Applicant should provide an additional source for sophisticated banking services in the Dallas area as well as added convenience for some customers in the area. Convenience and needs factors are consistent with and add some weight toward approval of the applications. It is the Board's judgment that consummation of the proposal would be in the public interest and the applications should be approved. However, the Board conditions its approval on Applicant's disposing of shares of Dart Oil (over 5 per cent) within two years from date of acquisition of shares of Texas Bank.

Consummation of its acquisition of Texas Bank would give Applicant control of all of the shares of Dart Oil, a wholly-owned subsidiary of Texas Bank's trusteed affiliate, Texas Fiduciary. The Board has been advised that Dart Oil shares originally were acquired by Texas Bank through a loan foreclosure. However, Dart Oil is engaged in an activity that is impermissible for a holding company under the provisions of the Bank Holding Company Act; and the Act does not provide for an indefinite holding of shares so acquired. Rather, the Act expressly provides for a limited period for holding shares acquired through a debt previously contracted. Accordingly, Applicant is required to dispose of the shares of Dart Oil (over 5 per cent) within the prescribed period.

On the basis of the record, the applications are approved for the reasons summarized above[4] and on condition that Applicant dispose of shares of Dart Oil (over 5 per cent) within two years from date of acquisition of shares of Texas Bank. The transaction shall not be consummated (a) before July 30, 1973, or (b) later than October 1, 1973, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[5] effective June 29, 1973.

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

[FR Doc.73-13972 Filed 7-9-73;8:45 am]

[1] All banking data are as of June 30, 1972, and reflect bank holding company formations and acquisitions approved by the Board through April 30, 1973.

[2] Dallas RMA is the Dallas Ranally Metro Area, which is defined as including all of Dallas County, the southwest portion of Collin County, the southeast portion of Denton County, the northern quarter of Ellis County, the eastern quarter of Tarrant County, and the northwest corner of Kaufman County.

[3] The Board's action herein does not constitute a determination that any of the minority banks is or may become a subsidiary of Applicant nor does the action herein indicate that the Board would in the future permit Applicant to acquire, directly or indirectly, any additional shares of any of said banks. Moreover, the determination herein does not preclude the Board from determining that Applicant exercises a controlling influence over the management or policies of any of said banks within the meaning of section 2(a) of the Act.

[4] Concurring Statement of Governor Brimmer filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System or to the Federal Reserve Bank of Dallas.

[5] Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Bucher, and Holland. Absent and not voting: Governors Daane and Sheehan.

FIRST NATIONAL AGENCY OF AITKIN, INC.

Formation of Bank Holding Company and Proposed Retention of Insurance Agency

The First National Agency of Aitkin, Inc., Aitkin, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent of the voting shares of The First National Bank of Aitkin, Aitkin, Minnesota. 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 First National Agency of Aitkin, Inc., has also 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 retain the assets of The First National Agency of Aitkin, Inc., Aitkin, Minnesota. Notice of the application was published on June 6, 1973, in the Aitkin Independent Age, a newspaper circulated in Aitkin, Minnesota.

Applicant states that it engages in the activities of a general insurance agency in a community of less than 5,000 people. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding com-

panies, 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 under section 4(c)(8) 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 applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minnesota.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 26, 1973.

Board of Governors of the Federal Reserve System, June 29, 1973.

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

[FR Doc.73-13975 Filed 7-9-73;8:45 am]

FIRST PENNSYLVANIA CORP.

Order Approving Acquisition of Aliquippa Finance Corp., Ellwood Finance Corp., and Beaver Falls Consumer Discount Company, Inc.

First Pennsylvania Corporation, Philadelphia, Pennsylvania, a bank holding company within the meaning of the Bank Holding Company Act, has applied in three separate applications for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to require all of the voting shares of (1) Aliquippa Finance Corporation, Aliquippa, Pennsylvania ("Aliquippa"); (2) Ellwood Finance Corporation, Ellwood City, Pennsylvania ("Ellwood"); and (3) Beaver Falls Consumer Discount Company Inc., Beaver Falls, Pennsylvania ("Beaver Falls"), companies held under common ownership and engaged in the activities of making, acquiring, and servicing consumer loans, and the sale of credit insurance directly related to such loans. Such activities have been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a)(1), (3) and (9)).

Notice of these applications, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 4368). The time for filing comments and views has expired, and none has been timely received.

Applicant (assets of $4.9 billion) controls one bank (First Pennsylvania Banking and Trust Company, Bala Cynwyd, Pennsylvania ($2.6 billion of deposits as of June 30, 1972), which is the second largest bank in Pennsylvania and the largest in the Philadelphia banking market, controlling approximately 8 per cent of the total deposits of commercial banks in the State. Applicant also has nonbanking subsidiaries engaged principally in mortgage banking, consumer financing, data processing, personal property and equipment leasing and in providing investment advisory services. The three finance companies Applicant proposes to acquire are all located in the far western portion of the State.

Aliquippa Finance Corporation and its subsidiary, Aliquippa Consumer Discount Company, Inc., operate one consumer finance office located in Aliquippa, Pennsylvania.

Aliquippa (assets of $830,000) operates in the Pittsburgh personal loan market, comprising all of Allegheny County and portions of Beaver, Westmoreland and Washington Counties. At least 48 consumer finance companies and approximately 40 commercial banks operate in this market.

Beaver Falls (assets of $671,000) operates a consumer finance business from one office located in Beaver Falls, Pennsylvania, also in the Pittsburgh personal loan market. Both Aliquippa and Beaver Falls finance companies have an insignificant share of the consumer loan business in this market.

Ellwood (assets of $1.1 million) and its subsidiary, Ellwood Consumer Discount Company, Inc. operate as consumer finance companies in Ellwood City, Pennsylvania. These companies operate in the New Castle, Pennsylvania personal loan market (which includes Lawrence County and portions of Beaver, Mercer and Butler Counties in Pennsylvania). At the present time, at least 10 consumer finance companies and nine commercial banks compete in this market with Ellwood for consumer loan business.

Neither of Applicant's finance company subsidiaries nor its banking subsidiary compete in either the Pittsburgh or New Castle personal loan markets. Therefore, consummation of these proposals will not eliminate any existing competition between Applicant and the companies sought to be acquired. In view of the large number of remaining competitors in the relevant markets, the many potential entrants in addition to Applicant, and the relevant case of entry into the consumer finance business, consummation of these transactions is not likely to have an adverse effect on future or potential competition. Moreover, because of the relatively small size and limited financial resources of the companies sought to be acquired, Applicant would not, upon consummation, have a significant share of either the Pittsburgh or New Castle markets. The proposed affiliations would make available to Beaver Falls, Aliquippa, and Ellwood finance companies Applicant's considerable financial resources, thereby permitting these companies to increase their lending activities—to the benefit of residents in their respective markets.

There is no evidence in the record that consummation of the proposed acquisitions would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices, or other adverse effects.

The proposed transactions are expected to be consummated by means of an exchange by Applicant of its shares for all of the shares of the three finance companies. For the past few years, Applicant has engaged in a vigorous expansion program through the acquisition of many consumer finance companies throughout the United States. These acquisitions have been effected through acquisitions either by Applicant directly or by acquisition by one of Applicant's consumer finance subsidiaries. Two of Applicant's consumer finance subsidiaries, Investors Loan Corporation and Industrial Finance and Thrift Corporation were acquired by Applicant in 1970, and under the provisions of § 4(a)(2) of the Act, Applicant may not retain ownership of these companies beyond December 31, 1980, without Board approval. Applicant has not yet filed applications to retain shares of these companies, nor has the Board, in its consideration of the instant proposal, passed on the merits of such retention. Under these circumstances, the Board believes that it would be in the public interest to approve the acquisition of Beaver Falls, Ellwood, and Aliquippa finance companies on the condition that Applicant maintain the assets of these three consumer finance companies separate and apart from those of either Investors Loan Corporation or Industrial Finance & Thrift Corporation, and, upon consummation of these acquisitions, operate Beaver Falls, Ellwood and Aliquippa as separate business entities. This condition may be lifted at such time as the Board has an opportunity to make a determination on any application subsequently filed to retain the shares of Investors Loan or Industrial Finance corporations.

Accordingly, these applications are hereby approved on the condition that Applicant maintain the assets of Beaver Falls Consumer Discount Company, Inc., Aliquippa Finance Corporation, and Ellwood Finance Corporation, and their respective subsidiaries separate and apart from those of Investors Loan Corporation and Industrial Finance and Thrift Corporation and operate the companies sought to be acquired as separate business entities. This determination is further subject to the conditions as set forth in § 225.4(c) of Regulation Y and the Board's authority to require such modification or termination of the activities of the holding company or any of its subsidiaries as the Board finds necessary to insure compliance with the conditions and purposes of the Act and the Board's regulations and orders issued thereunder or to prevent evasion thereof.

By order of the Board of Governors,[1] effective June 29, 1973.

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

[FR Doc.73-13973 Filed 7-9-73;8:45 am]

[1] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer, Sheehan, Bucher, and Holland.

FIRST SECURITY CORP.

Order Approving Acquisition of Bank

First Security Corporation, Salt Lake City, Utah, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of First Security Bank of Murray, N.A., Murray, Utah ("Bank"), a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is the largest banking organization in Utah with deposits of $620 million and controls 29.0 per cent of commercial bank deposits in the State. (All banking data are as of June 30, 1972.) Bank is a proposed de novo bank and its proposed office is on State Street and is the old downtown Murray branch of one of Applicant's subsidiaries. That subsidiary, First Security Bank of Utah, N.A., with approval from the Comptroller of the Currency, recently moved its downtown Murray office two miles south on State Street to a new shopping center.

Applicant controls $295 million, or 23 per cent, of the deposits in commercial banks in the relevant market area approximated by Salt Lake and Davis Counties, and thereby ranks first in size. Within a submarket encompassing the area within a two mile radius of Murray, Applicant is fourth in size and controls approximately 11 percent of the deposits in commercial banks in the submarket and operates two offices, one of which is two miles north of the proposed site of Bank, and the other of which is two miles south.

The town of Murray is situated three miles south of the city limits of Salt Lake City. The main street running north to Salt Lake is State Street. The present population of Murray is about 24,000 up from 21,000 at the 1970 census. The population is almost evenly divided between the north half (downtown Murray), and the south half (near the shopping center site of First Security Bank of Utah, N.A.). Murray is developing as a "bedroom community" along with the adjacent unincorporated area to the east. Commercial Security Bank, and Walker Bank and Trust Company, the seventh and second largest banking organizations in the State, respectively, compete in downtown Murray. Commercial Security controls approximately 40 percent of the deposits in commercial banks in the Murray submarket, and Walker Bank and Trust controls about 25 percent of deposits there. Valley Bank and Trust Company also competes in the submarket, and holds about 15 percent of the deposits there. Valley Bank has total Statewide deposits of about $88 million. In addition, a new unit bank, the United Bank of Utah, has been approved by the State Bank Commissioner and will be located about 1½ miles south of the proposed Murray Bank. If Applicant's proposal is granted, Applicant will operate three of the seven offices in the submarket (including the new United Bank). All of Applicant's offices will be on State Street, the main thoroughfare of Murray.

The Board notes that the three largest banks in Utah control 60 per cent of the commercial bank deposits in the State and 65 percent of the commercial bank deposits in the Salt Lake and Davis County market. In such markets, the Board is cognizant of the possibility that a holding company may be seeking to strengthen its position at the expense of a competitor, unduly raise the barriers to entry, or preempt a site. In this case, particularly in view of the expanding submarket in and around Murray, and the fact that at least one other bank has sought entry into the market, the Board is satisfied that such undesirable effects are unlikely to occur. Applicant's proposal to establish a new bank in Murray would eliminate no present or future competition between any of Applicant's subsidiaries and Bank, and there would be no immediate increase in banking concentration in the area. Based on the record, the Board finds that consummation of the proposal would have no adverse effects on competition in any relevant area.

The financial and managerial resources and future prospects of Applicant and its subsidiary banks appear satisfactory. Bank, which would at least initially be dependent upon assistance from Applicant, also has presented facts tending to show satisfactory financial and managerial resources and future prospects. Bank would serve as a more convenient source of banking for those residents who formerly banked downtown at the branch of First Security Bank of Utah, N.A. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before August 1, 1973, or (b) later than October 2, 1973, and (c) First Security Bank of Murray, N.A., Murray, Utah, shall be opened for business not later than January 2, 1973. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of San Francisco pursuant to delegated authority.

By order of the Board of Governors,[1] effective July 2, 1972.

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

[FR Doc.73-13974 Filed 7-9-73;8:45 am]

[1] Voting for this action: Chairman Burns, and Governors Mitchell, Daane, Brimmer, Sheehan, Bucher, and Holland.

PATAGONIA CORPORATION

Determination Regarding "Grandfather" Privileges Under Bank Holding Company Act

Section 4 of the Bank Holding Company Act (12 U.S.C. 1843) provides certain privileges ("grandfather" privileges) with respect to nonbanking activities of a company that, by virtue of the 1970 Amendments of the Bank Holding Company Act, became subject to the Bank Holding Company Act. Pursuant to § 4(a)(2) of the Act, a "company covered in 1970" may continue to engage, either directly or through a subsidiary, in nonbanking activities that such a company was lawfully engaged in on June 30, 1968 (or on a date subsequent to June 30, 1968, in the case of activities carried on as a result of the acquisition by such company or subsidiary, pursuant to a binding written contract entered into on or before June 30, 1968, of another company engaged in such activities at the time of the acquisition), and has been continuously engaged in since June 30, 1968 (or such subsequent date).

Section 4(a)(2) of the Act provides, inter alia, that the Board of Governors of the Federal Reserve System may terminate such grandfather privileges if, having due regard to the purpose of the Act, the Board determines that such action is necessary to prevent an undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. With respect to a company that controls a bank with assets in excess of $60 million on or after December 31, 1970, the Board is required to make such a determination within a two year period.

Notice of the Board's proposed review of the grandfather privileges of Patagonia Corporation, Tuscon, Arizona, and an opportunity for interested persons to submit comments and views or request a hearing, has been given (37 FR 22414). The time for filing comments, views, and requests has expired, and all those received have been considered by the Board in light of the factors set forth in § 4(a)(2) of the Act.

On the evidence before it, the Board makes the following findings. Patagonia Corporation ("Registrant"), Tucson, Arizona, became a bank holding company on December 31, 1970, as a result of the 1970 Amendments to the Act, by virtue of Registrant's ownership of all of the voting shares of Great Western Bank & Trust, ("Bank"), Phoenix, Arizona (assets of about $164 million, as of December 31, 1970). Registrant was a one-bank holding company prior to June 30, 1968. Bank had total deposits of approximately $177 million as of June 30, 1972, representing about 4 percent of the total deposits in commercial banks in Arizona and, in view of its size, Bank is not regarded as a significant competitor in the markets it serves.

Bank's management, financial condition, and prospects are regarded as satisfactory and the Board has found no evidence of unsound banking practices.

Registrant, a bank holding company

with about $312 million in assets as of December 31, 1971, is engaged directly in no activity other than holding stock in its banking subsidiary and in nonbanking companies.[1] Registrant owns 100 per cent of the Navajo Insurance Agency, Inc. ("Agency"), Phoenix, Arizona, (acquired in October, 1968, pursuant to a binding written agreement entered into on February 28, 1968) a company offering insurance primarily in connection with loans made by Bank. As of December 31, 1970, Agency had $38,000 in assets and a net income of $1,600; and its present activities appear to be limited to servicing previously issued policies. The insurance activities of Agency appear to be eligible for grandfather benefits.

Registrant acquired (in December, 1969) 100 per cent of the voting shares of Pioneer Bancorporation ("Pioneer"), Phoenix, Arizona, a company engaged in acting as fire and casualty insurance underwriter and a lessor of office equipment to Bank. Since the interest in Pioneer was not acquired until after June 30, 1968, Registrant must reduce its holdings in Pioneer to 5 per cent or less of the outstanding voting shares by December 31, 1980, or secure Board approval under section 4(c)(8) to retain those shares.[2]

Registrant now owns 100 per cent of Pima Savings and Loan Association ("Prima"), Tucson, Arizona, the fifth largest savings and loan association in Arizona with savings deposits of about $101 million as of May 31, 1972. However, on June 30, 1968, Registrant held only 20.005 per cent of the stock of Pima; Registrant purchased the remaining shares of Pima during the period from June 30, 1968, to December 31, 1970. Accordingly, on the basis of grandfather benefits, Registrant may retain indefinitely its 20.005 per cent interest in Pima, and must reduce its holdings in Pima to that level by December 31, 1980, or secured Board approval under section 4(c)(8) of the Act to retain the additional shares of Pima.[3]

Registrant owns also 6.9 per cent of the voting shares of UB Financial Corporation, Phoenix, Arizona, a one-bank holding company that controls the United Bank of Arizona, Phoenix, Arizona, and was acquired after June 30, 1968. The activities of the company are limited to those of managing or controlling banks and other subsidiaries authorized under the Act or of furnishing services to or performing services for its subsidiaries. Registrant is not required to divest its interest in UB Financial.

Two indirect subsidiaries of Registrant, namely, Great Western Insurance Company, and Great Western Insurance Agency, both of Phoenix, are wholly-owned subsidiaries of Bank, but were acquired after June, 1968. On this basis, the companies are not entitled to indefinite grandfather benefits, but may be eligible for retention on the basis of being operation subsidiaries of the bank and § 225.4(e) of the Board's Regulation Y, provided they meet the definition of operation subsidiary.[4]

On the basis of the foregoing and all the facts before the Board, it appears that the volume, scope, and nature of the activities of Registrant and its grandfathered subsidiaries do not demonstrate an undue concentration of resources, decreased or unfair competition, conflicts of interest, nor unsound banking practices; and, accordingly, there appears to be no reason to require Registrant to terminate its grandfather interests. However, this determination is not authority to enter into any activity that was not engaged in on June 30, 1968, and continuously thereafter, nor any activity that is not the subject of this determination.

A significant alteration in the nature or extension of Rgistrant's activities or a change in location thereof (significantly different from any described in this determination) will be cause for a re-evaluation by the Board of Registrant's activities under the provisions of § 4(a)(2) of the Act, that is, whenever the alteration or change is such that the Board finds that a termination of the grandfather privileges is necessary to prevent an undue concentration of resources or any of the other evils at which the Act is directed. No merger, consolidation, acquisition of assets other than in the ordinary course of business, nor acquisition of any interest in a going concern, to which the Registrant or any nonbank subsidiary thereof is a party, may be consummated without prior approval of the Board. Further, the provision of any credit, property, or service by the Registrant or any subsidiary thereof shall not be subject to any condition which, if imposed by a bank, would constitute an unlawful tie-in arrangement under section 106 of the Bank Holding Company Act Amendments of 1970.

The determination herein does not preclude a later review by the Board of Registrant's nonbank activities and a future determination by the Board in favor of termination of grandfather benefits of Registrant.[5] The determination herein is subject to the Board's authority to require modification or termination of the activities of Registrant or any of its nonbanking 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 evasions thereof.

By determination of the Board of Governors,[6] effective June 29, 1973.

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

[FR Doc.73-13968 Filed 7-9-73;8:45 am]

[1] The discussion herein relates only to Registrant's interests as of December 31, 1970, and does not include acquisitions that may have been consummated pursuant to a Board order under § 4(c)(8) of the Act.

[2] Leasing office equipment to Bank appears to be permissible on the basis of § 4(c)(1)(C) of the Act.

[3] Operation of a savings and loan association is not currently on the Board's list of permissible activities for a bank holding company.

[4] Section 225.4(e) of Regulation Y provides in part that, so far as Federal law is concerned, a State bank or a subsidiary thereof may ". . . acquire or retain all (but, except for directors' qualifying shares, not less than all) of the shares of a company that engages solely in activities in which the parent bank may engage, at locations at which the bank may engage in the activity, and subject to the same limitations as if the bank were engaging in the activity directly."

PATAGONIA CORP.

Order Approving Acquisition of Western American Mortgage Company

Patagonia Corporation, Tucson, Arizona, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Western American Mortgage Company, Phoenix, Arizona ("Western Mortgage"), a company that engages in the activities of originating residential mortgages and mortgages on commercial real estate for sale to permanent investors; servicing of mortgages for permanent investors; and interim lending for land development and construction financing where the loan will be sold to a permanent investor. Such activities have been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a)(1) and (3)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 3013). The time for filing comments and views has expired, and the Board has considered all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).[1]

[5] Statement of Governor Brimmer Concurring in Part and Dissenting in Part filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of San Francisco.

[6] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Sheehan, Bucher, and Holland. Concurring in part and dissenting in part: Governor Brimmer.

[1] The published notice of this application included notice of a related application to acquire Western American Insurance Agency, Phoenix, Arizona, and thereby to engage in certain insurance agency activities; however, in light of objections to these insurance activities, Applicant requested that the Board consider the applications separately. Accordingly, the Board's Order herein deals only with the proposed acquisition of Western American Mortgage Company. Applicant's request for Board approval to acquire Western American Insurance Agency is still pending.

Applicant's banking subsidiary, Great Western Bank & Trust ("Great Western"), is the fifth largest bank in Arizona with aggregate deposits of approximately $207 million representing 4 per cent of total commercial bank deposits in the State.[2] Applicant also has nonbanking subsidiaries engaged principally in consumer finance activities, leasing of personal property and equipment, and operating a savings and loan association. Great Western and Applicant's savings and loan association subsidiary, Pima Savings & Loan Association, Tucson, Arizona ("Pima") ($113 million in savings deposits as of December 31, 1972), are engaged in extending mortgage loans. Neither Great Western nor Pima services loans for others.

Western Mortgage originated approximately $29 million of mortgage loans during the first six months of 1972 and based upon a mortgage servicing portfolio of approximately $245 million (as of June 30, 1972), Western ranks as the 96th largest mortgage firm in the country. Consummation of the proposal will eliminate some existing competition between Applicant's subsidiaries (Great Western and Pima) and Western Mortgage in the one-four family residential mortgage origination product market in Maricopa and Pima Counties. In Maricopa County, Applicant's subsidiaries held 0.5 per cent of mortgage originations ($4 million) and Western Mortgage originated 3.3 per cent ($27.7 million) of such mortgages. In Pima County, Applicant's subsidiaries accounted for 3.5 per cent ($13.1 million) of such mortgages and Western Mortgage's share was 1.7 per cent ($6.3 million).[3]

There are over 40 mortgage lending and servicing competitors in Maricopa County; over 27 in Pima County. Included in both markets are offices of the four largest banks in Arizona. Also present in Maricopa County are offices of seven of the ten largest mortgage companies in the country, which companies have aggregate annual mortgage servicing volume in excess of $13 billion. Three of the ten largest mortgage companies in the country are represented in Pima County, including the largest in the country. Twenty-four of the over 40 mortgage banking competitors in Maricopa County also originate permanent one-four family residential mortgage loans; in Pima County, over 20 of the mortgage banking competitors also originate such mortgage loans. Due to the large number of competitors in both markets and the localized nature of Western Mortgage's business, it is concluded that consummation of the proposal would have no significant adverse effects on existing or potential competition.

Arizona's need for an increasing supply of mortgage funds, including financing of large scale developments, seems clear. During the decade of the '60's, Arizona's population increased approximately 36 per cent (against a national average of slightly more than 13 per cent), while Maricopa County's increase was about 45 per cent, and Pima County grew by 32 per cent. The rate in Arizona is expected to continue at high levels. Applicant proposes to immediately increase Western Mortgage's capital by about $700,000 and consummation of the proposed acquisition would provide Western Mortgage with continued access to financial and other resources of Applicant that would enable it to provide more effectively for those needs resulting from growth and at the same time enable it to compete more effectively for large commercial and construction loans in the State.

In its consideration of this case the Board has taken into account Applicant's commitment to increase the equity capital of its banking subsidiary. There is no evidence in the record indicating that consummation of the proposed acquisition would result in undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices, or other adverse effects.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved.[4] This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[5] effective June 29, 1973.

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

[FR Doc.73-13969 Filed 7-9-73;8:45 am]

STATE STREET BOSTON FINANCIAL CORPORATION

Order Approving Acquisition of Bank

State Street Boston Financial Corporation, 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 100 per cent of the voting shares (less directors' qualifying shares) of the successor by merger to Union National Bank, Lowell, Massachusetts ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a one-bank holding company and is the fourth largest banking organization and bank holding company in Massachusetts, with aggregate deposits of $988 million representing 8.5 per cent of total deposits of commercial banks in the State.[1] Consummation of the proposed acquistion of Bank (deposits of approximately $153 million) would increase Applicant's share of commercial bank deposits in Massachusetts by only 1.3 percentage points and its ranking would be unchanged. The proposed acquisition represents Applicant's initial move outside Suffolk County.

Bank is the largest of ten banks competing in the Lowell banking market which includes the Lowell SMSA and several surrounding towns, and controls 67.7 per cent of market deposits. Bank has six offices in the City of Lowell and an additional ten branches are scattered throughout its banking market. Bank's dominant share of deposits overstates its competitive position in the market. The second and third largest bank holding companies in the State have banking subsidiaries in the market accounting for ten banking offices. One of these, Baystate Corporation, has branch offices of two subsidiary banks represented in the market controlling in the aggregate 17 per cent of market deposits. Each of these banks is larger than Bank and the holding company subsidiaries in the market are clearly competitive with Bank. Additionally, taking into account particular product lines, Bank's competitive position is also overstated. For example, taking into account the savings banks in the market, Bank's market share of deposits is only approximately 29 per cent. Finally, as discussed later, considerations related to the financial and managerial resources of Bank diminish its competitive ability.

Applicant's present subsidiary bank's closest banking office to Bank is about 18 miles away. Applicant's present subsidiary operates 18 banking offices in the separate but adjoining Boston SMSA banking market. There is no significant existing competition between Bank and

[1] All banking data are as of June 30, 1972, and reflect bank holding company formations and acquisitions approved by the Board through May 31, 1973.

[2] All banking data are as of December 31, 1972.

[3] Maricopa County and Pima County market share data are as of year-end 1972.

[4] Western American Realty & Investment Co. and Thunderbird Country Club, Inc., both wholly-owned subsidiaries of Western Mortgage, will not be acquired by Applicant, but will be spun off prior to Applicant's acquisition of Western Mortgage.

[5] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer, Sheehan, Bucher, and Holland.

any of Applicant's subsidiary offices. Applicant's banking subsidiary, State Street Bank and Trust Company ("State Street"), is primarily a wholesale bank, as evidenced by the fact that of its commercial and industrial loan accounts, 90 per cent are accounts over $100,000 and 70 per cent of its total deposits and 67 per cent of its total IPC demand deposits were comprised of accounts in excess of $100,000. Bank, on the other hand, is primarily a retail bank. State Street derives 2.6 per cent of its IPC demand deposits and 0.5 per cent of its savings deposits from the Lowell market. A similar insignificant amount of Bank's deposits are derived from the Boston SMSA. Accordingly, it is the Board's opinion that consummation of this proposal will not eliminate significant existing competition.

In its consideration of this matter, the Board has taken into account the comments of the United States Department of Justice, which concluded that the proposal would have a significantly adverse effect on potential competition in the Lowell banking market and in Massachusetts generally. This recommendation was due to the Department's view that the Lowell market is attractive for entry either de novo or by a foothold entry. The Department was also of the view that consummation of the proposal would eliminate the possibility that Bank would be a significant participant in a new Statewide holding company.

While the population of the Lowell market increased 30 per cent between 1960 and 1970 it is presently experiencing high levels of unemployment. This is due to a decline in the textile and aerospace industries and is expected to remain a problem in the near future. In view of this, the Board cannot conclude that the area is attractive enough for de novo entry so that Applicant is a probable de novo entrant. However, it does appear that there are two smaller organizations in the market which could provide foothold entry either for Applicant or the largest banking organization in the State and in the absence of the considerations related to Bank discussed below, the Board would consider the proposal as having an adverse effect on potential competition in the market. With respect to the effect on probable future competition in the Commonwealth of Massachusetts, the Board does not regard Bank, because of its condition, as a likely significant participant in a newly formed holding company.

The financial and managerial resources and prospects of Applicant and its existing subsidiary bank are satisfactory and consistent with approval of the application. The financial and managerial resources of Bank are considered to be poor. Bank has experienced substantial loan losses since 1967 and in every year except 1969 these losses have increased. Due to these losses and deposit growth over the five year period, Bank's capital to deposit ratio has declined and it is presently in need of capital. Bank's President is beyond retirement age and there does not appear to be a likely successor. Further, in view of Bank's recent difficulties, management is in need of strengthening. In view of Bank's present situation and the economic decline of the Lowell area, the Board regards Bank's prospects, absent the acquisition, as poor. The Comptroller of the Currency has advised that:

> It is clear that if Union National Bank is to solve its present problems it must merge or associate with a banking organization substantially larger than itself.

Applicant proposes to strengthen Bank's equity capital base by a minimum of $2.0 to $2.5 million within six months of consummation. Further, it will immediately strengthen management. Prospects of Bank with Applicant's assistance appear to be favorable and these considerations provide strong weight toward approval of the application.

There is no evidence on the record that any major banking needs of the market are presently going unserved. However, Bank is not presently competitive in providing many services. Bank has limited hours, does not offer credit cards, free checking accounts and certain forms of deposit accounts. It also does not seem to be seeking new business accounts. Applicant will update Bank's services, making them more responsive to the needs of its customers. These considerations provide weight toward approval. It is the Board's judgment that the proposed transaction is in the public interest and should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before July 30, 1973, or (b) later than October 1, 1973, 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 June 29, 1973.

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

[FR Doc.73-13970 Filed 7-9-73;8:45 am]

TEXAS BANK & TRUST COMPANY OF DALLAS

Order Approving Application for Merger of Banks

Texas Bank & Trust Company of Dallas, Dallas, Texas, a State member bank of the Federal Reserve System, has applied for the Board's approval pursuant to the Bank Merger Act (12 U.S.C. 1828 (c)) of the merger of that bank with New Texas Bank & Trust Company of Dallas, Dallas, Texas, under the charter and title of Texas Bank & Trust Company of Dallas.

As required by the Act, notice of the proposed merger, in form approved by the Board, has been published, and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered the application in light of the factors set forth in the Act.

On the basis of the record, the application is approved for the reasons summarized in the Board's Order of this date relating to the application of First City Bancorporation of Texas, Inc., to acquire Texas Bank & Trust Company of Dallas, provided that said merger shall not be consummated (a) before July 30, 1973, or (b) later than Oct. 1, 1973, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[1] effective June 29, 1973.

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

[FR Doc.73-13971 Filed 7-9-73;8:45 am]

[3] Voting for this action: Vice Chairman Mitchell and Governors Daane, Sheehan, Bucher and Holland. Voting against this action: Governor Brimmer who issued a dissenting statement which is filed as part of the original document. Absent and not voting: Chairman Burns.

OFFICE OF TELECOMMUNICATIONS POLICY

FREQUENCY MANAGEMENT ADVISORY COUNCIL

Notice of Public Meeting

Notice is hereby given that the Frequency Management Advisory Council will meet at 10:00 a.m. on Wednesday, July 18, 1973, in Room 712, 1800 G Street, NW., Washington, D.C.

The principal agenda items will be (a) a discussion of a proposed study of telecommunications growth over the past 20–30 years, (b) the development of an FMAC study program in support of its advisory role to this Office; (c) a briefing on optical spectrum technology; and (d) an exchange of views of biological effects of certain transmitting fields.

The meeting will be open to the public; any member of the public may file a written statement with the Council, before or after the meeting.

The names of the members of the Council, a copy of the agenda, a summary of the meeting and other information pertaining to the meeting may be obtained from Mr. L. R. Raish, Office of Telecommunications Policy, Washington, D.C. 20504 (telephone: 202-395-5623).

Dated: July 3, 1973.

W. DEAN, Jr.,
Assistant Director for Frequency Management.

[FR Doc.73-13900 Filed 7-9-73;8:45 am]

[1] Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Bucher, and Holland. Absent and not voting: Governors Daane and Sheehan.

SMALL BUSINESS ADMINISTRATION

[Disaster Loan Area 978; Amdt. 4]

ARKANSAS

Amendment to Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Arkansas as a major disaster area following severe storms and flooding beginning on or about April 1, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following additional counties: Benton, Bradley, Chicot, Columbia, Fulton, Howard, Madison, Montgomery, Union and Washington.

Applications may be filed at the:

Small Business Administration
District Office
600 West Capital Avenue
Little Rock, Arkansas 72201

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than August 20, 1973.

Dated: June 26, 1973.

ANTHONY G. CHASE,
Acting Administrator.

[FR Doc.73-13888 Filed 7-9-73;8:45 am]

[Disaster Loan Area 966; Amdt. 4]

MISSISSIPPI

Amendment to Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Mississippi as a major disaster area following heavy rains and flooding beginning on or about March 14, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following additional county: Montgomery. (See 38 FR 8700, 38 FR 9626, 38 FR 10339 and 38 FR 14316)

Applications may be filed at the:

Small Business Administration
District Office
Petroleum Building
Pascagoula & Amite Streets
Jackson, Mississippi 39205

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than August 20, 1973.

Dated: June 26, 1973.

ANTHONY G. CHASE,
Acting Administrator.

[FR Doc.73-13887 Filed 7-9-73;8:45 am]

[Disaster Loan Area 995; Amdt. 1]

OKLAHOMA

Amendment to Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Oklahoma as a major disaster area following severe storms and flooding beginning on or about April 1, 1973, applications for disaster relief loans will be accepted by the small Business Administration from flood victims in the following additional county: Canadian. (See 38 FR 16813)

Applications may be filed at the:

Small Business Administration
District Office
30 North Hudson
Oklahoma City, Oklahoma 73102

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than August 13, 1973.

Dated: June 26, 1973.

ANTHONY G. CHASE,
Acting Administrator.

[FR Doc.73-13889 Filed 7-9-73;8:45 am]

[License No. 03/03-5112]

GREATER PHILADELPHIA VENTURE CAPITAL CORPORATION, INC.

Filing of Application for Approval of Conflict of Interest Transaction

Notice is hereby given that Greater Philadelphia Venture Capital Corporation, Inc. (licensee), 225 South 15th Street, Philadelphia, Pennsylvania 19102, a small business investment company licensed under section 301(d) of the Small Business Investment Act of 1958, as amended (the Act), has filed with the Small Business Administration an application for exemption from the provisions of 13 CFR 107.1004 (1973).

Licensee proposes to make a 10-year loan in the principal amount of $150,000 to Broadcast Enterprises Network, Inc. (BENI), a corporation recently organized for the purpose of acquiring and operating radio and television stations. The loan will include warrants for licensee to acquire 10 percent of BENI's capital stock. Licensee's proposed loan is only a minor part of the total financing being raised, of which $2,525,000 will be from banks and approximately $375,000 from individual sources.

The proposed financing comes within the purview of 13 CFR 107.1004 (1973) by virtue of the fact that Mr. Ragan A. Henry, secretary and director of the licensee, will invest in and acquire approximately 51 percent of the common stock of BENI.

Notice is hereby given that any person may, not later than July 25, 1973, submit comments to SBA on the proposed transaction. Any such comments should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

Notice is further given that any time after said date, SBA may dispose of the application on the basis of the information set forth therein and other relevant data.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

Dated: June 28, 1973.

[FR Doc.73-13890 Filed 7-9-73;8:45 am]

[License No. 05/05-5094]

INDEPENDENCE CAPITAL FORMATION, INC.

Issuance of License To Operate as a Small Business Investment Company

On May 31, 1973, a notice was published in the FEDERAL REGISTER (38 FR 14317) stating that Independence Capital Formation, Inc., 6072 14th Street, Detroit, Michigan 48202, had filed an application with the Small Business Administration, pursuant to 13 CFR 107.102 (1973) for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended.

Interested parties were given to the close of business June 15, 1973, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 05/05-5094 to Independence Capital Formation, Inc., pursuant to Section 301(d) of the Small Business Investment Act of 1958, as amended.

Dated: June 29, 1973.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.73-13891 Filed 7-9-73;8:45 am]

TARIFF COMMISSION

[TEA-F-53]

BGS SHOE CORP.

Petition for Determination; Notice of Investigation and Hearing

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962 on behalf of the BGS Shoe Corporation, Manchester, New Hampshire, the United States Tariff Commission, on July 3, 1973, instituted an investigation under section 301(c)(1) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear (of the types provided for in items 700.20, 700.43, 700.45, 700.53, and 700.55 of the Tariff Schedules of the United States) produced by the aforementioned firm, are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such firm.

A public hearing in connection with this investigation will be held beginning at 10:00 a.m., e.d.t. on July 27, 1973, in the Hearing Room, U.S. Tariff Commission Building, 8th and E Streets, N.W., Washington, D.C. Requests for appear-

ances at the hearing should be received by the Secretary of the Tariff Commission, in writing, at his office in Washington, D.C., no later than noon, Friday, July 20, 1973.

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets, N.W., Washington, D.C. 20436, and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: July 5, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-14008 Filed 7-9-73;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

JOHNSON SHOES, INC.; MANCHESTER, N.H.

Notice of Certification of Eligibility of Workers To Apply for Adjustment Assistance

Under date of April 20, 1973, the U. S. Tariff Commission made a report of the results of its investigation (TEA-W-186) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to a petition for determination of eligibility to apply for adjustment assistance on behalf of the workers of Johnson Shoes, Inc., Manchester, New Hampshire. In this report, the Commission, being equally divided, made no finding with respect to whether articles like or directly competitive with the footwear for women produced by Johnson Shoes, Inc. are, as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause unemployment or underemployment of a significant number or proportion of the workers of such firm, or an appropriate subdivision thereof. The President subsequently decided, under the authority of section 330(d)(1) of the Tariff Act of 1930, as amended, to consider the findings of those Commissioners who found in the affirmative as the finding of the Commission.

Upon receipt of the President's authorization, the Department, through the Director of the Office of Foreign Economic Policy, Bureau of International Labor Affairs instituted an investigation.

Following this, the Director made a recommendation to me relating to the matter of certification (Notice of Delegation of Authority and Notice of Investigation, 34 FR 18342; 37 FR 2472; 38 FR 15484; 29 CFR Part 90). In the recommendation she noted that concession generated imports like or directly competitive with women's footwear produced by Johnson Shoes, Inc. increased substantially. Beginning in 1968 the exclusive buyer of Johnson Shoes Inc.'s output increased its imports of women's footwear and reduced purchases from Johnson Shoes, Inc. The company was able to offset to a large extent the loss of sales to its major buyer by aggressively seeking and obtaining new accounts. In the period 1969-72 Johnson Shoes, Inc.'s major buyer as well as some newer customers turned increasingly to imports. Selling and administrative expenses rose sharply and the company sustained increasing losses as a consequence of efforts to maintain sales levels through the servicing of many small accounts. Reductions in employment levels directly related to import competition began in the latter part of May 1972 and continued through October 1972 when the firm was liquidated. After due consideration I make the following certification:

All hourly, piecework, and salaried employees of Johnson Shoes, Inc., Manchester, New Hampshire, who became unemployed or underemployed after May 26, 1972 and before October 27, 1972 are eligible to apply for adjustment assistance under Title III, Chapter 3, of the Trade Expansion Act of 1962.

Signed at Washington, D.C. this 29th day of June 1973.

JOEL SEGALL,
Deputy Under Secretary for International Affairs.

[FR Doc.73-14010 Filed 7-9-73;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 Thursday, August 9, 1973, Friday, August 10, 1973, and Saturday August 11, 1973, starting at 9:00 a.m. each day in the Given Auditorium, Bixler Building, Colby College, Waterville, Maine.

The agenda provides for discussion of Working Draft II with a view towards making recommendations on the final draft of a revised occupational safety and health standard on noise.

The meeting shall be open to the public. 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 August 1, 1973. Any such submissions, timely received, will be provided to the members of the committee and will be included in the record of the meeting.

Persons wishing to orally address the committee at the meeting should submit a written request to be heard, together with 20 copies thereof, no later than August 1, 1973. The request must contain a short summary of the intended presentation and an estimate of the amount of time that will be needed. At the meeting the chairman will announce whether oral presentations will be allowed, and, if so, under what conditions.

Communications should be addressed as follows:

Executive Secretary
Standards Advisory Committee on Noise, OSHA-OSMC
Railway Labor Building—Room 509
U.S. Department of Labor
Washington, D.C. 20210.

Signed at Washington, D.C. this 3rd day of July 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-14011 Filed 7-9-73;8:45 am]

CONSTRUCTION SAFETY ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given that the Construction Safety Advisory Committee, established under section 107(e) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) and section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (20 U.S.C. 656), will meet on Wednesday, July 25, 1973, starting at 9 a.m. in Room 216 A, B, C, and D, Main Labor Building, 14th and Constitution Avenue, NW., Washington, D.C. The meeting shall be open to the public.

The Committee will continue its consideration of proposed amendments to 29 CFR 1926.602(a)(5) and (8) that require the installation of fenders on pneumatic-tired earthmoving haulage equipment. The Committee will also continue its consideration of the proposed amendments to the standards for tunnels and shafts (subpart S, 29 CFR 1926.800) and proposed standards for personnel and material chimney hoists. Copies of the draft papers are available for inspection and copying in the Executive Secretary's office at the address given below.

Written comments in addition to those already submitted to the Committee in response to a previous notice (38 FR 14991, June 7, 1973) may be submitted to to the Executive Secretary not later than July 17, 1973.

No opportunity for oral comments will be provided in the scheduled meeting. Such an opportunity was provided in the Committee's June 19 meeting on these subjects.

Communications to the Executive Secretary should be addressed as follows:

Executive Secretary
Standards Advisory Committee, OSHA-OSMC
Railway Labor Building—Room 509
U.S. Department of Labor
Washington, D.C. 20210

Signed at Washington, DC. this 6th day of July, 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-14188 Filed 7-9-73;11:35 am]

STANDARDS ADVISORY COMMITTEE ON CARCINOGENS

Notice of Meetings

Notice is hereby given that the Standards Advisory Committee on Carcinogens, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C.

656), will meet on the following dates: Thursday, July 12, 1973 and Friday, July 13, 1973; Thursday, July 19, 1973, and Friday, July 20, 1973; and Wednesday, July 25, 1973, and Thursday, July 26, 1973. All of the above listed meetings will be held in Hearing Room B, Interstate Commerce Commission, 12th & Constitution Avenue, NW., Washington, D.C. and starting time on each of these dates will be 9:00 a.m.

The Committee will hear from witnesses invited by the Occupational Safety and Health Administration at the request of the Committee to make oral presentations concerning their knowledge of carcinogens.

The agenda provides for further discussion by the committee of the development of recommendations for a standard on carcinogens.

The meetings shall be open to the public. 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 up to the close of business on July 25, 1973. Submissions timely received will be provided to the members of the Committee and will be included in the record of the meetings.

Oral comments from persons other than the invited witnesses may be made to the extent that the committee permits. Persons wishing to make oral comments should submit a written request to be heard, together with 20 copies thereof, to the Executive Secretary as soon as is practical before the beginning of the first day of each two-day meeting. The request must contain a short summary of the intended presentation and an estimate of the amount of time that will be needed. At the meeting the chairman will announce whether oral presentation will be allowed, and, if so, under what conditions.

All written communications should be addressed as follows:

Milton W. Umbenhouer, Acting Executive Secretary
Standards Advisory Committees, OSHA–OSMC
Railway Labor Building, Room 509
U.S. Department of Labor
Washington, D.C. 20210

Signed at Washington, D.C. this 9th day of July 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-14214 Filed 7-9-73;12:12 pm]

INTERSTATE COMMERCE COMMISSION

ATLANTA AND WEST POINT RAILROAD CO. ET AL.

Car Distribution Direction Amendment

Amdt. No. 1 to Car Distribution Direction No. 93 under Rev. S. O. No. 1002.

TO: Atlanta and West Point Railroad Company Carolina, Clinchfield and Ohio Railway Georgia Rail Road & Banking Company, Louisville and Nashville Railroad Company, Seaboard Coast Line Railroad Company and the Western Railway of Alabama.

Upon further consideration of Car Distribution Direction No. 93 and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 93 be, and it is hereby, amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date.* This direction shall expire at 11:59 p.m., July 31, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 30, 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., June 27, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-13990 Filed 7-9-73;8:45 am]

[Notice No. 292]

ASSIGNMENT OF HEARINGS

JULY 5, 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.

AB-1 Sub 11, Chicago & North Western Transportation Company Abandonment between Hayfield and Austin, In Dodge and Mower Counties Minnesota, now assigned July 12, 1973, at Austin, Minn., is postponed indefinitely.

AB-1 Sub 9, Chicago and North Western Transportation Company Abandonment Between Wren, Iowa, and Iroquois, South Dakota, in Sioux and Plymouth Counties, Iowa, and Union, Lincoln, Turner, McCook, Miner and Kingsbury Counties, South Dakota, now assigned continued hearings on July 17, 1973, at Salem, S. Dak., July 18, 1973, at Hawarden, Iowa, and July 19, 1973, at Beresford, S. Dak., all hearings postponed indefinitely.

AB-5 Sub 138, George P. Baker, Richard C. Bond, and Jervis Langdon, JR., Trustees of the Property of Penn Central Transportation Company, Debtor, Abandonment Operations Portion Fort Wayne Branch Between Lynn and Ridgeville, Randolph County, Indiana, AB-5 Sub 139, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees of the Property of Penn Central Transportation Company, Debtor, Abandonment Operations Portion Ridgeville, Secondary Track Between Portland and Monroe, Jay Adams Counties, Indiana, now assigned July 25, 1973, at Portland, Ind., is postponed indefinitely.

AB-1 Sub 6, Chicago and North Western Transportation Company Abandonment Between Tekamah and Lyons, Bert County, Nebraska, now assigned July 30, 1973, at Omaha, Nebr., is postponed indefinitely.

MC-138991 Sub 1, Southeastern Tank Lines, Inc., application is dismissed.

I&S-M-26629, Classification Ratings on Collapsible Metal Tubes, Nationwide, now assigned July 18, 1973, at Washington, D.C., is postponed to August 23, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-8051, Larry M. Hays, DBA Larry Hays Trucking Company—Investigation and revocation of certificates—, now assigned September 6, 1973, at Oklahoma City, Okla., is cancelled.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-13988 Filed 7-9-73;8:45 am]

[Exemption No. 45; Ex Parte No. 241]

NORFOLK AND WESTERN RAILWAY CO. ET AL.

Exemption Under Provision of Mandatory Car Service Rules

To: Norfolk and Western Railway Company and Penn Central Transportation Company, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees.

It appearing, That the Norfolk and Western Railway Company (N&W) and the Penn Central Transportation Company, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees (PC) have each agreed to the unrestricted use by the other of its plain gondola cars less than 61 ft. in length; and that such mutual use of gondola cars will increase car utilization by reductions in switching and movements of empty gondola cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 387, issued by W. J. Trezise, or successive issues thereof, or having mechanical designations "GA", "GD", "GE", "GH", "GRA", "GS", "GT", and "GW" which are less than 61 ft. 0 in. long, and which bear the reporting marks listed herein, may be used by the N&W and the PC without regard to the requirements of Car Service Rules 1 and 2.

N&W	Reporting Marks: PC	
NKP	B&A	PCA
P&WV	BWC	PCE
VGN	CASO	P&E
WAB	NH	PRR
	NYC	TOC

Effective July 1, 1973.

Expires August 31, 1973.

Issued at Washington, D.C., June 29, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-13989 Filed 7-9-73;8:45 am]

[Rev. S.O. No. 974; ICC Order No. 88, Amdt. No. 2]

PENN CENTRAL TRANSPORTATION CO. ET AL.

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., August 31, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 30, 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., June 26, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-13991 Filed 7-9-73;8:45 am]

[Rev. S.O. No. 994; ICC Order No. 101, Amdt. No. 1]

BURLINGTON NORTHERN INC.

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 101 (Burlington Northern Inc.) and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 101 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., August 31, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 30, 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., June 28, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-13991 Filed 7-9-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ID-1596]

PUBLIC UTILITIES; MULTIPLE DIRECTORSHIPS

Notice of Applications

JULY 3, 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 July 16, 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
1596	Russell W. Britt	5/29/73	Wisconsin Electric Power Company Wisconsin Michigan Power Company
1614	William H. Dickhoner	5/18/73	The Cincinnati Gas & Electric Company The Union Light, Heat and Power Company Miami Power Corporation
1090	Alice Del Bianco	6/13/73	Connecticut Valley Electric Company, Incorporated
1607	Herman M. Dieckamp	5/23/73	Jersey Central Power and Light Company Metropolitan Edison Company New Jersey Power and Light Company Pennsylvania Electric Company

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13916 Filed 7-9-73;8:45 am]

[Docket No. CI73-900]

ADOBE OIL CO.

Notice of Application

JULY 3, 1973.

Take notice that on June 18, 1973, Adobe Oil Company (Applicant), 601 Gihls Tower East, Midland, Texas 79701, filed in Docket No. CI73-900 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transwestern Pipeline Company from the Rock Tank (Morrow) Field, Eddy County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it will have commenced the sale of natural gas by June 20, 1973, within the contemplation of §157.29 of the Regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue such sale for one year from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell up to 8,000 Mcf of gas per day at 54.25 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protest and petitions to intervene. Therefore,

Any person desiring to be heard or to make any protest with reference to said application should on or before July 16 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 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.73-13913 Filed 7-9-73;8:45 am]

[Docket No. E-8286]

ALCOA GENERATING CORP.

Notice of Amendment of Agreement

JULY 3, 1973.

Take notice that Alcoa Generating Corporation (Alcoa) on June 21, 1973, tendered for filing, proposed changes to Alcoa-Supplement No. 4 to Rate Schedule FPC No. 1. The proposal requests the changes be retroactively effective as of April 9, 1973.

Alcoa states that the proposal will extend the life of Supplement No. 4 of Rate Schedule FPC No. 1 from its prior expiration date of April 13, 1973, to run concurrently with the life of Alcoa-Rate Schedule FPC No. 2. The latter agreement is terminable at the will of any of the parties to it.

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 July 19, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13941 Filed 7-9-73;8:45 am]

[Docket No. CI73-758]

BASIN PETROLEUM CORP.

Order Setting Matter for Hearing, Permitting Intervention, Prescribing Procedures and Fixing Date of Hearing

JUNE 26, 1973.

On April 15, 1971, the Commission, acting pursuant to the authority of the National Gas Act, as amended, particularly sections 4, 5, 7, 8, 10, and 16 thereof (52 Stat. 822, 823, 824, 825, 826, 830; 56 U.S.C. sections 717c, 717d, 717f, 717g, 717i, and 717), issued Order 431 promulgating a Statement of General Policy with respect to the establishment of measures to be taken for the protection of a reliable and adequate service as present natural gas supplies and capacities will permit.

Basin Petroleum Corporation (Basin) has filed, in the above-entitled Docket No. CI73-758, an application, pursuant to section 7(c) of the Natural Gas Act and Order No. 431 in Docket No. 418, for a limited-term certificate of public convenience and necessity with pregranted abandonment, authorizing the operation of certain facilities for the sale of emergency gas to Texas Eastern Transmission Corporation (Texas Eastern).

The limited-term certificate application provides that Basin sell approximately 5,000 Mcf per day for a term of six (6) months. The contractually agreed rate is 50.0¢ at 15.025 psia, subject to upward Btu adjustment from a base of 1000 Btu's.

In Order 431, the Commission amended part 2, subchapter A, General Rules, chapter I, title 18 of the Code of Federal Regulations by adding a new § 2.70, which reads:

(3) The Commission recognizing that additional short-term gas purchases may still be necessary to meet the 1971-1972 demands, will continue the emergency measures referred to earlier for the stated 60-day period. If the emergency purchases are to extend beyond the 60-day period, paragraph 12 in the Notice issued by the Commission on July 17, 1970, in Docket No. R-389-A should be utilized (35 FR 11638). The Commission will consider if the pipeline demonstrates emergency need . . .

Paragraph 12 of R-389-A provided, in part, that applicants, requesting certificates for sales of natural gas in excess of the ceiling or guideline rate, shall state the grounds for claiming that the present or future public convenience and necessity requires issuance of a certificate on the terms proposed in the application.

The application in this proceeding represents a sizable volume of gas potentially available to the interstate market. It is of critical importance that interstate pipelines procure emergency supplies of gas to avoid disruption of service to consumer nevertheless, we must determine whether the rate to be paid serves the public convenience and necessity. It is therefore necessary that this application be set for public hearing and expeditious determination. The hearing will be held to allow presentation, cross-examination, and rebuttal of evidence by any participant. This evidence should be directed to the issue of whether the present or future public convenience and necessity requires issuance of a limited-term certificate on the terms proposed in that application.

Pursuant to the notice of the instant application, Texas Eastern and Algonquin Gas Transmission Company (Algonquin) filed petitions to intervene.

The Commission finds: (1) Good cause exists to set for formal hearing the application for a limited-term certificate herein.

(2) It may be in the public interest to permit Texas Eastern and Algonquin, which filed timely petitions, to intervene in this proceeding.

The Commission orders: (A) The application for limited-term certificate for sale of natural gas filed in Docket No. CI73-758 is hereby set for hearing.

(B) Pursuant to the authority contained in and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 7, 15, and 16, and the Commission's rules and regulations under that Act, a public hearing shall be held commencing, July 26, 1973, at 10:00 a.m. (e.d.t.) at a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, concerning whether the present or future convenience and necessity requires the issuance of a limited-term certificate for the sale of natural gas on the terms proposed in this application and whether the issuance of said certificate should be conditioned in any way.

(C) Texas Eastern Transmission Corporation and Algonquin Gas Transmission are hereby permitted to become intervenors, subject to the Rules and Regulations of the Commission; *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and, *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order of the Commission entered in these proceedings.

(D) The applicant seeking the limited-term certificate and the supporting intervenors shall, on or before July 10, 1973, file with the Commission and serve on all parties to this proceeding, including Commission Staff, all testimony to be sponsored in support of the instant application.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13928 Filed 7-9-73;8:45 am]

[Docket No. RI73-316]

BELCO PETROLEUM CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

JUNE 28, 1973.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds.

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders.

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until

date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the Regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI73-316	Belco Petroleum Corp.	6	[1] 16	El Paso Natural Gas Company (Big Piney Field, Sublette and Lincoln Counties, Wyoming, Uinta—Green River Basin)	.....	5-29-73	6-29-73	Accepted [2]	27.2025	.....	RI73-171
.....	.....	.....	17	.....	$7,858	5-29-73	6-29-73	Accepted [3] 11-29-73 [7]	[4] 20.6538	[5] 27.2025	
.....	.....	.....	18	.....	559	5-29-73	6-29-73	Accepted [6] 11-29-73 [7]	[4] 23.908	[5] 27.2025	
		11	18	.....	.....	5-29-73	6-29-73	Accepted [8]	.....	.....	
		13	16	.....	.....	5-29-73	6-29-73	Accepted [8]	.....	.....	

* Unless otherwise stated, the pressure base is 15.025 psia.
[1] Contract agreement dated 12-26-72.
[2] Includes 1.0¢ per Mcf for delivery into an 860 lb. gathering system.
[3] Effective rate under Belco's Rate Schedule No. 11.
[4] Increase to contract rate under Belco's Rate Schedule No. 6.
[5] Effective rate under Belco's Rate Schedule No. 13.
[6] Accepted insofar as proposed rate does not exceed area ceiling rate established in Opinion No. 658.
[7] Date suspended until for portion of rate exceeding area ceiling rate in Opinion No. 658.
[8] Accepted to be effective as of the date shown in the "Effective Date" column.

By agreement dated December 26, 1972, between Belco Petroleum Corporation and El Paso Natural Gas Company, (Buyer), Belco proposes to cancel its FPC Gas Rate Schedule Nos. 11 and 13 and dedicate the acreage previously covered thereunder to its FPC Gas Rate Schedule No. 6 in addition to that previously dedicated under the latter rate schedule.

Belco also filed proposed rate increases with regard to sales previously made under FPC Gas Rate Schedule Nos. 11 and 13 to the 27.2025¢ per Mcf contract price under its FPC Gas Rate Schedule No. 6. The 27.2025¢ rate for sales currently being made under Belco's FPC Gas Rate Schedule No. 6 became effective subject to refund under Docket No. RI73-171 on June 1, 1973. Belco requests waiver of notice so that the instant increases can also become effective on the same date. Good cause has not been shown for granting such request and it is denied.

Since the current rates are below the area ceiling rate established in Opinion No. 658 and the proposed rates exceed that area ceiling rate as well as the rate limit for one day suspensions, that part exceeding the ceiling rate is suspended for five months and that part not exceeding ceiling rate is accepted.

FPC Gas Rate Schedule Nos. 11 and 13 are canceled, and all sales thereunder are deemed covered under FPC Gas Rate Schedule No. 6.

Belco's proposed increased rates and charges exceed the applicable area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

Nothing contained in this order shall relieve the respondent of any responsibility imposed by the Economic Stabilization Act of 1970, (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

[FR Doc.73-13778 Filed 7-9-73;8:45 am]

[Project No. 2110]

CONSOLIDATED WATER POWER CO.

Notice of Issuance of Annual License

JUNE 18, 1973.

On February 10, 1969, Consolidated Water Power Company, Licensee for Stevens Point Project No. 2110 located in Portage County, Wisconsin, on the Wisconsin River filed an application for a new license under Section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 27, 1970.

The license for Project No. 2110 was issued effective January 1, 1938, for a period ending June 30, 1970. Since the original date of expiration the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Consolidated Water Power Company for continued operation and maintenance of Project No. 2110.

Take notice that an annual license is issued to Consolidated Water Power Company (Licensee) under Section 15 of the Federal Power Act for the period of July 1, 1973, to June 30, 1974, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Stevens Point Project No. 2110, subject to the terms and conditions of its license.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-13934 Filed 7-9-73;8:45 am]

[Docket No. E-7769]

DELMARVA POWER AND LIGHT CO.

Notice of Extension of Time

JULY 3, 1973.

On June 21, 1973, Staff Counsel filed a motion for an extension of the service dates fixed by the order issued March 2, 1973 in the above-designated matter. The motion states that Delmarva, the City of Seafood, Delaware, and Accomack-Northampton Electric Cooperative, et al. have no objection to the motion.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Staff Service Date, July 6, 1973
Interveners' Service Date, July 20, 1973

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-13918 Filed 7-9-73;8:45 am]

[Docket No. CP73-330]

DISTRIGAS CORP.

Notice of Application

JULY 2, 1973.

Take notice that on June 14, 1973, Distrigas Corporation (Applicant), 125 High Street, Boston, Massachusetts 02110, filed in Docket No. CP73-330 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 liquefied natural gas (LNG) in interstate commerce from Applicant's Everett, Massachusetts, deepwater terminal to 4 gas distribution companies, 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 2.2 billion Btu equivalent of LNG imported from Algeria, as authorized by the Commission in Opinion No. 613, issued March 9, 1972, in Docket No. CP70-196, to The Brooklyn Union Gas Company over a period of 4 months commencing on July 1, 1973, at a rate of $1.052 per million Btu. Applicant also proposes to sell approximately 1.9 billion Btu equivalent of LNG from Algeria, upon receipt of import authorization in Docket No. CP73-78, to The Brooklyn Union Gas Company, Providence Gas Company, Southern Connecticut Gas Company, and Valley Gas Company over a 2-year period commencing July 1, 1973, at a rate of $1.014 per million Btu for

LNG delivered in the summer months and $1.614 per million Btu for LNG delivered in the winter months. An additional charge is proposed for vaporization or barge delivery.

The stated purpose of the proposed sales is to meet the immediate needs of Applicant's customers for supplemental peak shaving supplies during the proposed period.

Deliveries to The Brooklyn Union Gas Company will be accomplished by cryogenic barge during the summer of 1973; to Providence Gas Company in vapor form by displacement, through the facilities of Algonquin Pipeline Company and Boston Gas Company during the winter heating season 1973–1974, and by cryogenic barge during the remainder of the term through 1975; and to Southern Connecticut Gas Company and Valley Gas Company by truck. Deliveries by truck will be FOB, the Everett terminal. Southern Connecticut Gas Company and Valley Gas Company will arrange for truck transportation from Everett to their own facilities at Milford, Connecticut, and Cumberland, Rhode Island, respectively. The delivery points by barge will be Green Point, Brooklyn, New York and Providence, Rhode Island. Applicant states that no certificate authority is requested respecting the barge deliveries since the Commission ruled in Docket No. R–377 on May 4, 1973, that it does not have jurisdiction over barge transportation of LNG. However, Applicant expresses its willingness to accept the certificate herein requested conditioned subject to the outcome of any application for rehearing or appeals from that May 4 order.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 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.73–13932 Filed 7–9–73;8:45 am]

[Docket No. RP73–109]

EL PASO NATURAL GAS CO.

Order Accepting for Filing, and Suspending, Proposed Increased Rates, and Providing for Hearing Procedures

JUNE 22, 1973.

El Paso Natural Gas Company (El Paso) on May 25, 1973, tendered for filing Twelfth Revised Sheet No. 10 to its FPC Gas Tariff, First Revised Volume No. 3. The filing constitutes a proposed change in rates for natural gas service rendered by El Paso's Northwest Division. The proposed effective date of the increased rates is June 25, 1973.

El Paso maintains that the principal reason for the filing is to compensate it for increases in all items of cost, including increased costs of capital, labor, materials, supplies, and taxes. El Paso seeks a current overall rate of return of 9.15 percent. The company states that its current Northwest Division System jurisdictional rates, which became effective subject to refund as of April 1, 1973, are deficient by some $3,427,112 annually, based on a test year ended January 31, 1972, as adjusted for known and measurable changes through October 31, 1973.

The filing was noticed June 8, 1973, with protests and petitions to intervene due on or before June 18, 1973.

Our review of the subject rate filing indicates that the proposed rates have not been shown to be just and reasonable, and that they may be excessive, unduly discriminatory, or otherwise unjust and unreasonable. The proposed increase raises issues which may require development in a public hearing.

The Commission finds: (1) El Paso's above listed revised tariff sheet should be accepted for filing as hereinafter ordered.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in El Paso's FPC Gas Tariff, proposed to be amended in this docket and that the revised sheet be suspended as hereinafter provided.

(3) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(4) In the event this proceeding is not concluded prior to the termination of the suspension period herein ordered, the placing of the tariff changes applied for in this proceeding into effect, subject to refund pending Commission determination as to their justness and reasonableness, is consistent with the purposes of the Economic Stabilization Act of 1970, as amended.

The Commission orders: (A) El Paso's above mentioned tariff sheets are accepted for filing and suspended for the full statutory period of five months until November 25, 1973, or until such time as they are made effective in the manner provided by the Natural Gas Act.

(B) Pursuant to the authority of the Natural Gas Act (particularly sections 4 and 5 thereof) the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter 1), a public hearing shall be held, commencing with a prehearing conference on November 29, 1973, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and service contained in El Paso's above mentioned proposed tariffs.

(C) At the prehearing conference on November 29, 1973, El Paso's prepared testimony (Statement P) together with its entire rate filing shall be submitted to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceeding. All parties will be expected to come to the conference prepared to effectuate the intent and purpose of §§ 1.18 and 2.59 of the Commission's rules of practice and procedure.

(D) On or before November 15, 1973, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of all intervenors shall be served on or before December 12, 1973. Any rebuttal evidence by El Paso shall be served on or before December 21, 1973. The public hearing herein ordered shall convene on January 8, 1974, at 10:00 a.m., e.s.t.

(E) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 C.F.R. 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(F) Nothing contained in this order shall relieve the applicant of any responsibility imposed by the Economic Stabilization Act of 1970, (Public Law 91–379, 84 Stat. 799, as amended by Public Law 92–15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73–13929 Filed 7–9–73;8:45 am]

[Docket No. CI73-886]

EMERALD PRODUCING CORP., ET AL.

Notice of Application

JULY 3, 1973.

Take notice that on June 13, 1973, Emerald Producing Corporation (Applicant), P.O. Box 15325, Lafayette, Louisiana 70501, filed in Docket No. CI73-886 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 Southern Natural Gas Company from the Diamond Field, Plaquemines Parish, Louisiana, 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 37,500 Mcf of gas per month for one year at 50.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment, within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 16, 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.73-13910 Filed 7-9-73;8:45 am]

[Docket No. CP73-343]

GULF ENERGY & DEVELOPMENT CORP.

Notice of Application

JULY 3, 1973.

Take notice that on June 22, 1973, Gulf Energy & Development Corporation (Applicant), 508 Broadway National Bank Building, 1177 N. E. Loop 410, San Antonio, Texas 78209, filed in Docket No. CP73-343 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas from a point in Zapata County, Texas, to a point in Starr County, Texas, for United Gas Pipe Line Company (United), 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 gathering and transportation of natural gas on May 10, 1973, within the contemplation of § 157.22 of the regulations under the Natural Gas Act (18 CFR 157.22) and proposes to continue said service, for the period in which United's gas purchase contracts for such gas with Pennzoil Producing Company and others are in effect, within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70).

It is stated that Applicant will gather and transport gas from the Haynes Estate Lease, Zapata County, Texas, to a point of interconnection between Applicant's facilities and Tennessee Gas Pipeline Company's (Tennessee) pipeline in Starr County, Texas. Tennessee will receive such gas for United and deliver equivalent volumes to United in St. Mary Parish, Louisiana. Applicant proposes to gather and transport approximately 6,000 Mcf of gas per day at 5.42 cents per Mcf at 14.65 psia, subject to a Btu adjustment of 45.0 cents per million Btu for the heat content variance between the gas delivered to Applicant and that received by Tennessee.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 16, 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 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.73-13917 Filed 7-9-73;8:45 am]

[Docket No. CI73-716]

GULF OIL CORP.

Order Granting Intervention, Setting Hearing Date and Prescribing Procedure

JUNE 29, 1973.

On April 26, 1973, Gulf Oil Corporation (Gulf) filed an application in Docket No. CP73-716 for a limited term certificate of public convenience and necessity with pregranted abandonment authority, pursuant to section 7(c) of the Natural Gas Act and the Commission's Regulations thereunder, for the sale of gas to Transwestern Pipeline Company (Transwestern) from Gulf's interest in the Burton Flats Well Nos. 1, 2 and 3 located in Eddy County, New Mexico (Permian Basin).

Specifically, Gulf proposes to sell approximately 300,000 Mcf of gas per month to Transwestern for twenty-two months pursuant to a letter agreement dated February 6, 1973. The proposed rate of 52¢ per million Btu for the first ten months and 54¢ per million Btu for the last twelve months exceeds the current ceiling price of 27¢ per Mcf for the area.

A timely petition to intervene in support of the application was filed by Transwestern on May 17, 1973.

The application in this proceeding represents a sizeable volume of gas potentially available to the interstate market. It is of critical importance that interstate pipelines procure emergency supplies of gas to avoid disruption of service to consumers; nevertheless, we must determine whether the rate to be paid serves the public convenience and necessity. It is therefore necessary that this application be set for public hearing and expeditious determination. The hearing will be held to allow presentation, cross-examination, and rebuttal of evidence by any participant. This evidence should be directed to the issue of whether the present or future public convenience and necessity requires issuance of a limited-term certificate on the terms proposed in that application.

The commission finds: (1) The intervention of Transwestern in this proceeding may be in the public interest.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

The Commission orders: (A) Transwestern is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene; and *Provided, further,* That the admission of said intervener shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held on August 6, 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, concerning the issue of whether a certificate of public convenience and necessity should be granted as requested by Gulf in the application filed April 26, 1973.

(C) On or before July 16, 1973, Gulf and any supporting party shall file with the Commission and serve upon all parties, including Commission Staff, their testimony and exhibits in support of their positions.

(D) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at, and control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13927 Filed 7-9-73;8:45 am]

[Docket Nos. RI71-961, RI71-962, RI71-1036, RI71-1037]

GULF OIL CORP. AND WARREN PETROLEUM CO.

Notice of Motion To Terminate Suspension Proceedings Pursuant to Commission's Opinion No. 639

JUNE 29, 1973.

Take notice that on June 11, 1973, Gulf Oil Corporation and Warren Petroleum Company filed a motion to terminate the above-entitled suspension proceedings which involve sales of gas to Tennessee Gas Pipeline Company, a Division of Tenneco Inc., from the Texas Gulf Coast area under Gulf's FPC Gas Rate Schedule No. 28 and Warren's FPC Gas Rate Schedule No. 49 at rates not in excess of the new gas ceiling prescribed in Opinion No. 595. The motion filed by Gulf and Warren is based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639 issued December 12, 1972.

Any person desiring to be heard or to make any protest with reference to said filings should on or before July 16, 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 party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13938 Filed 7-9-73;8:45 am]

[Docket Nos. E-8243, E-8244, E-8245]

HARTFORD ELECTRIC LIGHT CO.

Notice of Proposed Purchase Agreement and Rate Schedule; Correction

JULY 2, 1973.

The notice issued June 13, 1973, for the Hartford Electric Light Company (HELCO) Docket No. E-8243, et al., appearing at 38 FR 16271, June 21, 1973, includes Docket Nos. E-8244 and E-8245.

In the notice issued June 13, 1973, two of the three proposed effective dates of HELCO's customer contracts, FPC Docket Nos. E-8243, E-8244, and E-8245 were incorrectly stated. Concerning the purchase agreement contracts with respect to Middletown Unit No. 4, the correct proposed effective dates are as follows:

United Illuminating Company, Docket No. E-8243—correct as originally stated.

Public Service Company of New Hampshire, Docket No. E-8244—HELCO states that the rate schedule is proposed to become effective at 11:59 on the last day of the month in which the Middletown Unit No. 4 is declared to be in commercial operation, which is expected to be June 30, 1973.

Vermont Electric Power Company, Docket No. E-8245—HELCO states that the rate schedule is proposed to become effective at 11:59 on the last day of the month in which the Middletown Unit No. 4 is declared to be in commercial operation, which is expected to be June 30, 1973.

Any person desiring to be heard or to protest Docket Nos. E-8243, E-8244, or E-8245 should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 6, 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.73-13934 Filed 7-9-73;8:45 am]

[Docket No. CI73-899]

H. L. HUNT, ET AL.

Notice of Application

JULY 3, 1973.

Take notice that on June 18, 1973, H. L. Hunt (Operator), et al. (Applicant), 1401 Elm Street, Dallas, Texas 75202, filed in Docket No. CI73-899 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 Texas Gas Transmission Corporation from the Grosse Isle Field, Vermilion Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that he commenced the sale of gas on June 12, 1973, within the contemplation of § 157.29 of the Regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue such sale for one year from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell up to 4,000 Mcf of gas per day at 50.0 cents per Mcf of gas at 15.025 psia, subject to upward and downward Btu adjustment. Estimated monthly sales are 124,000 Mcf of gas.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 16, 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 or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the

public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13915 Filed 7-9-73;8:45 am]

[Docket No. CI73-66]

KERR-McGEE CORP.

Notice of Amendment to Application

JULY 3, 1973.

Take notice that on June 22, 1973, Kerr-McGee Corporation (Kerr-McGee) Kerr-McGee Building, Oklahoma City, Oklahoma 73102, filed in Docket No. CI73-66 an amendment to its pending application in said docket pursuant to section 7(c) of the Natural Gas Act by deleting therefrom and adding thereto requests for authorization to sell natural gas from certain acreage in the S. E. Buffalo Wallow Area, Hemphill and Wheeler Counties, Texas, to El Paso Natural Gas Company (El Paso), all as more fully set forth in the amendment to the application which is on file with the Commission and open to public inspection.

On July 26, 1972, Kerr-McGee filed an application in the subject docket for a certificate of public convenience and necessity authorizing the sale of natural gas from certain acreage in the SE. Buffalo Wallow Area and on October 30, 1972, was issued a temporary certificate for such sale. On March 29, 1973, Kerr-McGee filed a notice of withdrawal of its application in the subject docket and filed an application for a certificate in Docket No. CI73-653 authorizing the subject sale under the Commission's optional gas pricing procedure (18 CFR 2.75). On April 27, 1973, the Commission denied Kerr-McGee permission to withdraw its application with respect to the sale of gas from its Holt No. 1 Well.

Kerr-McGee states that inasmuch as it requested reconsideration of the Commission's order denying in part permission to withdraw its application and that said motion now appears to be denied since no action was taken thereon during the 30-day period following filing, Kerr-McGee has reconsidered its position and has filed concurrently with this amendment a notice of withdrawal of its optional gas pricing certificate application in Docket No. CI73-653.

Kerr-McGee seeks authorization herein for the sale of natural gas from the S. E. Buffalo Wallow Field from certain additional acreage and deletes certain properties from the originally proposed sale pursuant to an amendment dated April 3, 1973. Kerr-McGee states that the deletion results from a determination that certain properties described in Exhibit "A" to the July 19, 1972, basic contract are subject to prior contractual commitment and, therefore, were erroneously included.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before July 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13914 Filed 7-9-73;8:45 am]

[Docket No. RP73-43]

MID LOUISIANA GAS CO.

Notice of Proposed Change in Rates

JULY 2, 1973.

Take notice that Mid Louisiana Gas Company (Mid Louisiana), on June 21, 1973, tendered for filing a proposed change in its FPC Gas Tariff, Original Volume No. 1, consisting of the following revised tariff sheet:

Fourth Revised Sheet No. 3a

Mid Louisiana states that purpose of the filing is to reflect a Purchased Gas Cost Adjustment to Mid Louisiana's E-1 rate effective July 1, 1973.

Sections 19.7 and 19.10 of Mid Louisiana's Tariff (PGA Clause—Rate Schedule E-1) provide that current adjustments to rate schedule E-1 shall be determined by the change in the unit cost of gas purchased from United Gas Pipe Line Company (United) and filed with an effective date which coincides with the effective date of the change by United. Mid Louisiana states that this filing is being made pursuant to these tariff provisions.

Mid Louisiana asserts that copies of this filing were served on interested customers and state commissions.

Any persons 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, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 17, 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.73-13942 Filed 7-9-73;8:45 am]

[Docket No. RP73-110]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Order Accepting and Suspending Proposed Tariff Sheets, Providing for Hearing and Granting Interventions

JUNE 29, 1973.

On May 31, 1973, Natural Gas Pipeline Company of America (Natural) tendered for filing proposed changes in FPC Gas Tariff as follows:

Third Revised Volume No. 1
Tenth Revised Sheet No. 5
Third Revised Sheet No. 119
Second Revised Sheet No. 120-A
Second Revised Volume No. 2
Sixth Revised Sheet No. 220

The proposed increase in rates provide for an increase of $61,600,000 in jurisdictional revenues over the rates currently in effect subject to refund in Docket No. RP72-132 and an increase of $63,900,000 over proposed settlement rates in that docket.[1] The proposed increase in revenues is based on a test year ended February 28, 1973, as adjusted.

Natural states that the principal reason for its proposed rate increase is to recover the costs incurred above those included in its filing in Docket No. RP 72-132. In support of its proposed increase, Natural requests an overall rate of return of 9.14 percent which would permit a return on equity of 13 percent, and an increased depreciation rate from 3.5 percent to 4.28 percent.

Approximately $6.7 million of the proposed increase relates to Natural's pending petition for a Commission order in Docket No. RP73-63 under which it is proposed to price gas produced from leases acquired prior to October 7, 1970, at the applicable area rates instead of at the cost of service basis at which such gas is now priced. Natural states that in the event the filing at Docket No. RP73-63 has not been approved by December 1, 1973, the company will file alternate tariff sheets designed to eliminate the effect of methods proposed in that proceeding. Waiver of the Commission's regulations, to the extent necessary to permit this procedure, is requested.

Natural has also included approximately $14.3 million of facility costs in its rate base which were not certified at the time of filing, and therefore, requests waiver of § 154.63(c)(2)(ii) of the regulations to permit inclusion of such costs. Authorization for facilities in Docket Nos. CP73-217, CP73-222 and CP73-276 is still pending. In the event these facilities are not certified and placed in service prior to December 1, 1973, Natural shall file

[1] Both the refund rates and proposed settlement rates include a Purchased Gas Adjustment filed to become effective June 1, 1973.

revised tariff sheets adjusting its rates to reflect elimination of such facilities and shall also file supplemental cost and revenue data which reflects the elimination of these non-certificated facilities from its section 4(e) application in these proceedings.

The filing was noticed on June 4, 1973, with letters of protest and petitions to intervene due on or before June 19, 1973. The following parties filed timely petitions to intervene or notices of intervention:

Iowa State Commerce Commission
City of Chicago
Illinois Power Company
Iowa Southern Utilities Company
Iowa Electric Light and Power Company
Iowa Power and Light Company
Mississippi River Transmission Corporation
North Central Public Service Company
Peoples Gas Light and Coke Company
North Shore Gas Company
Peoples Natural Gas Division of Northern Natural Gas Company
United Cities Gas Company
Northern Illinois Gas Company
Associated Natural Gas Company

Our review of the filing indicates that it raises certain issues which may require development in an evidentiary hearing. The proposed increase in rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. We shall therefore order a suspension of the rates proposed herein for the full statutory period.

The Commission finds: (1) The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

(2) It is necessary and proper in the public interest and to the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Natural's FPC Gas Tariff as proposed to be amended in this docket, and that the tendered tariff sheets be suspended as hereinafter provided.

(3) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(4) Participation of the above named persons in this proceeding may be in the public interest.

(5) The requested waiver of § 154.63 (e)(2)(ii) of the regulations should be granted as conditioned below.

The Commission orders: (A) Natural's tariff sheets as filed May 31, 1973, are accepted for filing as hereinafter ordered.

(B) Pursuant to the authority of the Natural Gas Act, particularly section 4 and 5 thereof, the Commission's rules of practice and procedure and the regulation under the Natural Gas Act (18 CFR Chapter I), a public hearing shall be held commencing with a prehearing conference on November 6, 1973, at 10:00 a.m. (est), in a hearing room of the Federal Power Commission, 825 N. Capitol St., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classification, and service contained in Natural's FPC Gas Tariff, is proposed to be amended.

(C) At the prehearing conference on November 6, 1973, Natural's prepared testimony (Statement P) together with its entire rate filing shall be offered for admission to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceedings.

(D) On or before October 26, 1973, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any or all intervenors shall be served on or before November 15, 1973. Any rebuttal evidence by Natural shall be served on or before November 29, 1973. Cross examination on the evidence filed with commence December 11, 1973.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(F) Pending such hearing and decision thereon Natural's proposed revised tariff sheets are hereby suspended and the use thereof is deferred until December 1, 1973, and until such time as they are made effective in the manner provided in the Natural Gas Act: *Provided*, That if approval in Docket No. RP73-63 has not been granted by December 1, 1973, Natural must file appropriate substitute rates to reflect the continuation of the cost of service basis for pricing gas, and appropriate rates reflecting only those facilities subject of Docket Nos. CP73-217, CP73-222, CP73-276 certified and in service on or before December 1, 1973.

(G) The above-named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however*, That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in their petition to intervene; and *Provided, further*, That the admission of such intervenors shall not be construed as recognitions that they or any of them might be aggrieved because of any order issued by the Commission in this proceeding.

(H) Waiver of § 154.63 (e)(2)(ii) of our regulations is hereby granted.

(I) Nothing contained in this order shall relieve the applicant of any responsibility imposed by the Economic Stabilization Act of 1970, (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

(J) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary*.

[FR Doc.73-13933 Filed 7-9-73;8:45 am]

NORTHERN NATURAL GAS CO.

Notice of Proposed Changes in Rates and Charges

JULY 2, 1973.

Take notice that Northern Natural Gas Company on May 29, 1973, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 2. The changes are incorporated in the following proposed revised tariff sheets:

Original Volume No. 2

Fifth Revised Sheet No. 1a Table of Contents
First Revised Sheet No. 369 Notice of Cancellation X-27
Original Sheet Nos. 509-521 Rate Schedule X-35
Original Sheet Nos. 522-532 Rate Schedule X-36

Third Revised Volume No. 1

Eighth Revised Sheet No. 3 Table of Contents

The filing is described in the company's transmittal letter as follows:

Fifth Revised Sheet No. 1a and Eighth Revised Sheet No. 3 contain revisions to the Table of Contents for Volumes 1 and 2 of Northern's Tariff to reflect the addition of Rate Schedules X-35 (Permian Area Service) and X-36 (Dumas Area Service) and the Cancellation of Rate Schedule X-27.

Rate Schedules X-35 and X-36 supersede and cancel Northern's currently effective Rate Schedule X-27 on file with the Federal Power Commission.

Original Sheet Nos. 509 through 521 contain Northern's Rate Schedule X-35. This Schedule consists of a true and complete copy of a Sales Agreement dated April 1, 1973 between Northern and Pioneer Natural Gas Company (Pioneer). This Agreement provides for the continuation of service as now provided in the "Permian Area" under Rate Schedule X-27 for a term of five years and thereafter until cancelled by either party on six months prior written notice.

This Agreement provides for the sale to Pioneer of a maximum daily "Firm" volume of 3,500 Mcf per day. During the period between April 1 and October 1 of each year, Northern will deliver up to 25,000 Mcf per day inclusive of the 3,500 Mcf of firm gas. Northern is not obligated to deliver an annual volume in excess of 2,500,000 Mcf.

The proposed effective date of Rate Schedules X-35 and X-36 and related tariff sheets is June 1, 1973. Pursuant to 18 CFR 154.51 of the Commission's Regulations, Northern respectfully requests the Commission to waive the notice requirements of 18 CFR 154.22 to permit the requested effective date.

Pioneer shall pay Northern twenty-nine and one-half cents (29.5¢) per Mcf for gas sold and delivered under Rate Schedule X-35 and X-36 which is the currently effective rate under Rate Schedule X-27.

Northern states that a copy of this filing has been mailed to Pioneer Natural Gas Company and that a copy of this filing is also available for public inspection in a convenient form and place at Northern's office in Omaha, Nebraska.

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, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 16, 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 the filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13931 Filed 7-9-73;8:45 am]

[Docket No. RP73-108]

PANHANDLE EASTERN PIPE LINE CO.

Order Accepting for Filing and Suspending Proposed Tariff Changes, Providing for Hearing, and Establishing Procedures

Issued June 28, 1973

On May 15, 1973, Panhandle Eastern Pipe Line Company tendered for filing in Docket No. RP73-108 a proposed general increase in its rates for jurisdictional natural gas service amounting to $36,887,332 annually based on a test year ending January 31, 1973, as adjusted. The proposed rate increase is incorporated in Seventh Revised Sheet No. 3-A, and Second Revised Sheet Nos. 43-2, 43-3, and 43-4 to Panhandle's FPC Gas Tariff, Original Volume No. 1. Panhandle requests the proposed rate increase be permitted to become effective on July 1, 1973.

Panhandle states the principal reasons for the proposed rate increase are (1) increased costs associated with new gas supply facilities, (2) increased operating costs, (3) the need for higher depreciation rates, and (4) increased costs of capital and taxes.

Notice of Panhandle's filing was issued on May 23, 1973, providing for protests or petitions to intervene to be filed on or before June 15, 1973. Any action required in connection with comments filed in response to the notice will be taken by separate order.

Our review of Panhandle's rate increase filing indicates the issues raised therein require development in an evidentiary hearing. The proposed rates have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, the proposed increase in rates will be suspended for the full statutory period of five months and set for hearing.

The Commission finds: It is necessary and proper in the public interest and in carrying out the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Panhandle's FPC Gas Tariff, as proposed to be amended in this docket, and that the revised tariff sheets filed herein be suspended, and the use thereof deferred as hereinafter ordered.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, and 15 thereof, and the Commission's rules and regulations a public hearing shall be held concerning the lawfulness of the rates, charges, classifications, and services contained in Panhandle's FPC Gas Tariff, as proposed to be amended herein, commencing with a prehearing conference to be held on November 20, 1973.

(B) Pending such hearing and decision thereon, Panhandle's revised tariff sheets as hereinbefore designated are suspended and the use thereof deferred until December 1, 1973, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) At the prehearing conference on November 20, 1973, the direct evidence of the company and the staff shall be admitted into the record, and procedures adopted for an orderly and expeditious hearing.

(D) On or before November 13, 1973, the Commission's staff shall serve its prepared testimony and exhibits. Any prepared testimony and exhibits of other parties shall be served on or before December 4, 1973. Any rebuttal evidence by Panhandle shall be served on or before December 21, 1973. Cross-examination of the evidence filed shall commence at 10:00 A.M. on January 7, 1974, in a hearing room of the Federal Power Commission.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose shall preside at the hearing initiated by this order, and shall conduct such hearing in accordance with the Natural Gas Act, the Commission's rules and regulations, are the terms of this order.

Nothing contained in this order shall relieve the applicant of any responsibility imposed by the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13930 Filed 7-9-73;8:45 am]

[Docket No. CI72-681]

PENNZOIL CO.

Notice of Petition To Amend

JULY 3, 1973.

Take notice that on June 22, 1973, Pennzoil Company (Petitioner), 900 Southwet Tower, Houston, Texas 77002, filed in Docket No. CI72-681 a petition to amend the Commission's order issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act in said docket by authorizing the sale for resale and delivery of natural gas in interstate commerce for one additional year to Texas Eastern Transmission Corporation from the Kildare Field Area, Cass County, Texas, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

By the order of May 26, 1972, in said docket, Petitioner's predecessor in interest, Pennzoil United, Inc., was authorized to sell approximately 75,000 Mcf of gas per month at 35.0 cents per Mcf at 14.65 psia for one year expiring on June 5, 1973. Petitioner states that it continued the sale of gas on June 6, 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 after the expiration of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Petitioner proposes to sell the same volumes of gas at the same rate as that previously authorized in said docket.

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 petition to amend should on or before July 16, 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 petitions to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13911 Filed 7-9-73;8:45 am]

[Docket No. CP73-338]

PROVIDENCE GAS CO.

Notice of Application

JULY 2, 1973.

Take notice that on May 25, 1973, The Providence Gas Company (Applicant), 100 Weybosset Street, Providence, Rhode Island 02903, filed in Docket No. CP73-338 an application pursuant to section 3 of the Natural Gas Act for authorization to import into the United States from Canada liquefied natural gas (LNG) purchased from Gaz Metropolitan, Inc., Montreal, P.Q., Canada, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that between July 15, 1973, and September 15, 1973, it intends to purchase from Gaz Metropolitan, Inc., 1,375,032 U.S. gallons of LNG at 13.09 cents per U.S. gallon, equivalent to approximately 120 billion Btu at a price of $1.50 U.S. per million Btu. Deliveries will be made to Applicant on a monthly basis, with each monthly delivery equal to the total contracted quantity divided by the number of months in the delivery period deemed to commence when LNG is first delivered but not later than July 15, 1973. Applicant proposes to transport the LNG from Montreal to its LNG storage facilities at Exeter, Rhode Island, by contract motor carrier in cryogenic trailers.

Applicant states that it is required to import LNG as proposed in the instant application as a result of curtailments of deliveries by Algonquin Gas Transmission Company, Applicant's supplier of vaporous gas. Applicant states further that it expects a gas deficiency of 600 to 800 million Mcf during the winter season of 1973–74 without the proposed importation.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 12, 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 the taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13944 Filed 7-9-73;8:45 am]

[Docket No. CI73-922]

SHENANDOAH OIL CORP.

Notice of Application

JULY 3, 1973.

Take notice that on June 25, 1973, Shenandoah Oil Corporation (Applicant), 1500 Commerce Building, Fort Worth, Texas 76102, filed in Docket No. CI73-922 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 Cimarron County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 500 Mcf of gas per day for one year at 50.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment, within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant states that it expects to sell approximately 15,000 Mcf of gas per month.

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 protests with reference to said application should on or before July 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13912 Filed 7-9-73;8:45 am]

[Docket No. RP73-49]

SOUTH GEORGIA NATURAL GAS CO.

Notice of Proposed Changes in Rates and Charges

JULY 2, 1973.

Take notice that South Georgia Natural Gas Company (South Georgia) on June 7, 1973, tendered for filing substitute revised tariff sheets to its FPC Gas Tariff, Original Volume No. 1 to become effective July 1, 1973. The tendered tariff sheets are in substitution for revised tariff sheets tendered on May 15, as modified on May 21, 1973. Pursuant to the Purchased Gas Adjustment Clause (PGA Clause) provision contained in its tariff, South Georgia proposes to increase its rates $114,397 for the purpose of tracking a rate increase filing by Southern Natural Gas Company (Southern) by letter dated June 1, 1973, which would increase South Georgia's cost of gas $257,789, annually.

While Southern's filing increases South Georgia's total purchased gas costs, demand and commodity levels are changed substantially, with a resulting decrease in costs allocated to jurisdictional sales.

Copies of the June 7, 1973, filing have been mailed to jurisdictional customers and to interested parties and State commissions.

Any person desiring to comment or to protest said application should file such comment or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with § 1.10 of the Commission's rules of practice and procedure (18 CFR 1.10). Any such comments or protests should be filed on or before July 11, 1973. Copies of the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13939 Filed 7-9-73;8:45 am]

[Docket No. RP73-114]

TENNESSEE GAS PIPELINE CO.

Notice of Filing of Proposed Purchased Gas Adjustment Clause

JUNE 29, 1973.

Take notice that on June 15, 1973, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) tendered for filing proposed changes to Ninth Revised Volume No. 1 of its FPC Gas Tariff to be effective on July 16, 1973, consisting of the following revised tariff sheets:

Original Sheet Nos. 12A, 12B, 213A, 213B, 213C and 213D
First Revised Sheet Nos. 32 and 213
Second Revised Sheet Nos. 50, 52, 53 and 58
Fourth Revised Sheet Nos. 54 and 59
Sixth Revised Sheet Nos. 14, 20, 26, 30, 33, 36, 41, 46, 51, 56 and 57

Tennessee states that the sole purpose of such revised tariff sheets is to include a purchased gas adjustment (PGA) provision in Tennessee's tariff applicable to its jurisdictional sales and to make necessary conforming changes in related tariff provisions. Tennessee further states that the proposed PGA is in full compliance with § 154.38(d)(4) of the Commission's regulations and that copies of the filing were served on all affected customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.W., 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 July 16, 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 filing

are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13936 Filed 7-9-73;8:45 am]

[Project No. 20]

UTAH POWER & LIGHT CO.

Notice of Issuance of Annual License

JUNE 29, 1973.

On June 26, 1970, Utah Power and Light Company, Licensee for Soda Project No. 20 located on the Bear River in Caribou County, Idaho, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6).

The license for Soda Project No. 20 was issued effective July 5, 1923, for a period ending July 4, 1973. The order to authorize the continued operation of the project pursuant to Section 15 of the Act pending completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Utah Power and Light Company for continued operation and maintenance of Soda Project No. 20.

Take notice that an annual license is issued to Utah Power and Light Company (Licensee), under Section 15 of the Federal Power Act for the period July 5, 1973, to July 4, 1974, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Soda Project No. 20 subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13937 Filed 7-9-73;8:45 am]

[Docket No. CI73-749]

WESTERN OIL PRODUCERS, INC.

Order Granting Intervention, Setting Hearing Date and Prescribing Procedure

JUNE 29, 1973.

On May 3, 1973, Western Oil Producers, Inc., (Western) filed an application in Docket No. CI73-749 for a limited term certificate of public convenience and necessity with pre-granted abandonment authority, pursuant to Order No. 431 and § 157.23 of the Commission's regulations under the Natural Gas Act, for the sale of gas to El Paso Natural Gas Company (El Paso) from the Osudo Morrow Field, Lea County, New Mexico (Permian Basin).

Specifically, Western and El Paso have entered into a letter agreement dated April 11, 1973, providing for delivery of an estimated 2,000 Mcf of gas per day from the subject Osudo Morrow Field at a price of 52.0 cents per Mcf at 14.65 psia subject to Btu adjustment. The justification for the rate, as well as other public interest issues should be presented on a full evidentiary record. Accordingly, we will set this matter for a formal expeditious hearing.

A timely petition to intervene in favor of the application was received from El Paso on May 23, 1973.

The application in this proceeding represents a sizeable volume of gas potentially available to the interstate market. It is of critical importance that interstate pipelines procure emergency supplies of gas to avoid disruption of service to consumers; nevertheless, we must determine whether the rate to be paid serves the public convenience and necessity. It is therefore necessary that this application be set for public hearing and expeditious determination. The hearing will be held to allow presentation, cross-examination, and rebuttal of evidence by any participant. This evidence should be directed to the issue of whether the present or future public convenience and necessity requires issuance of a limited-term certificate on the terms proposed in that application.

The Commission finds: (1) The intervention of El Paso in this proceeding may be in the public interest.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

The Commission orders: (A) El Paso is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however*, That the participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene; and *Provided, further*, That the admission of said intervener shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held on July 17, 1973 at 10:00 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, concerning the issue of whether a certificate of public convenience and necessity should be granted as requested by Western in its application filed herein on May 3, 1973.

(C) On or before July 9, 1973, Western and any supporting party shall file with the Commission and serve upon all parties, including Commission Staff their testimony and exhibits in support of their positions.

(D) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at, and control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13935 Filed 7-9-73;8:45 am]

[Docket No. E-8158]

WISCONSIN POWER AND LIGHT COMPANY

Order Accepting for Filing and Suspending Proposed Increase in Rates, Providing for Hearing, Establishing Procedures, and Permitting Interventions

Issued June 26, 1973

On April 27, 1973, Wisconsin Power and Light Company, a public utility subject to the jurisdiction of this Commission, tendered for filing a proposed increase in its wholesale electric rates. The increase totals $926,000 annually based on test year 1972. Wisconsin requests that the increased rates be permitted to become effective on July 1, 1973.

Notice of Wisconsin's rate increase application was issued on May 10, 1973, providing for protests or petitions to intervene to be filed on or before May 22, 1973. This date was extended to and including June 5, 1973, by notice of the Commission's Secretary issued on May 23, 1973. On May 23, 1973, the Municipal Wholesale Power Group, an unincorporated association of municipal electric customers of Wisconsin, petitioned to intervene herein, and requested that the proposed increase in rates be suspended for the maximum statutory period and set for hearing. On May 24, 1973, a joint protest and petition to intervene was filed by Adams-Marquette Electric Cooperative, Central Wisconsin Electric Cooperate, Columbus Rural Electric Cooperative, Rock County Electric Cooperative, and Wanshara Electric Cooperative. The cooperatives also request that Wisconsin's proposed rate increase be suspended and set for hearing. On May 21, 1973, the City of Stoughton, Wisconsin filed a protest to the proposed increased rates, and stated its intention to intervene.

A review of Wisconsin's rate filing and the petitions to intervene indicates that the company's proposed rate increase should be accepted for filing and suspended, that the petitions to intervene should be granted, and that the issues raised by the pleadings should be resolved on the basis of an evidentiary hearing. Accordingly, the company's proposed rate increase will be suspended for a period of sixty days, and when placed into effect after the suspension period it will be subject to refund of all amounts found by the Commission after hearing not to be justified, together with interest on any amount refunded.

It appears that under Wisconsin's proposed fuel price adjustment clause, Wisconsin's own system fuel cost would be applied to power which it purchases. Such procedure is inconsistent with

Commission Opinion No. 633, "New England Power Company," Docket No. E-7541, issued October 30, 1972. Accordingly, this feature of the proposed fuel clause should be eliminated.

This Commission finds: (1) It is necessary and proper in the public interest and in carrying out the provisions of the Federal Power Act, that the Commission enter upon a hearing concerning the lawfulness of Wisconsin Power and Light Company's proposed rate schedules W-2 and W-3, and that such rate schedules be suspended as herein provided.

(2) The proposed increased rate and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful.

The Commission orders: (A) Pursuant to the authority of the Federal Power Act, particularly sections 205, 206, 301, 308, and 309 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of Wisconsin Power and Light Company's proposed rate schedules W-2 and W-3 commencing with a prehearing conference to be held on November 8, 1973.

(B) Pending such hearing and decision thereon, Wisconsin's proposed rate schedules W-2 and W-3 are hereby accepted for filing, suspended, and the use thereof deferred until September 1, 1973.

(C) At the prehearing conference on November 8, 1973, the direct evidence of the company and the staff shall be admitted into the record, and procedures adopted for an orderly and expeditious hearing.

(D) On or before November 1, 1973, the Commission's staff shall serve its prepared testimony and exhibits, if any. The prepared testimony and exhibits of the intervenors shall be served on or before November 23, 1973. Any rebuttal evidence by Wisconsin shall be served on or before December 13, 1973. Cross-examination of the evidence filed shall commence at 10:00 A.M. on December 18, 1973, in a hearing room of the Federal Power Commission.

(E) The above-named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the petitions to intervene; and *Provided further,* That the admission of such intervenors shall not be construed as recognition that they might be aggrieved because of any order issued by the Commission in this proceeding.

(F) Any future change in rates resulting from application of the tax clause of the proposed rate schedule W-2 shall be filed by Wisconsin as a change in rates pursuant to § 35.13 of the Commission's regulations under the Federal Power Act.

(G) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose shall preside at the hearing initiated by this order, and shall conduct such hearing in accordance with the Federal Power Act, the Commission's rules and regulations, and the terms of this order.

(H) Within 30 days from the date of this order, Wisconsin shall file an amendment to its fuel price adjustment clause in compliance with the requirements of Commission Opinion No. 633, as hereinbefore described.

(I) Nothing contained in this order shall relieve the applicant of any responsibility imposed by the Economic Stabilization Act of 1970, (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

(J) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-13940 Filed 7-9-73;8:45 am]

[Docket No. CI73-898]

BALLARD & CORDELL CORP.

Notice of Application

JULY 3, 1973.

Take notice that on June 18, 1973, The Ballard & Cordell Corporation (Applicant), Box 52151-Oil Center Station, Lafayette Louisiana 70501, filed in Docket No. CI73-898 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 Texas Eastern Transmission Corporation (Texas Eastern) from the Bonus Field Area, Wharton County, Texas all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant was authorized by the Commission's order of August 23, 1972, in Docket No. CI72-853 to sell gas to Texas Eastern for one year ending August 5, 1973, in volumes of up to 6,000 Mcf per day from said field at 35.0 cents per Mcf at 14.65 p.s.i.a. Applicant proposes to continue said sale for one year beginning August 5, 1973, within the contemplation of Section 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell up to 3,000 Mcf of gas at 50.0 cents per Mcf at 14.65 p.s.i.a. Applicant estimates that monthly sales will total 90,000 Mcf of gas.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 16, 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 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.73-14017 Filed 7-9-73;8:45 am]

[Docket No. E-8282]

GULF STATES UTILITIES CO.

Notice of Application

JULY 5, 1973.

Take notice that on June 15, 1973, Gulf States Utilities Company (Applicant) filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of $50,000,000 principal amount of First Mortgage Bonds.

Applicant is incorporated under the laws of Texas with its principal business office at Beaumont, Texas, and is engaged in the electric utility business in portions of Louisiana and Texas. Natural gas is purchased at wholesale and distributed at retail in the City of Baton Rouge and vicinity.

The Applicant proposes to sell the new securities at competitive bidding in accordance with the Commission's Regulations under the Federal Power Act. The Applicant proposes to invite bids on or about July 18, 1973, for the purchase of the new securities.

The proceeds from the sale of the new securities will be used to pay off part of the Company's outstanding commercial paper and short-term bank loans previously authorized by the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 16, 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 available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-14018 Filed 7-9-73;8:45 am]

[Dockets Nos. RI73-317, etc.]

RATE CHANGES

Hearing on and Suspension of Proposed Changes, and Allowing Changes To Become Effective Subject to Refund [1]

JUNE 29, 1973.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders. (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR Chapter I], and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf*		Rate in effect subject to refund in dockets No.
									Rate in effect	Proposed increased rate	
RI73-317	Getty Oil Company	193	1	Colorado Interstate Gas Co. (Antelope Field, Sweetwater County, Wyoming)	$18	6-4-73		8-5-73	[1] 23.16	[1] 23.162	
RI73-318	Midwest Oil Corporation	59	3	Transwestern Pipeline Co. (New Mexico State "V" No. 1 Chaves Co., New Mexico, Permian Basin)	459	6-4-73		8-5-73	[2] 26.75	[2] 27.0	RI72-253
RI73-319	Hunt Oil Company	72	2	El Paso Natural Gas Company (San Dunes (Penn) Fld, Eddy Co, New Mexico, Permian Basin)	134	6-1-70		12-2-73	27.0	30.0	
RI73-320	Mobil Oil Corporation	17	[3] 26	Northern Natural Gas Company (Blinebry & Tubb Flds, Lea Co, New Mexico, Permian Basin)		6-6-73	7-7-73	Accepted [5]	16.9170		RI73-225
			[4] 27		52,046	6-6-73		8-7-73	16.9170	[4] 20.8	RI73-225

* Unless otherwise stated, the pressure base is 14.65 psia.
[1] Subject to upward Btu adjustment.
[2] Subject to Btu adjustment.
[3] Amends pricing provisions for certain wells involved in recompletion and reworking program.
[4] Applicable to wells involved in recompletion and reworking program as set forth in Supp. No. 26.
[5] Not used.
[6] Accepted to be effective as of the date shown in the "Effective Date" column.

The proposed increases of Getty Oil Company, Midwest Oil Corporation and Mobil Oil Corporation do not exceed the rate limit for a one day suspension and, are, therefore, suspended for one day.

The proposed increase of Hunt Oil Company exceeds the rate limit for a one day suspension and is suspended for five months.

The producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, Section 2.56).

Nothing contained in this order shall relieve the respondents of any responsibility imposed by the Economic Stabilization Act of 1970. (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

[FR Doc.73-13867 Filed 7-9-73;8:45 am]

CUMULATIVE LISTS OF PARTS AFFECTED—JULY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during July.

FEDERAL REGISTER PAGES AND DATES—JULY

Pages	*Date*
17705–17817	July 3
17819–18004	5
18005–18223	6
18323–18349	9
18351–18432	10

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