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PART I

(Part II begins on page 8491)

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.

OIL—Certain imports restrictions eased by Oil Import Appeals Board 8432

RETAIL AND GROCERY PRODUCT IDENTIFICATION—Commerce Dept. requests comments by 5–2–73 on development of uniform merchandise codes 8464

SAFE TRANSPORTATION OF RADIOACTIVE MATERIALS—AEC and DoT memorandum of understanding 8466

MEDICARE PAYMENTS—HEW proposal to eliminate current financing payments; comments by 5–2–73 8450

MEAT AND POULTRY INSPECTION—USDA proposals for certain imported products; comments by 3–26–73 8449

MOTOR VEHICLE INSPECTION STANDARD—DoT proposals for brake, steering and suspension systems and tire and wheel assemblies; comments by 7–5–73 8451

AUTOMOTIVE CRASH TEST DUMMY—DoT proposes specifications; comments by 7–1–73 8455

AIR TAXI MAIL—CAB amendments; effective 4–2–73 8430

LEGAL SERVICES PROGRAM—OEO proposal on funding; comments by 4–25–73 8445

RELOCATION ASSISTANCE—HEW revisions reflecting policy changes; effective 4–2–73 8491

PUBLIC LANDS—Interior Dept. proposal to require approval of right-of-way application before construction, use, or occupancy; comments by 5–2–73 8449

STUDENT WORKERS—Labor Dept. list of employers exempt from paying minimum wages, 4–2–73 8483

TARIFF CIRCULAR RULES—ICC proposes cancellation for certain freight carriers; comments by 5–8–73 8461

ST. LAWRENCE SEAWAY DEVELOPMENT CORP.—Rules revision; effective 4–15–73 8433

NEW DRUG APPLICATION—FDA withdraws approval of Alpha Chymar solution; effective 4–2–73 8864

COTTON TEXTILES—CITA renews import limitations for Thailand, beginning 4–1–73 8469

(Continued Inside)

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

ICC—List of forms for motor carriers and brokers..... 6828; 3–13–73

CUSTOMS—Entry into and withdrawal from warehouses of certain distilled spirits..... 5630; 3–2–73

FOOD AND DRUG—Troleandomycin oral suspension; upper potency limit.. 5459; 3–2–73

NATIONAL CREDIT UNION ADMINISTRATION—Rebate procedures for federally insured credit unions.... 5625; 3–2–73

—Insured loans to student members in eligible higher education or vocational institutions..... 5341, 2–28–73; 6667, 3–12–73

—Nondiscrimination requirements in real estate loan activities (2 documents)..... 3586, 2–8–73; 4749, 2–22–73

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MEETINGS—
DoD: U.S. Army Combat Developments Command, 4–11 and 4–12–73 8463
NIH: Committee on Cancer Immunotherapy, 4–24–73 8465
Population Research and Training Committee, 4–19 and 4–20–73 8465
Perinatal Biology and Infant Mortality Research and Training Committee, 4–30–73 8465
Cancer Cause and Prevention Advisory Committee, 4–26 and 4–27–73 8465
Biophysics and Biophysical Chemistry B Study Section, 4–26 to 4–27–73 8463
DoD: Naval Research Advisory Committee, 4–4 and 4–5–73 8463
DIA Scientific Advisory Committee, 4–11 and 4–30 and 5–1–73 8463
NASA: Post Viking Mars Science Advisory Committee, 4–12 and 4–13–73 8488
State Dept.: Overseas School Advisory Council, 4–10–73 8463
HEW: OE/National Advisory Council on Vocational Education, 4–4 to 4–6–73 8465
AEC: Advisory Committee on Reactor Safeguards, 4–7–73 8467

Contents

AGRICULTURAL MARKETING SERVICE

Rules and Regulations
Limitations of handling:
Navel oranges grown in Arizona and designated part of California 8425
Valencia oranges grown in Arizona and designated part of California 8425

AGRICULTURE DEPARTMENT
See also Agricultural Marketing Service; Animal and Plant Health Inspection Service.

Rules and Regulations
Research agreements with educational institutions 8443

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Rules and Regulations
Viruses, serums, toxins, and analogous products; organisms and vectors 8426

Proposed Rules
Imported meats; sampling for inspection 8449

ARMY DEPARTMENT

Notices
Combat Developments Advisory Group; meeting 8463

ATOMIC ENERGY COMMISSION

Notices
Advisory Committee on Reactor Safeguards; meeting 8467
Baltimore Gas and Electric Co.; extension of completion dates 8468
Duquesne Light Co. et al.:
Availability of draft environmental statement 8468
Prehearing conference cancelled 8468
South Carolina Electric and Gas Co.; assignment of atomic safety and licensing appeal board members 8468
Transportation of radioactive materials; memorandum of understanding 8466

CIVIL AERONAUTICS BOARD

Rules and Regulations
Carriage of mail; classification and exemption of air taxi operators 8430

CIVIL SERVICE COMMISSION

Rules and Regulations
Excepted service:
Agriculture Department 8448
Housing and Urban Development Department (3 documents) 8448
Occupational Safety and Health Review Commission 8448
State Department 8448
Treasury Department 8448

Notices
Revocation of authority to make a noncareer executive assignment:
Agriculture Department 8469
Commerce Department (3 documents) 8469, 8470
Federal Trade Commission 8470
Health, Education, and Welfare Department (3 documents) 8470
Justice Department 8469
Title change in noncareer executive assignment:
Commission on Civil Rights (2 documents) 8470

COAST GUARD

Rules and Regulations
Drawbridge operation; Back Bay of Biloxi, Miss 8433

COMMERCE DEPARTMENT

See Maritime Administration; National Bureau of Standards.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Notices
Certain cotton textiles and cotton textile products produced or manufactured in Thailand; entry or withdrawal from warehouse for consumption 8469

DEFENSE DEPARTMENT
See also Army Department; Navy Department.

Notices
Defense Intelligence Agency Scientific Advisory Committee; meetings 8463

ECONOMIC OPPORTUNITY OFFICE

Rules and Regulations
Legal services program 8445

EDUCATION OFFICE

Notices
National Advisory Council on Vocational Education; meeting 8465

EMERGENCY PREPAREDNESS OFFICE

Notices
Major disaster and related determinations:
Alabama 8488
Mississippi 8489

ENVIRONMENTAL PROTECTION AGENCY

Proposed Rules
Negotiated architect - engineer contracts; procurement forms 8458

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations
IFR altitudes 8428
Transition area alterations (2 documents) 8428
VOR Federal airway extensions 8428

FEDERAL COMMUNICATIONS COMMISSION

Proposed Rules
FM broadcast stations in Richlands, Va. and Welch, W. Va 8461

Notices
Canadian-U.S.A. Television Agreement; table of allocations for VHF and UHF television 8470
Memorandum opinion and order designating applications for hearing:
NEO Broadcasting Co. and William Haydon Payne 8473
United Telephone Co. of Pennsylvania 8473

FEDERAL INSURANCE ADMINISTRATION

Rules and Regulations
Flood insurance program; status of participating communities (2 documents) 8431, 8432

(*Continued on next page*)

Notices
National Insurance Development Program; reinsurance against loss resulting from riots or civil disorders ---- 8466

FEDERAL MARITIME COMMISSION
Notices
Agreements filed:
City of Long Beach and Sea-Land Service Inc ---- 8485
Prudential Grace Lines, Inc., and Compania Peruana de Vapores ---- 8486

FEDERAL POWER COMMISSION
Notices
Hearings, etc.:
Amoco Production Co ---- 8477
Appalachian Power Co ---- 8478
Carolina Pipeline Co. and Transcontinental Gas Pipe Line Corp ---- 8478
Central Telephone & Utilities Corp. and Northern Natural Gas Co ---- 8478
Colorado Interstate Corp ---- 8479
Consolidated Gas Supply Corp ---- 8479
McCord-Goodrich Oil Co ---- 8479
Mid Louisiana Gas Co ---- 8480
Mississippi Power & Light Co ---- 8480
Montana Power Co ---- 8480
Nantahala Power and Light Co ---- 8480
Orange and Rockland Utilities, Inc ---- 8481
Pacific Gas and Electric Co ---- 8481
Public Service Electric and Gas Co ---- 8482
Puget Sound Power and Light Co ---- 8482
Transwestern Pipeline Co ---- 8482
United Gas Pipe Line Co ---- 8482
Western Colorado Power Co. and Utah Power and Light Co ---- 8483
Wisconsin Michigan Power Co. and Wisconsin Electric Power Co ---- 8483

FEDERAL REGISTER ADMINISTRATIVE COMMITTEE
CFR checklist ---- 8425

FEDERAL RESERVE SYSTEM
Notices
New Jersey National Corp.; acquisition of Underwood Mortgage & Title Co ---- 8486
Southwest Bancshares, Inc.; acquisition of bank ---- 8487

FISCAL SERVICE
Rules and Regulations
General regulations governing U.S. securities; correction ---- 8432

FOOD AND DRUG ADMINISTRATION
Notices
Armour Pharmaceutical Co.; alpha chymar solution; withdrawal of approval of new drug application ---- 8464

GENERAL SERVICES ADMINISTRATION
Rules and Regulations
Telecommunications; FTS precedence system ---- 8444

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See also Education Office; Food and Drug Administration; National Institutes of Health; Social Security Administration.
Rules and Regulations
Relocation assistance and real property acquisition policies ---- 8492

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
See also Federal Insurance Administration.
Notices
Acting Director, Philadelphia Area Office; designation ---- 8466

IMMIGRATION AND NATURALIZATION SERVICE
Proposed Rules
Ports of entry; San Ygnacio, Texas ---- 8449

INTERIM COMPLIANCE PANEL
Notices
Rochester & Pittsburgh Coal Co. and Christopher Coal Co.; opportunity for hearing on renewal permit applications ---- 8487

INTERIOR DEPARTMENT
See also Land Management Bureau; Oil and Gas Office.
Rules and Regulations
Public land order corrections:
Colorado ---- 8445
Idaho ---- 8445
Notices
Bighorn Canyon National Recreation Area, Montana-Wyoming, proposed transpark road; availability of draft environmental statement ---- 8463

INTERNAL REVENUE SERVICE
Rules and Regulations
Proposed rulemaking, comments or suggestions; correction ---- 8448

INTERSTATE COMMERCE COMMISSION
Rules and Regulations
Car service orders:
Delaware and Hudson Railway Co. ---- 8446
Demurrage and free time on freight cars ---- 8446
Penn Central Transportation Co. (2 documents) ---- 8445, 8446
Proposed Rules
Southern Freight Association et al.; petition for revocation of tariff circular rules ---- 8461
Notices
Assignment of hearings ---- 8489
Fourth section application for relief ---- 8490
Motor carrier board transfer proceedings ---- 8490

JUSTICE DEPARTMENT
See Immigration and Naturalization Service.

LABOR DEPARTMENT
See Wage and Hour Division.

LAND MANAGEMENT BUREAU
Proposed Rules
Rights-of-way; advance permission ---- 8449

MARITIME ADMINISTRATION
Notices
SS United States; purchase and solicitation of proposals for use ---- 8464

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
Notices
Post Viking Mars Science Advisory Committee; meeting ---- 8488

NATIONAL BUREAU OF STANDARDS
Notices
Automated merchandise and product identification codes; retail and grocery industries ---- 8464

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
Proposed Rules
Motor vehicle inspection and certification procedures ---- 8451
Test dummy specifications ---- 8455

NATIONAL INSTITUTES OF HEALTH
Notices
Meetings:
Biophysical Chemistry B Study Section ---- 8465
Cancer Cause and Prevention Advisory Committee ---- 8465
Cancer Immunotherapy Committee ---- 8465
Perinatal Biology and Infant Mortality Research and Training Committee ---- 8465
Population Research and Training Committee ---- 8465

NAVY DEPARTMENT
Notices
Naval Research Advisory Committee; meeting ---- 8463

OIL AND GAS OFFICE
Rules and Regulations
Oil Import Appeals Board (OI Reg. 1) ---- 8432

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION
Rules and Regulations
Seaway regulations and rules ---- 8433

SOCIAL SECURITY ADMINISTRATION
Proposed Rules
Federal health insurance for the aged; current financing payments ---- 8450

STATE DEPARTMENT
Notices
Overseas Schools Advisory Council; meeting ---- 8463

TARIFF COMMISSION

Notices

Watches and watch movements from insular possessions; determination of apparent 1972 consumption and 1973 duty-free entry quotas 8489

TRANSPORTATION DEPARTMENT

See also Coast Guard; Federal Aviation Administration; National Highway Traffic Safety Administration; St. Lawrence Seaway Development Corporation.

Notices

Transportation of radioactive materials; cross-reference 8466

TREASURY DEPARTMENT

See Fiscal Service; Internal Revenue Service.

VETERANS ADMINISTRATION

Notices

Continuation of committees:

Career Development Committee 8489

Cooperative Studies Evaluation Committee 8489

WAGE AND HOUR DIVISION

Notices

Certificates authorizing the employment of full-time students working outside of school hours at special minimum wages in retail or service establishments or in agriculture 8483

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.

5 CFR

213 (7 documents) 8448

7 CFR

907 8425

908 8425

8 CFR

PROPOSED RULES:

100 8449

9 CFR

101 8426

123 8426

PROPOSED RULES:

327 8449

14 CFR

71 (3 documents) 8428

95 8428

298 8430

20 CFR

PROPOSED RULES:

405 8450

24 CFR

1914 (2 documents) 8431, 8432

26 CFR

601 8448

31 CFR

306 8432

32A CFR

Ch. X:

OI Reg. 1 8432

33 CFR

117 8433

401 8433

41 CFR

4-3 8443

4-7 8443

101-35 8444

PROPOSED RULES:

15-16 8458

43 CFR

PUBLIC LAND ORDERS:

5342 8445

5343 8445

PROPOSED RULES:

2800 8449

45 CFR

15 8492

1061 8445

47 CFR

PROPOSED RULES:

73 8461

49 CFR

1033 (4 documents) 8445, 8446

PROPOSED RULES:

570 8451

572 8455

1300 8461

Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 1—General Provisions

CHAPTER I—ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

CFR CHECKLIST

1973 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the issuance date and price of revised volumes of the Code of Federal Regulations issued to date during 1973. New units issued during the month are announced on the back cover of the daily FEDERAL REGISTER as they become available.

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CFR Unit (Rev. as of Jan. 1, 1973):

Title	*Price*
1	$0.55
2 [Reserved]	
3	2.60
4	1.75
7 Parts:	
0–45	6.50
46–51	2.60
52	4.20
53–209	7.00
210–699	5.25
750–899	2.10
981–999	2.25
8	1.85
11	.75
16 Part 150–end	4.25

Title 7—Agriculture

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

[Navel Orange Reg. 293, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation increases the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period March 23–29, 1973. The quantity that may be shipped is increased due to improved market conditions for Navel oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Navel Orange Regulation 293 (38 FR 7449). The marketing picture now indicates that there is a greater demand for Navel oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Navel oranges to fill the current market demand thereby making a greater quantity of Navel oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1)(ii) of § 907.593 (Navel Orange Regulation 293 (38 FR 7449)) are hereby amended to read as follows:

§ 907.593 Navel Orange Regulation 293.

* * * * *

(b) *Order.* (1) * * *

(ii) District 2: 425,000 cartons.

* * * * *

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

Dated: March 28, 1973.

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

[FR Doc.73-6298 Filed 3-30-73;8:45 am]

[Valencia Orange Reg. 422, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation increases the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period March 23–29, 1973. The quantity that may be shipped is increased due to improved market conditions for California-Arizona Valencia oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Valencia Orange Regulation 422 (38 FR 7450). The marketing picture now indicates that there is a greater demand for Valencia oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Valencia oranges to fill the current demand thereby making a greater quantity of Valencia oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient,

and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated parts of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1)(iii) of § 908.722 Valencia Orange Regulation 422 (38 FR 7450) are hereby amended to read as follows:

§ 908.722 Valencia Orange Regulation 422.

(b) *Order* (1) * * *

* * * * *

(iii) District 3: 300,000 cartons.

* * * * *

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

Dated: March 28, 1973.

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

[FR Doc.73-6299 Filed 3-30-73;8:45 am]

Title 9—Animals and Animal Products

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

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS: ORGANISMS AND VECTORS

PART 101—DEFINITIONS

PART 123—RULES OF PRACTICE

Miscellaneous Amendments

On November 1, 1972, there was published in the FEDERAL REGISTER (FR Doc. 72-18650) a notice of proposed rulemaking with respect to proposed amendments to the regulations relating to viruses, serums, toxins, and analogous products in Part 101 of Title 9, Code of Federal Regulations, issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158).

These amendments to Part 101 were proposed to update the list of defined words used in Parts 101 through 117 of this subchapter by deleting obsolete words, such as hog-chlolera virus, anti-hog-cholera serum, and approved feetlot; by redefining words retained if deemed necessary to update the effect and meaning of the words, such as biological products, potency, and Standard Requirement; and by adding words which have become important since the present list was published, such as efficacious, prepare or preparation, and product code number. These amendments are being adopted to facilitate the administration of the regulations by having a clearer understanding of the meaning of the words used.

After due consideration of all relevant matters, including the proposals set forth in the aforesaid notice of rulemaking, and the comments and views submitted by interested persons, and pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158), the amendments of Part 101 of Subchapter E, Chapter 1, Title 9 of the Code of Federal Regulations, as contained in the aforesaid notice are hereby adopted and are set forth herein, subject to the following noted modifications:

The present definition of "Deputy Administrator" as stated in §§ 101.1(j), 122.1(d), and 123.1(h) has been retained for consistency.

The proposed definition of "biological products" in § 101.2(w) has been changed by substituting "diagnostics" for "allergens" and "tuberculins" as being more inclusive and accurate. The printer's error in the spelling of "micro-organisms" was corrected in two places.

The word "minute" in § 101.2(x) has been replaced with "microscopic or submicroscopic" for clarification.

A new § 101.2(y) containing a definition of "prepare" or "manufacture" has been added as an administrative response to a request received in the comments.

The definition of "serial" in § 101.3(h) has been shortened by substituting defined terms.

Section 101.4(a)(3) has been changed by inserting the word "enclosures" for clarification.

For clarification, the word "into" has been substituted for "in" and "filled" for "marketed" in the definition of final container in § 101.4(c) and the phrase "Numbers or numbers and letters" has been substituted for "Letter(s) and/or number(s)" in the definition of "Serial number" in § 101.4(e).

"Requirement" is capitalized in § 101.5 (a) and "Outlines" is capitalized in § 101.5(e) for emphasis.

Section 101.5(b) as proposed was deleted.

Definition of "pure or purity" in § 101.5 (c) has been changed for clarification.

The words "or in Outlines of Production" have been added to § 101.5(f) for completeness.

The phrase "up to and including" has been substituted for "including up to" in § 101.6(a) for clarification.

Sections 101.7(a), 101.7(b), and 101.7(c) have been reworded for clarification.

Conforming changes in Part 123 are set forth herein by rewording § 123.1(l) to read the same as § 101.2(m) and § 123.1(q) to read the same as § 101.2(w).

1. Part 101 is amended to read:

Sec.
101.1 Applicability.
101.2 Administrative terminology.
101.3 Biological products and related terms.
101.4 Labeling terminology.
101.5 Testing terminology.
101.6 Cell cultures.
101.7 Seed virus.

AUTHORITY: 37 Stat. 832–833; 21 U.S.C. 151–158.

§ 101.1 Applicability.

When used in Parts 101 through 117 of this subchapter, the meaning of the words and phrases listed shall be as defined in this part.

§ 101.2 Administrative Terminology.

The following administrative words and phrases shall mean:

(a) *Virus-Serum-Toxin Act.* The virus, serum, toxin, and analogous products provisions of the Act of Congress of March 4, 1913, 37 Stat. 832–833, 21 U.S.C. 151–158.

(b) *Regulations.* The provisions in Parts 101 through 117 of this subchapter.

(c) *Domestic animals.* All animals, other than man, including poultry.

(d) *Department.* The U.S. Department of Agriculture.

(e) *Secretary.* The Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(f) *Veterinary Services.* Veterinary Services unit of Animal and Plant Health Inspection Service of the Department.

(g) *Deputy Administrator.* The Deputy Administrator, Veterinary Services, or any officer or employee of the Veterinary Services to whom authority has heretofore lawfully been delegated, or to whom authority may hereafter lawfully be delegated, to act in his stead.

(h) *Inspector.* Any officer or employee of Veterinary Services who is authorized by the Deputy Administrator to do inspection work.

(i) *Inspection.* An examination made by an inspector to determine the fitness of animals, establishments, facilities, and procedures used in connection with the preparation, testing, and distribution of biological products and the examination or testing of biological products.

(j) *Person.* Any individual, firm, partnership, corporation, company, association, educational institution, State or local governmental agency, or other organized group of any of the foregoing, or any agent, officer, or employee of any thereof.

(k) *Subsidiary.* A corporation in which a corporate licensee owns in excess of 50 percent of the voting stock.

(l) *Distributor.* A person who sells, distributes, or otherwise places in channels of trade, one or more biological products he does not produce or import.

(m) *Licensee.* A person to whom an establishment license and at least one product license or special license has been issued.

(n) *Permittee.* A person who resides in the United States or operates a business establishment within the United States, to whom a permit to import biological products has been issued.

(o) *Research investigator or research sponsor.* A person who has requested authorization to make interstate movements of an experimental biological product for the purpose of evaluating such product as provided for in Part 103 of this subchapter or has been granted such authorization.

(p) *Premises.* All buildings, appurtenances, and equipment used to produce and store biological products located within a particular land area shown on building plans or drawings furnished by the applicant or the licensee and designated by an address adequate for identification.

(q) *Establishment.* One or more premises designatd on the establishment license.

(r) *U.S. Veterinary Biologics Establishment License.* A document, sometimes referred to as an establishment license, which is issued pursuant to Part

102 of this subchapter, authorizing the use of designated premises for production of biological products specified in one or more unexpired, unsuspended, and unrevoked product license(s) or special license(s).

(s) *Licensed establishment.* An establishment operated by a person holding an unexpired, unsuspended, and unrevoked U.S. Veterinary Biologics Establishment License.

(t) *U.S. Veterinary Biological Product License.* A document, sometimes referred to as a product license, which is issued pursuant to Part 102 of this subchapter to the holder of an establishment license, as a part of and ancillary to the establishment license, and which authorizes production of a specified biological product in the designated licensed establishment.

(u) *U.S. Veterinary Biological Product License (Special).* A document, sometimes referred to as a special license, which is issued pursuant to Part 102 of this subchapter to the holder of an establishment license as a part of and ancillary to the establishment license and which authorizes production of a specified biological product in the licensed establishment subject to such restrictive production, distribution, or use of the product as indicated on the license.

(v) *U.S. Veterinary Biological Product Permit.* A document, sometimes referred to as a permit, issued to a person authorizing the importation of specified biological products subject to restrictions and controls as provided in the regulations.

(w) *Biological products.* The term biological products, sometimes referred to as biologics, biologicals, or products, shall mean all viruses, serums, toxins, and analogous products of natural or synthetic origin, such as diagnostics, antitoxins, vaccines, live micro-organisms, and the antigenic or immunizing components of micro-organisms, intended for use in the diagnosis, treatment, or prevention of diseases of animals.

(x) *Micro-organisms.* Microscopic or submicroscopic organisms, which are sometimes referred to as organisms, which may introduce or disseminate disease of animals.

(y) *Perpare or preparation.* Sometimes referred to as manufacture or produce, means the steps and procedures used in the processing, testing, packaging, labeling, and storing of a biological product.

§ 101.3 Biological products and related terms.

When used in conjunction with or in reference to a biological product, the following terms shall mean:

(a) *Licensed biological product.* A biological product prepared within a licensed establishment by a person holding an unexpired, unsuspended, and unrevoked product license or special license for such product.

(b) *Experimental biological product.* A biological product which is being evaluated to substantiate an application for a product license, special license, or permit.

(c) *Completed product.* A biological product in bulk or final container produced in compliance with the regulations to final form and composition.

(d) *Finished product.* A completed product which has been bottled, sealed, packaged, and labeled as required by the regulations.

(e) *Released product.* A finished product released for marketing after all requirements have been satisfactorily complied with.

(f) *Fraction.* A specific antigen, its antibodies, or its antitoxin which constitutes a component of a biological product.

(g) *Diluent.* A liquid used to rehydrate a desiccated product or a liquid used to dilute another substance.

(h) *Serial.* The total quantity of completed product which has been thoroughly mixed in a single container and identified by a serial number: *Provided,* That, when all or part of a serial of liquid biological product is packaged as diluent for all or part of a serial of desiccated product, the resulting combination packages shall be considered a serial of the multiple fraction product.

(i) *Subserial.* Each of two or more properly identified portions of a serial which are further processed at different times or under different conditions such as, but not limited to, being desiccated in different size final containers and/or at different times.

(j) *Outline of production.* A detailed protocol of methods of manufacture to be followed in the preparation of a biological product and which may sometimes be referred to as an outline.

(k) *Product Code Number.* A number assigned by Veterinary Services to each type of licensed biological product.

§ 101.4 Labeling terminology.

Terms pertaining to identification and packaging of biological products shall mean:

(a) *Label.* All written, graphic, or printed matter:

(1) Upon or attached to a final container of a biological product;

(2) Appearing upon any immediate carton or box used to package such final container; and

(3) Appearing on any accompanying enclosures (leaflets, inserts, or circulars) on which required information or directions as to the use of the biological product shall be found.

(b) *Labeling.* All labels and other written, printed, or graphic matter accompanying the final container.

(c) *Final container.* The unit, bottle, vial, ampule, tube, or other receptacle into which any biological product is filled for distribution and sale.

(d) *True name.* The name entered on the product license, specal license, or permit at the time of issuance to differentiate the biological product from others: *Provided,* That, the principal part of such name shall be emphasized on such license or permit by being more prominently lettered than descriptive terms which may be necessary to complete the differentiation.

(e) *Serial number.* Numbers or numbers and letters used to identify and distinguish one serial from others.

(f) *Expiration date.* A date designating the end of the period during which a biological product, when properly stored and handled, can be expected with reasonable certainty, to be efficacious.

(g) *Label number.* A number assigned by Veterinary Services to each label or sketch submitted for review.

§ 101.5 Testing terminology.

Terms used when evaluating biological products shall mean:

(a) *Standard Requirement.* Test methods, procedures, and criteria established by Veterinary Services for evaluating biological products to be pure, safe, potent, and efficacious, and not to be worthless, contaminated, dangerous, or harmful under the Act.

(b) [Reserved]

(c) *Pure or purity.* Quality of a biological product prepared to a final form relatively free of extraneous micro-organisms and extraneous material (organic or inorganic) as determined by test methods or procedures established by Veterinary Services in Standard Requirements or in the approved Outline of Production for such product, but free of extraneous micro-organisms or material which in the opinion of the Deputy Administrator adversely affects the safety, potency, or efficacy of such product.

(d) *Safe or safety.* Freedom from properties causing undue local or systemic reactions when used as recommended or suggested by the manufacturer.

(e) *Sterile or sterility.* Freedom from viable contaminating microorganisms as demonstrated by procedures prescribed in Part 113 of this subchapter, Standard Requirements, and approved Outlines of Production.

(f) *Potent or potency.* Relative strength of a biological product as determined by test methods or procedures as established by Veterinary Services in Standard Requirements or in the approved Outline of Production for such product.

(g) *Efficacious or efficacy.* Specific ability or capacity of the biological product to effect the result for which it is offered when used under the conditions recommended by the manufacturer.

(h) *Dose.* The amount of a biological product recommended on the label to be given to one animal at one time.

(i) *Vaccinate.* An animal which has been inoculated, injected, or otherwise administered a biological product being evaluated.

(j) *Control animal.* An animal, which may be referred to as a control, used in a test procedure for purposes of comparison or to add validity to the results.

(k) *Day.* Time elapsing between any regular working hour of one day and any regular working hour of the following day.

§ 101.6 Cell cultures.

When used in conjunction with or in reference to cell cultures, which may be referred to as tissue cultures, the following terms shall mean:

(a) *Batch of primary cells.* A pool of original explanted cells derived from normal tissue up to and including the 10th subculture.

(b) *Cell line.* A pool of explanted cells which are 11 or more subcultures from the tissue of origin.

(c) *Subculture.* Each flask to flask transfer or passage regardless of the number of cell replications.

(d) *Master Cell Stock (MCS).* The supply of cells of a specific passage level from which cells for production of a vaccine originate.

§ 101.7 Seed virus.

When used in conjunction with or in reference to seed virus, the following terms shall mean:

(a) *Master Seed Virus.* That virus at a specified passage level, sometimes referred to as MSV, which has been selected and permanently stored by the licensee from which all other seed virus is derived within permitted passage levels.

(b) *Working Seed Virus.* Seed virus, at a passage level between the Master Seed Virus and Production Seed Virus and sometimes referred to as WSV.

(c) *Production Seed Virus.* That virus at a specified passage level, sometimes referred to as PSV, which is used directly without further propagation for inoculation of the embryos, cell cultures, or animals used for preparation of a production lot of vaccine.

2. Section 123.1 (i) and (q) are amended to read:

§ 123.1 Definitions.

* * * * *

(i) *Licensee.* A person to whom an establishment license and at least one product license or special license has been issued.

* * * * *

(q) *Biological products.* The term biological products, sometimes referred to as biologics, biologicals, or products, shall mean all viruses, serums, toxins, and analogous products of natural or synthetic origin, such as diagnostics, antitoxins, vaccines, live micro-organisms, killed micro-organisms, and the antigenic or immunizing components of micro-organisms, intended for use in the diagnosis, treatment, or prevention of diseases of animals.

* * * * *

Effective dates. This amendment takes effect April 27, 1973.

Done at Washington, D.C. this 28th day of March 1973.

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

[FR Doc.73-6300 Filed 3-30-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER 1—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 73-RM-2]

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

Alteration of Transition Area

On February 27, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 5260) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the transition area at Jamestown, N. Dak.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., May 24, 1973.

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

Issued in Aurora, Colo., on March 23, 1973.

M. M. MARTIN,
Director, Rocky Mountain Region.

In § 71.181 (38 FR 435) the description of the Jamestown, N. Dak., transition area is amended to read:

JAMESTOWN, N. DAK.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Jamestown Municipal Airport (latitude 46°55'55" N., longitude 98°40'40" W.); and within 3.5 miles each side of the Jamestown VORTAC 315° radial extending from the 10-mile-radius area to 17.5 miles northwest of the Jamestown VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 19-mile radius of the Jamestown VORTAC extending from the 326° radial clockwise to the 083° radial; within a 20-mile radius of the Jamestown VORTAC extending from the 083° radial clockwise to the 279° radial; within a 21-mile radius of the Jamestown VORTAC extending from the 279° radial clockwise to the 287° radial; within 9.5 miles southwest and 4.5 miles northeast of the Jamestown VORTAC 315° radial extending from the 19- and 21-mile-radius areas to 25.5 miles northwest of the Jamestown VORTAC; and within 4.5 miles southwest and 9.5 miles northeast of the Jamestown VORTAC 136° radial extending from the 20-mile-radius area to 25.5 miles southeast of the Jamestown VORTAC.

[FR Doc.73-6225 Filed 3-30-73;8:45 am]

[Airspace Docket No. 73-RM-4]

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

Alteration of Transition Area

On February 22, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 4776) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Missoula, Mont., transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t. May 24, 1973.

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

Issued in Aurora, Colo. on March 23, 1973.

M. M. MARTIN,
Director, Rocky Mountain Region.

In § 71.181 (38 FR 435), the description of the Missoula, Mont., transition area as amended (38 FR 2963) is further amended, in part, as follows:

MISSOULA, MONT.

In the 1,200-foot portion of the transition area delete "5 west and 9.5 miles east of the Missoula VORTAC 170° radial" and substitute "7 west and 9.5 miles east of the Missoula VORTAC 170° radial" therefor.

[FR Doc.73-6226 Filed 3-30-73;8:45 am]

[Airspace Docket No. 73-SO-17]

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

Extension of VOR Federal Airway

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to extend V-168 from Gossett, Ala., intersection to LaGrange, Ga.

Presently, this segment of the airway is designated, V-66. This amendment will codesignate the segment as V-168. The extension of V-168 will simplify flight planning between Birmingham, Ala., and Atlanta, Ga.

Since this amendment is minor in nature with no substantive change in regulations, notice, and public procedure thereon are unnecessary. However, since sufficient time must be allowed to make appropriate changes on Aeronautical Charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t. May 24, 1973, as hereinafter set forth.

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

In V-168 delete "From Birmingham, Ala., to INT Birmingham 113° and Talladega, Ala., 179° radials." and substitute "From Birmingham, Ala., to INT Birmingham 113° and Talladega, Ala., 178° radials; LaGrange, Ga." 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 March 23, 1973.

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

[FR Doc.73-6224 Filed 3-30-73;8:45 am]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 12654; Amdt. 95-231]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

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

assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

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

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 FR 5662), Part 95 of the Federal Aviation Regulations is amended, effective April 26, 1973, as follows:

1. By amending Subpart C as follows:

Section 95.1001 *Direct Routes*—United States is amended by adding:

From, to, and MEA

Tulsa, Okla., VORTAC via R-358 TUL/R-223 MKC; Kansas City, Mo., VORTAC; 18,000. MAA—45,000.

Section 95.5000 *High Altitude RNAV Routes.*

From/To; total distance; changeover point distance from geographic location; track angle; MEA; and MAA

J874R is amended to read:

Memphis, Tenn., W/P, Rome, Ga. W/P; 244; 50, Memphis; 094°/274° to COP, 100°/280° to Rome; 18,000; 45,000.

Section 95.6006 *VOR Federal airway 6* is amended to read in part:

From, To, and MEA

Yutan INT, Neb.; Gretna INT, Neb.; 3,000.
Gretna INT, Neb.; Omaha, Neb. VOR; *2,800. *2,600—MOCA.
Omaha, Neb. VOR; Treynor INT, Iowa; *2,800. *2,400—MOCA.
Treynor INT, Iowa; *Lyman INT, Iowa; **3,000. *3,500—MRA. **2,600—MOCA.

Section 95.6007 *VOR Federal airway 7* is amended to read in part:

*Niles INT, Ill.; Evanston INT, Ill.; 3,100. *3,100—MCA Niles INT, northbound.

Section 95.6008 *VOR Federal airway 8* is amended to read in part:

Yutan INT, Neb.; Gretna INT, Neb.; 3,000.
Gretna INT, Neb.; Omaha, Neb. VOR; *2,800. *2,600—MOCA.
Omaha, Neb. VOR; Treynor INT, Iowa; *2,800. *2,400—MOCA.
Treynor INT, Iowa; *Lyman INT, Iowa; **3,000. *3,500—MRA. **2,700—MOCA.

Section 95.6010 *VOR Federal airway 10* is amended to read in part:

Naperville, Ill., VOR via N alter.; *Surf INT, Ill. via N alter.; 3,100. *3,100—MCA Surf INT, westbound.

Section 95.6011 *VOR Federal Airway 11* is amended by adding:

Indianapolis, Ind., VOR; Marion, Ind., VOR; 2,900.
Marion, Ind., VOR; Rock Creek INT, Ind.; *2,600. *2,200—MOCA.
Rock Creek, INT, Ind.; Fort Wayne, Ind., VOR; *2,600. *2,000—MOCA.
Indianapolis, Ind. VOR via E alter.; Pendleton INT, Ind. via E alter.; 2,900.
Pendleton INT, Ind. via E alter.; Marion, Ind., VOR via E alter.; *2,600. *2,400—MOCA.

Section 95.6011 *VOR Federal Airway 11* is amended to delete:

Indianapolis, Ind., VOR; Fairmont INT, Ind.; 2,900.
Fairmont INT, Ind.; Rock Creek INT, Ind.; 2,600.
Rock Creek INT, Ind.; Fort Wayne, Ind., VOR; 2,200.
Indianapolis, Ind., VOR via E alter.; Pendleton INT, Ind., via E alter.; 2,900.
Pendleton INT, Ind., via E alter.; *Fairmont INT, Ind., via E alter.; 3,300. *3,300—MCA Fairmont INT, southbound.
Fairmont INT, Ind., via E alter.; Rock Creek INT, Ind., via E alter.; 2,600.
Rock Creek INT, Ind., via E alter.; Fort Wayne, Ind., VOR via E alter.; 2,200.

Section 95.6013 *VOR Federal Airway 13* is amended to read in part:

Freeborn INT, Minn., via W alter.; *Alma City INT, Minn., via W alter.; **4,300. *4,300—MRA. **2,700—MOCA.
Mason City, Iowa, VOR; Newry INT, Minn.; *3,000. *2,600—MOCA.
Newry INT, Minn.; Hope INT, Minn.; *3,000. *2,400—MOCA.

Section 95.6042 *VOR Federal Airway 42* is amended to delete:

Flint, Mich., VOR via E alter.; Bloomer INT, Mich., via E alter.; *3,000. *2,500—MOCA.
Bloomer INT, Mich., via E alter.; Dyke INT, Mich., via E alter.; *2,700. *2,300—MOCA.
Dyke INT, Mich., via E alter.; United States-Canadian border, via E alter.; *2,300. *2,000—MOCA.

Section 95.6045 *VOR Federal Airway 45* is amended to read in part:

Sable INT, Mich., via W alter.; Alpena, Mich., VOR via W alter.; 3,000.
Alpena, Mich., VOR; *Rainy INT, Mich.; **2,600. *4,000—MRA. **2,100—MOCA.
Rainy INT, Mich.; Pellston, Mich., VOR; *2,600. *2,100—MOCA.

Section 95.6047 *VOR Federal airway 47* is amended by adding:

Salem, Mich., VOR; Hunter INT, Mich.; *2,800. *2,500—MOCA.

Section 95.6047 *VOR Federal airway 47* is amended to delete:

Salem, Mich., VOR; Dennis INT, Mich.; *2,900. *2,700—MOCA.

Section 95.6056 *VOR Federal airway 56* is amended to read in part:

Craig, Ala., VOR; *Benton INT, Ala.; **2,000. *2,800—MRA. **1,500—MOCA.
Benton INT, Ala.; Montgomery, Ala., VOR; *2,000. *1,500—MOCA.

Section 95.6071 *VOR Federal airway 71* is amended to read in part:

Reeds INT, Mo.; Spoke INT, Mo.; *3,000. *2,400—MOCA.
Spoke INT, Mo.; Springfield, Mo., VOR; 3,000.

Section 95.6078 *VOR Federal Airway 78* is amended to read in part:

Minn.; *4,000. *2,600—MOCA.
Watertown, S.D., VOR; Dawson DME Fix, Minn.; *3,800. *3,100—MOCA.
Dawson DME Fix, Minn.; Clara City INT,

Section 95.6116 *VOR Federal Airway 116* is amended to read in part:

Naperville, Ill., VOR; *Surf INT, Ill.; 3,100. *3,100—MCA Surf INT, westbound.

Section 95.6128 *VOR Federal Airway 128* is amended to read in part:

Kentland INT, Ind.; Boswell INT, Ind.; *2,600. *2,300—MOCA.
Boswell INT, Ind.; *Swanington INT, Ind.; **4,000. *4,000—MRA. **2,300—MOCA.

Section 95.6148 *VOR Federal Airway 148* is amended to read in part:

Tyndall INT, S.D.; Dolton INT, S.D.; *4,000. *3,200—MOCA.
Dolton INT, S.D.; Sioux Falls, S.D., VOR; *3,400. *3,000—MOCA.

Section 95.6161 *VOR Federal Airway 161* is amended to read in part:

Mason City, Iowa, VOR via Walter.; Myrtle INT, Minn., via Walter.; 3,000.
Myrtle INT, Minn., via Walter.; Rochester, Minn., VOR via Walter.; *3,000. *2,700—MOCA.

Section 95.6170 *VOR Federal airway 170* is amended to read in part:

Blue Earth INT, Minn.; Rochester, Minn., VOR; *3,100. *2,700—MOCA.

Section 95.6181 *VOR Federal airway 181* is amended to read in part:

Yankton, S.D., VOR via W alter.; Dolton INT, S.D., via W alter.; *3,400. *3,100—MOCA.
Dolton INT, S.D., via W alter.; Sioux Falls, westbound 8,000. Eastbound 6,000. *5,300—MOCA.

Section 95.6204 *VOR Federal airway 204* is amended to read in part:

Tampico INT, Wash.; *Yakima, Wash., VOR westbound 8,000. Eastbound 6,000.*5,300—MCA Yakima VOR, westbound.

Section 95.6213 *VOR Federal airway 213* is amended to read in part:

Eureka INT, N.C.; Rocky Mount, N.C., VORTAC; *2,000. *1,400—MOCA.

Section 95.6218 *VOR Federal Airway 218* is amended to read in part:

Naperville, Ill., VOR; *Surf INT, Ill.; 3,100. *3,100—MCA Surf INT, westbound.

Section 95.6267 *VOR Federal Airway 267* is amended to read in part:

Biscayne Bay, Fla., VOR; Miami, Fla., VOR; *2,000. *1,600—MOCA.

Section 95.6306 *VOR Federal Airway 306* is amended by adding:

Navasota, Tex., VOR via N alter.; Cleveland INT, Tex., via N alter.; *2,000. *1,700—MOCA.
Cleveland INT, Tex., via N alter.; Dalsetta, Tex., VOR via N alter.; *1,800. *1,500—MOCA.

Section 95.6307 *VOR Federal Airway 307* is amended to read in part:

Tokeen INT, Alas.; Fort Walter DME Fix, Alas.; *9,000. *6,100—MOCA. MEA is established with a gap in navigation signal coverage.

Section 95.6317 *VOR Federal Airway 317* is amended to read in part:

Crescent DME Fix, Alas.; Yakutat, Alas., VOR; *3,000. *2,000—MOCA.

Section 95.6353 *VOR Federal Airway 353* is added to read:

Jackson, Mich., VORTAC; Flint, Mich., VORTAC; *2,600. *2,300—MOCA.

Section 95.6438 *VOR Federal airway 438* is amended to read in part:

Fairbanks, Alaska., VOR via W alter.; Mayse INT, Alaska, via W alter.; *7,000: *6,800—MOCA.
Mayse INT, Alaska, via W alter.; Fort Yukon, Alaska, VOR via W alter.; 2,200.

Section 95.6448 *VOR Federal airway 448* is amended by adding:

*Yakima, Wash., VOR via S alter.; INT 108 M rad, Yakima VOR and 182 M rad, Ephrata, VOR via S alter.; 6,000. *9,500—MCA Yakima, VOR, Southwest-bound.

Section 95.6456 *VOR Federal airway 456* is amended to read in part:

Black Hill INT, Alaska; King Salmon, Alaska, VOR; *#14,000. *2,300—MOCA. #MEA is established with a gap in navigation signal coverage.

Section 95.6473 *VOR Federal airway 473* is amended by adding:

Level Island, Alaska, VOR; Port Walter DME Fix, Alaska; *7,000. *6,100—MOCA.
Port Walter DME Fix, Alaska; Biorka Island, Alaska, VOR; 6,000.

Section 95.6493 *VOR Federal airway 493* is amended by adding:

Livingston INT, Mich.; Owosso INT, Mich.; *4,000. *2,100—MOCA.
Owosso INT, Mich.; Mount Pleasant, Mich., VOR; *2,600. *2,300—MOCA.

Section 95.6493 *VOR Federal airway 493* is amended to delete:

Livingston INT, Mich.; Flint, Mich., VOR; *2,800. *2,300—MOCA.

Section 95.7024 *Jet Route No. 24* is amended by adding:

From, To, MEA, and MAA

Hill City, Kans., VORTAC; Salina, Kans., VORTAC; 18,000; 45,000.
Salina, Kans., VORTAC; Kansas City, Mo., VORTAC; 18,000; 45,000.

Section 95.7062 *Jet Route No. 62* is amended by adding:

Nantucket, Mass., VORTAC; Cod INT, Mass.; 18,000; 45,000.

Section 95.7080 *Jet Route No. 80* is amended by adding:

Hill City, Kans., VORTAC; Kansas City, Mo., VORTAC; 18,000; 45,000.

Section 95.7080 *Jet Route No. 80* is amended to delete:

Hill City, Kans., VORTAC; Salina, Kans., VORTAC; 18,000; 45,000.
Salina, Kans., VORTAC; Kansas City, Kans., VORTAC; 18,000; 45,000.

Section 95.7097 *Jet Route No. 97* is amended by adding:

Haddock, INT, Mass.; Nantucket, Mass., VORTAC; 18,000; 45,000.

Section 95.7123 *Jet Route No. 123* is amended to read in part:

Kotzebue, Alas., VORTAC; Browerville, Alas., LF/RBN; 18,000; 45,000.

Section 95.7502 *Jet Route No. 502* is amended to read in part:

Fairbanks, Alas., VORTAC; Purcell DME Fix, Alas.; *27,000; 45,000. *MEA is established with a gap in navigation signal coverage.
Purcell DME Fix, Alas.; Kotzebue, Alas., VOR; 18,000; 45,000.

2. By amending Subpart D as follows:

Section 95.8005 *Jet Routes Changeover Points:*

From; To—Distance From Changeover Point

J-123 is amended by adding:

Kotzebue, Alas., VORTAC; Browerville, Alas., LF/RBN; 137; Otz.

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

Issued in Washington, D.C., on March 22, 1973.

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

[FR Doc.73-6075 Filed 3-30-73;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-793; Amdt. 16]

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Carriage of Mail

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of March 1973.

By notice of proposed rulemaking EDR-239,[1] the Board proposed to amend Part 298 of its Economic Regulations (14 CFR Part 298), so as to (1) provide that air taxi operators may transport mail only pursuant to contracts with the Postal Service in accordance with 39 U.S.C. 5402(b) or (c), except that operations under existing authority may be continued; and (2) delete the existing regulations which provide procedures for the establishment by the Board of rates for the transportation of mail by air taxi operators. The amendments were proposed in view of the fact that the Postal Service now has authority, under the Postal Reorganization Act,[2] to contract directly with air taxi operators for the transportation of mail, in all markets, at rates specified in the contracts. The Postal Service has not used Board procedure for the procurement of new air taxi mail service since the Postal Reorganization Act became effective on July 1, 1971, and it has advised the Board that all future air taxi mail arrangements—including the adjustment of existing rates—will be made under the statutory contract authority.

No comments were filed in response to the notice of proposed rulemaking, other than a communication from the Postal Service, suggesting certain technical modifications to the proposed rule. Upon consideration, we have determined to adopt the amendments essentially as proposed, but with the technical modifications hereinafter described.

In order to avoid disruption of existing air taxi mail arrangements, we proposed to permit the continuation of operations performed under outstanding Part 298 authority.[3] These operations would continue in accordance with final rates in effect pursuant to Part 298 at the effective date of the amendatory rule. However, a petition filed with the Board for a rate adjustment after the effective date of the rule would be regarded as the institution of a new proceeding, and the outstanding authority of the air taxi operator under Part 298 to carry mail affected by such proceeding would automatically be terminated. The Postal Service recommends that the rule should be revised so as to provide that air taxi operators whose mail rates are open—even if not final—on the effective date of the rule, shall also have continuing Part 298 authority to carry mail. We have determined to adopt this suggestion, and any air taxi mail rate which is open on the effective date of the rule will be finally determined by the Board.[4]

The Postal Service also recommends that provision be made in the instant rule for the carriage of mail by air taxi operators pursuant to contracts with certified air carriers, rather than with the Postal Service.[5] We have not accepted this recommendation, because such operations require no specific provision in this rule. The agreements referred to are subject to approval by the Board, and if the Board grants such approval it does so by an order which contains language exempting the air taxi operators from the provisions of Part 298 to the extent necessary to enable them to transport mail pursuant to the agreements.

Aside from the above-discussed modifications, the final rule embodies general editorial revisions of the text of the proposed rule.

Since this rule imposes no burden upon any person but merely amends the Board's regulations authorizing air taxi operators to carry mail, in light of the Postal Service's statutory authority to contract with air taxi operators for such services, the Board finds that the rule may become effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 298 of its Economic Regulations (14 CFR Part 298), effective April 2, 1973, as follows:

1. Amend the table of contents by deleting and reserving the title of § 298.24 under Subpart C—Limitations on Ex-

[1] Dated Dec. 22, 1972, Docket 23988, 38 FR 50.

[2] 39 U.S.C. 101, et seq., Public Law 91-375, Aug. 12, 1970.

[3] Section 298.13 provides that the exemption authority of air taxi operators to carry mail shall expire on June 30, 1974.

[4] The Postal Service points out that there are some air taxi operators presently carrying mail at the domestic service mail rates, i.e., at the same rates as certificated air carriers. The Postal Service suggests that provision be made for these air taxi operators to continue to transport mail at such rates. However, no special provision is necessary to accomplish this purpose, since these air taxi operators' mail rates (together with the domestic service mail rates upon which they are based) are presently open pursuant to Order 70-12-48, dated Dec. 8, 1970 (Dockets 22671 and 22731). Therefore, the air taxi operators in question may continue to transport mail pursuant to their outstanding authority, and final rates will be determined by the Board in accordance with its usual procedures.

[5] Typically, this situation occurs when a certificated air carrier requests authority to suspend service in one or more markets, and arranges with an air taxi operator for the latter to provide replacement service.

emptions, the table as amended to read as Sec. follows:

298.24 [Reserved]

2. Amend § 298.21 by revising paragraphs (b) and (f), the amended paragraphs to read as follows:

§ 298.21 Scope of service authorized; geographical, equipment and mail service limitations, insurance and reporting requirements.

* * * * *

(b) *Prohibition of regular service in markets served by certificated helicopter carriers.* An air taxi operator is prohibited from providing air transportation of persons or property, or holding out to the public expressly or by course of conduct, that it provides such transportation regularly or with a reasonable degree of regularity between any points where scheduled helicopter passenger service, or community center and interairport service, is provided by the holder of a certificate of public convenience and necessity either in accordance with such certificate or pursuant to exemption order of the Board: *Provided, however,* * * *

* * * * *

(f) *Limitations on carriage of mail.* (1) After April 2, 1973, no air taxi operator shall be authorized to carry mail except pursuant to contract with the Postal Service entered into pursuant to sections 5402(b) or 5402(c) of the Postal Reorganization Act (39 U.S.C. 101, et seq.): *Provided, however,* That within the 48 contiguous States, Alaska and Hawaii—

(i) An air taxi operator who is authorized, on April 2, 1973, to carry mail at a final mail rate then in effect, shall continue to have authority under this part to carry mail, but only at such final mail rate; and

(ii) An air taxi operator who is authorized, on April 2, 1973, to carry mail at a temporary mail rate approved by the Board pending determination of a final mail rate in a proceeding which is then pending, shall continue to have authority under this part to carry mail, but only at such temporary mail rate or other temporary mail rate as may be approved from time to time by the Board until completion of such pending proceeding, and, thereafter, only at such final mail rate as shall have been fixed by order of the Board in such proceeding.

(2) The rules applicable to final mail rate proceedings set forth in Part 302 of this chapter shall govern the procedure for establishing a final mail rate of an air taxi operator for purposes of this part. (See §§ 302.300 through 302.321, excluding § 302.310 of this chapter.)

* * * * *

§ 298.24 [Reserved]

3. Delete and reserve § 298.24 as set forth above.

(Sec. 204(a), 406, and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 763 (as amended by 76 Stat. 145, 80 Stat. 942), 771; 49 U.S.C. 1324, 1376, 1386)

By the Civil Aeronautics Board.

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

[FR Doc.73-6285 Filed 3-30-73;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Alabama	Tuscaloosa	Tuscaloosa, City of.				Apr. 5, 1973. Emergency.
Connecticut	New Haven	Branford, Town of.				Do.
Illinois	Lake	Highland Park, Village of.				Do.
Michigan	Macomb	Mount Clemens, City of.				Do.
Missouri	St. Louis	MacKenzie, Village of.				Do.
New York	Orleans	Carlton, Town of				Do.
Do	Steuben	South Corning, Village of.				Do.
Ohio	Medina	Brunswick, City of.				Do.
Do	Ottawa	Port Clinton, City of.				Do.
Pennsylvania	Bradford	Monroe, Borough of.				Do.
Do	Dauphin	Upper Paxton, Township of.				Do.
Do	Indiana	Homer, City of				Do.
Vermont	Chittenden	Burlington, City of.				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: March 27, 1973.

GEORGE K. BERNSTEIN, *Federal Insurance Administrator.*

[FR Doc.73-6195 Filed 3-30-73;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

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§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Illinois	Lake	Unincorporated areas.				Apr. 4, 1973. Emergency
New Jersey	Middlesex	Carteret, Borough of.				Do.
Ohio	Lucas	Jerusalem, Township of.				Do.
Pennsylvania	Dauphin	Reed, Township of.				Do.
Do	Luzerne	Nanticoke, City of.				Do.
Do	do	White Haven, Borough of.				Do.
Do	Schuylkill	Gordon, Borough of.				Do.
Do	Tioga	Lawrenceville, Borough of.				Do.
Virginia	Halifax	Unincorporated areas.				Do.
Wisconsin	Sheboygan	do				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969; and designation of Acting Federal Insurance Administrator effective Aug. 13, 1971, 36 FR 16701, Aug. 25, 1971)

Issued: March 26, 1973.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[FR Doc.73-6122 Filed 3-30-73;8:45 am]

Title 31—Money and Finance: Treasury

CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 306—GENERAL REGULATIONS GOVERNING THE U.S. SECURITIES

Form PD 1071; Correction

Form PD 1073, referred to in § 306.25 (b), 31 CFR Part 306, FEDERAL REGISTER, Volume 38, No. 50, Part II, dated March 15, 1973 (38 FR 7078), should read "Form PD 1071."

THOMAS J. WINSTON, Jr.,
Chief Counsel,
Bureau of the Public Debt.

MARCH 28, 1973.

[FR Doc.73-6267 Filed 3-30-73;8:45 am]

Title 32A—National Defense, Appendix

CHAPTER X—OFFICE OF OIL AND GAS, DEPARTMENT OF THE INTERIOR

[Rev. 5, Amdt. 55]

OI REG. 1—OIL IMPORT REGULATION 1

Oil Import Appeals Board

By amendment to Presidential Proclamation 3279, as amended, on March 23, 1973, the President authorized the Oil Import Appeals Board to grant in certain instances allocations of crude oil, unfinished oils, and finished products without regard to the maximum levels of imports established in section 2 of the Proclamation. This regulation amendment amends section 21 of Oil Import Regulation 1 (Rev. 5), as amended, to conform to the amended proclamation.

The necessity for the Oil Import Appeals Board to act pursuant to the increased authority is urgent; therefore, it is deemed unnecessary to publish notice of proposed rulemaking in the FEDERAL REGISTER, and this amendment shall become effective immediately.

Paragraph (b) of section 21 of Oil Import Regulation 1 (Rev. 5), as amended, is hereby amended to read as follows:

Sec. 21 Appeals.

* * * * *

(b) The Appeals Board shall consider petitions by persons affected by this regulation that fall within the limits of the jurisdiction specified in this paragraph and may:

(1) Within the limits of the maximum levels of imports established in section 2 of this proclamation, modify on the grounds of error any allocation made to any person under such regulation;

(2) Without regard to the limits of the maximum levels of imports established in section 2 of Proclamation 3279, as amended, (i) modify, on the grounds of exceptional hardship, any allocation made to any person under such regulations; (ii) grant allocations of imports of crude oil and unfinished oils in special circumstances to persons with importing histories who do not qualify for allocations under such regulations; and (iii) grant allocations of imports of finished products on the grounds of exceptional hardship to persons who do not qualify for allocations under such regulations; and

(3) Review the revocation or suspension of any allocation or license.

* * * * *

JACK O. HORTON,
Assistant Secretary of the Interior.

MARCH 28, 1973.

Approved: March 29, 1973.

WILLIAM E. SIMON,
Deputy Secretary of Treasury.

[FR Doc.73-6357 Filed 3-29-73;4:59 pm]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER J—BRIDGES

[CGD 72-173R]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Back Bay of Biloxi, Miss.

This amendment adds regulations for the Back Bay of Biloxi swing bridge, mile 2.8, to permit the draw to remain closed to the passage of vessels from 3 p.m. to 5 p.m., Monday through Friday, except holidays, from March 20, 1973, through October 19, 1973. This amendment is made to allow the continuance of extensive repair and replacement work on mechanical and electrical equipment and wiring.

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

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding subparagraph (20-a) immediately after subparagraph (20) of paragraph (i) of § 117.245 to read as follows:

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

* * * * *

(i) * * *

(20-a) Back Bay of Biloxi, mile 2.8, Mississippi. The draw need not open for the passage of vessels from 3 p.m. to 5 p.m., Monday through Friday except holidays, from 20 March 1973 through 19 October 1973.

* * * * *

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

Effective date. This revision shall be in effect from March 20, 1973 through October 19, 1973.

Dated: March 21, 1973.

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

[FR Doc.73-6271 Filed 3-30-73;8:45 am]

CHAPTER IV—ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION

PART 401—SEAWAY REGULATIONS AND RULES

On pages 3087-3100 of the FEDERAL REGISTER of February 1, 1973, and page 4518 of the FEDERAL REGISTER of February 15, 1973, there were published notices of proposed rulemaking by the St. Lawrence Seaway Development Corporation to revise Subpart A—Regulations and Subpart B—Rules of 33 CFR Part 401. In revising the regulations and rules, the Corporation is acting jointly and in coordination with the St. Lawrence Seaway Authority of Canada pursuant to the provisions of its enabling act (33 U.S.C. 981, et seq.), and pursuant to the authority vested in the Secretary of Transportation with respect to the St. Lawrence Seaway under the Ports and Waterways Safety Act of 1972 (Public Law 92-340, 86 Stat. 424), which authority was subsequently delegated to the Administrator of the St. Lawrence Seaway Development Corporation in the FEDERAL REGISTER on October 17, 1972 (37 FR 21943).

Each year the regulations and rules are reviewed in light of the past season's experience and amendments are proposed for necessary changes. The main purposes of this year's revision are to clarify existing regulations and rules, to incorporate information and supplemental requirements which were previously published in Seaway Notices and to incorporate new regulations regarding penal authority received from the Secretary of Transportation by delegation under the Ports and Waterways Safety Act of 1972.

Interested parties were invited to submit written comments and suggestions with respect to the proposed amendments. Two comments were received and they dealt with an extension of the length of the proposed navigation season for 1973. After a detailed consideration, it was concluded that the request could not be complied with at this time. Therefore, the proposed rules and regulations are hereby adopted without change.

Because this revision was developed jointly with the St. Lawrence Seaway Authority of Canada and will be adopted by that agency at the beginning of the 1973 navigation season, I find that good cause exists for making the revision effective in less than 30 days.

The full text of the revision of Part 401 of the Seaway Regulations and Rules is as follows:

SUBPART A—REGULATIONS

Sec.	
401.1	Short title.
401.2	Definitions.
401.3	Transit of the Seaway.
401.4	Preclearance of vessels.
401.5	Condition of vessels.
401.6	Navigation on the Seaway.
401.7	Notice of arrival.
401.8	Passing through.
401.9	Dangerous cargo.
401.10	Documentary evidence.
401.11	Accidents.
401.12	Detention of vessel.
401.13	Removal of obstructions.
401.14	Wintering and laying up.
401.15	Access to Seaway.
401.16	Summary conviction.
401.17	Violations; detention.
401.18	Seizure and sale.
401.19	Copy of regulations to be kept on board.
401.20	Boarding vessel.
401.21	Discharge of refuse.
401.22	Criminal penalty.
401.23	Civil penalty.

SUBPART B—RULES

PRECLEARANCE AND SECURITY FOR PAYMENT OF TOLLS

Sec.	
401.101-1	Representative.
401.101-2	Application for preclearance.
401.101-3	Renewal application.
401.101-4	Approval of preclearance.
401.101-5	Security for tolls.
401.101-6	Amount of single vessel security.
401.101-7	Amount of fleet security.

CONDITION OF VESSELS

401.102-1	Dimensions.
401.102-2	Draft.
401.102-3	Draft markings.
401.102-4	Height.
401.102-5	Protruding bridges.
401.102-6	Fenders.
401.102-7	Fender requirements.
401.102-8	Discharge pipes.
401.102-9	Landing booms.
401.102-10	Radiotelephone equipment.
401.102-11	Mooring lines.
401.102-12	Fairleads.
401.102-13	Requirements for mooring lines and winches.
401.102-14	Handlines.
401.102-15	Anchor marking buoys.
401.102-16	Ballast.
401.102-17	Stern anchors.
401.102-18	Propeller direction alarms and r.p.m. indicators.
401.102-19	Pitch indicators.
401.102-20	Sewage and garbage disposal systems.
401.102-21	Oily water separators.
401.102-22	Rudder angle indicators.
401.102-23	Gyro compasses.
401.102-24	Radar equipment.
401.102-25	Steering light.
401.102-26	Vessel inspection.

RADIO COMMUNICATIONS

401.103-1	Listening watch.
401.103-2	Radiotelephone frequencies.
401.103-3	Location of stations.
401.103-4	VHF radio coverage and procedure.
401.103-5	Calling in.
401.103-6	Communication—ports, docks, and anchorages.

TRANSIT INSTRUCTIONS

401.104-1	Navigation season.
401.104-2	Special instructions.
401.104-3	Compliance with instructions.
401.104-4	Available depths and draft.
401.104-5	Maximum draft for Canadian Sault Ste. Marie Canal.
401.104-6	Inadequate ballast.
401.104-7	Reporting accidents or incidents.
401.104-8	Furnishing information re height of vessel.
401.104-9	Speed.
401.104-10	Meeting and passing.
401.104-11	Passing restriction.
401.104-12	Speed passing moored vessel or working equipment.
401.104-13	Order of passing through.
401.104-14	Mooring at tieup walls.
401.104-15	Limit of approach to a lock.
401.104-16	Cargo booms.
401.104-17	Preparing mooring lines for passing through.
401.104-18	Entering a lock—general.
401.104-19	Tandem lockage.
401.104-20	Passing handlines.
401.104-21	Precautions in passing lines.
401.104-22	Mooring table.
401.104-23	Mooring procedure in locks.
401.104-24	Emergency procedure.
401.104-25	Attending lines.
401.104-26	Leaving a lock.
401.104-27	Turning basins.
401.104-28	Dropping anchor or tying to canal bank.

Sec.
401.104-29 Anchorage areas.
401.104-30 Reporting position at anchor, wharf, etc., and resuming transit.
401.104-31 Signaling approach to bridge.
401.104-32 Limit of approach to a bridge.
401.104-33 Vessels in tow.
401.104-34 Combined beam.
401.104-35 Position of single tug.
401.104-36 Two tugs.
401.104-37 Towing more than one vessel.
401.104-38 Obstructing navigation.
401.104-39 Interference with aids to navigation.
401.104-40 Loss of anchor.
401.104-41 Searchlights.
401.104-42 Smoke.
401.104-43 Damaging or defacing Seaway property.
401.104-44 Disembarking.
401.104-45 Prevention of oil pollution.
401.104-46 Deck cargo.
401.104-47 Reporting navigation aid deficiencies.

DANGEROUS CARGO

401.105-1 General conditions.
401.105-2 Explosive vessel.
401.105-3 Explosives permit.
401.105-4 Application for permit.
401.105-5 Production of explosives permit.
401.105-6 Hazardous cargo vessel.
401.105-7 Nonmetallic fenders.
401.105-8 Signals—explosive vessel.
401.105-9 Signals—hazardous cargo vessel.
401.105-10 Calling in.
401.105-11 Safety restrictions for passing through.
401.105-12 Gas freeing and cleaning of tankers.

TOLL ASSESSMENT AND COLLECTION

401.106-1 Transit declaration.
401.106-2 Revised transit declaration.
401.106-3 Bureau of Statistics.
401.106-4 Toll accounts.
401.106-5 Payment of accounts.
401.106-6 Surcharge.
401.106-7 Producing cargo manifests.
401.106-8 In-transit cargo.
401.106-9 Off-loaded weights.

PLEASURE CRAFT

401.107-1 Transit by pleasure craft.
401.107-2 Smaller craft not subject to preclearance.
401.107-3 Minimum size permitted in certain canals.
401.107-4 Radio communications.
401.107-5 Order of passing through.
401.107-6 Pleasure craft toll tickets.
401.107-7 Payment of tolls.

FORMS

401.120-1 Preclearance form.

NOTE: The regulations contained in Subpart A and the Rules in Subpart B are issued jointly by the St. Lawrence Seaway Development Corporation and the St. Lawrence Seaway Authority of Canada. The numbering of sections in Subpart A, §§ 401.1 to 401.23, corresponds to the Regulations Nos. 1 to 23 of the Canadian agency. The section numbers of Subpart B, §§ 401.101-1 to 401.107-7 inclusive, correspond to the numbering of provisions of Circulars Nos. 1-1 through 7-7 of the Canadian agency. The Canadian Regulations and Circulars are published in the Seaway Handbook, which is distributed to vessel operators using the Seaway.

AUTHORITY: 68 Stat. 93-97, 33 U.S.C. 981-990, as amended; sec. 104, Public Law 92-340, 86 Stat. 424, 49 CFR 1.50a (37 FR 21943).

Subpart A—Regulations

§ 401.1 Short title.

The regulations in this subpart may be cited as the "Seaway Regulations".

§ 401.2 Definitions.

In these regulations:

(a) "Authority" means the St. Lawrence Seaway Development Corporation, and where applicable, shall be deemed to include the St. Lawrence Seaway Authority of Canada;

(b) "Navigation season" means the period designated by the Authority for navigation on the Seaway or any portion thereof;

(c) "Officer" means a person employed by the Authority to direct some phase of the operation or use of the Seaway;

(d) "Passing through" means in transit through a lock or through the waters enclosed by the approach walls at either end of a lock chamber;

(e) "Pleasure craft" means a vessel, however propelled, that is used exclusively for pleasure and that does not carry passengers who have paid a fare for passage;

(f) "Representative" means the owner or charterer of a vessel or an agent of either of them and includes any person who, in an application for preclearance of a vessel, accepts responsibility for payment of the tolls and charges to be assessed against the vessel in respect of transit and wharfage;

(g) "Seaway" means that portion of the deep waterway between the Port of Montreal and Lake Erie that is under the jurisdiction of the Authority and includes all canals, works, and connecting channels that are part of the deep waterway and all other canals and works, wherever located, the management, administration, and control of which have been entrusted to the Authority;

(h) "Station" means a radio station operated by the Authority;

(i) "Towed" means pushed or pulled through the water;

(j) "Transit" means to use the Seaway or a part of it, either upbound or downbound; and

(k) "Vessel" means any type of craft used as a means of transportation on water.

§ 401.3 Transit of the Seaway.

(a) Except as provided in the regulations of this subpart, no vessel shall transit.

(b) Subject to these regulations, every vessel that does not exceed 730 feet in overall length and 75 feet 6 inches in extreme breadth, including permanent fenders, may transit during the navigation season.

(c) No vessel shall transit unless the maximum draft of the vessel does not exceed the draft currently prescribed by the Authority for the part of the Seaway in which the vessel is traveling.

(d) No vessel shall be towed through any part of the Seaway by another vessel or vessels, except in compliance with all conditions prescribed by the Authority in respect of towing and in compliance with any special instructions of an officer.

(e) No pleasure craft of less than 20 feet in overall length, or 1 ton in weight, shall transit the South Shore, Beauharnois, or Welland Canals.

§ 401.4 Preclearance of vessels.

(a) No vessel shall transit:

(1) Until an application for preclearance has been made to the Authority by its representative and the application has been approved by the Authority; or

(2) While its preclearance is suspended.

(b) The representative of a vessel may apply to the Authority in the form prescribed by the Authority for preclearance of the vessel and shall in each application:

(1) Provide particulars of the ownership and physical characteristics of the vessel; and

(2) Guarantee payment of all tolls and charges that may be incurred by the vessel.

(c) The representative of a vessel shall provide security for the payment of the tolls and charges to be incurred by the vessel.

(d) Where, in the opinion of the Authority, the security provided by the representative is insufficient to secure the tolls and charges incurred or likely to be incurred by a vessel, the Authority may suspend the preclearance of the vessel.

(e) No vessel shall transit after:

(1) The expiration of the guarantee endorsed on the application for its preclearance; or

(2) The physical characteristics of the vessel described in the application for preclearance of the vessel are materially altered by reason of construction or repair, unless an application for a new preclearance has been made and approved by the Authority.

(f) Paragraphs (a) to (e) of this section do not apply to pleasure craft of less than 350 tons in weight.

§ 401.5 Condition of vessels.

(a) No vessel shall transit unless:

(1) It is properly trimmed and in a condition determined by the Authority or an officer to be safe and satisfactory to it or him; and

(2) It is equipped with such apparatus, equipment, or machinery as the Authority deems necessary for safe transit.

(b) An officer may refuse to allow a vessel to transit when, in his opinion:

(1) The vessel, its cargo, equipment, or machinery are in such a condition as to prevent safe or expeditious transit by that vessel; or

(2) The vessel is manned with a crew that is incompetent or insufficient in numbers.

(c) Where an officer refuses to allow a vessel to transit, that vessel shall not transit until an officer grants it specific permission to do so.

§ 401.6 Navigation on the Seaway.

(a) Subject to this subpart, the related marine, navigation, and shipping laws and regulations of the United States, as well as the Canada Shipping Act and the regulations made thereunder, shall apply mutatis mutandis to every vessel in transit.

(b) No vessel shall transit unless it:

(1) Proceeds at a speed that is not in excess of that prescribed by the Authority for that part of the Seaway in which the vessel is traveling;

(2) Complies with all orders given to it by an officer or a station; and

(3) Complies with this subpart and all directions given by the Authority in respect to navigation and passing through.

(c) The Authority assumes no liability in providing aids or things to assist navigation.

(d) Nothing in this subpart shall be construed as derogating from the responsibility of a master for his vessel and its crew.

§ 401.7 Notice of arrival.

(a) All self-propelled vessels in transit or approaching the Seaway, except pleasure craft of less than 65 feet in overall length, shall:

(1) Be on radio-listening watch; and

(2) Give notice of arrival in the manner prescribed by the Authority upon reaching any calling-in-point designated by the Authority.

(b) Notice of arrival shall be deemed to have been given when it is ackhowledged by a station.

§ 401.8 Passing through.

(a) The crew of a vessel shall assist in the handling and passing through of the vessel in such manner as may be prescribed by the Authority.

(b) Except as authorized by an officer, no person shall go aboard or leave any vessel while the vessel is passing through.

§ 401.9 Dangerous cargo.

(a) No vessel, carrying dangerous cargo to which regulations issued pursuant to the Dangerous Cargo Act of the United States or regulations made under the Canada Shipping Act apply, shall transit except in accordance with the requirements of such regulations and in accordance with all directions given by the Authority.

(b) No vessel carrying fuel oil, gasoline, other flammable goods, or other goods deemed by the Authority to be dangerous shall transit except in accordance with all directions given by the Authority in respect of vessels carrying such goods.

§ 401.10 Documentary evidence.

(a) The representative of a vessel shall, within 14 days after the vessel first enters the Seaway on any upbound or downbound voyage, furnish to the Authority in the form prescribed by the Authority, a detailed report stating the destination of the vessel and the nature and quantity of its cargo.

(b) All documentary evidence, including inspection certificates, vessel manifests, cargo manifests, crew lists, and bills of lading, shall be made available to any officer requiring production of such evidence.

§ 401.11 Accidents.

(a) Where a vessel on the Seaway is involved in an accident which might affect its ability to transit safely and expeditiously, the master of the vessel shall report the accident to the nearest Seaway station immediately if the vessel can make radio contact with the station or forthwith as soon as the vessel can make radio contact with the station in any other case.

(b) Where a vessel approaching the Seaway with intent to transit has been involved in an accident in the course of its last voyage that might affect its ability to transit safely and expeditiously, the master of the vessel shall report the accident to the nearest Seaway station before entering the Seaway.

§ 401.12 [1] Detention of vessel.

Where an accident results:

(a) In damage to property of the Authority;

(b) In damage to goods or cargo stored on property of the Authority; or

(c) In injury to employees of the Authority, the vessel causing such damage or injuries may be detained until security satisfactory to the Authority has been provided.

§ 401.13 Removal of obstructions.

The Authority may take such action as it deems necessary to relocate any vessel, cargo, or things that, in its opinion, obstructs or hinders transit of any part of the Seaway.

§ 401.14 Wintering and laying up.

No vessel shall winter or lay up within the Seaway except with the written permission of the Authority and subject to the conditions and charges that may be imposed by the Authority.

§ 401.15 Access to Seaway land.

(a) Except as authorized by an officer, no person shall load or unload goods on property of the Authority.

(b) Except as authorized by an officer or by the Shore Traffic Regulations, no person shall enter upon any land or structures of the Authority or swim in any canal or lock area.

§ 401.16 [1] Summary conviction.

(a) A person who violates a regulation is guilty of an offense and is liable on summary conviction to a fine not exceeding $1,000.

(b) Every person who:

(1) Handles any vessel contrary to the provisions of the regulations of this subpart or any directions of the Authority or of an officer given under the regulations of this subpart;

(2) Is a party to any act described in paragraph (b)(1) of this section; or

(3) Is the owner, charterer, or master of any vessel by means of which any act described in paragraph (b)(1) of this section is committed,

shall be deemed to have violated those provisions or directions unless, in any prosecution for such violation, he establishes that the act in respect of which the prosecution has been commenced, took place without his consent, and that he exercised all due diligence to prevent its commission.

§ 401.17 [1] Violations; detention.

(a) An officer may detain a vessel where:

(1) The tolls or charges levied against the vessel have not been paid; or

(2) A violation of the regulations of this subpart has taken place in respect of the vessel.

(b) A vessel detained pursuant to paragraph (a)(1) of this section shall be released where the unpaid tolls or charges are paid.

(c) A vessel detained pursuant to paragraph (a)(2) of this section may be released where a sum of money in an amount, determined by the Authority to be the maximum fine that may be imposed for the violation in respect of which the vessel has been detained, is deposited with the Authority as security for the payment of any fine that may be imposed.

(d) Where a sum of money has been deposited pursuant to paragraph (c) of this section, the Authority may:

(1) Return the deposit;

(2) Hold the deposit in trust as security for the payment of any fine that may be imposed; or

(3) Retain the deposit if the depositor agrees to retention by the Authority of the sum deposited.

(e) Although the master or the representative may have agreed to retention by the Authority of an amount deposited under paragraph (c) of this section, an action may be brought for the recovery of the amount deposited on the ground that there has been no violation of the regulations.

§ 401.18 [1] Seizure and sale.

(a) Where a vessel has been detained pursuant to § 401.17 and payment of the tolls and charges or the fine imposed on conviction has not been made within 48 hours after:

(1) The time of detention, in the case of arrears of tolls and charges; or

(2) The imposition of the fine, in the case of conviction, the Authority may direct that the vessel or its cargo or any part thereof be seized.

(b) The Authority may, after giving such notice as it deems reasonable to a representative of the vessel, sell the vessel or cargo seized pursuant to paragraph (a) of this section.

[1] Section 401.12 and §§ 401.16 to 401.18 apply only to that portion of the Seaway under the jurisdiction of the St. Lawrence Seaway Authority of Canada. These sections are included herein primarily for the purpose of information.

(c) Any amount remaining from the proceeds of a sale held pursuant to paragraph (b) of this section shall, after deduction of the amount due for tolls and charges or the amount of the fine imposed on conviction together with the cost of the detention, seizure, and sale, be paid to the owner of the vessel or cargo or the mortgagee thereof, as the case may be.

§ 401.19 Copy of regulations to be kept on board.

A copy of the regulations and rules of this part shall be kept on board every vessel in transit on the Seaway.

§ 401.20 Boarding vessel.

For the purpose of enforcing the regulations of this subpart, an officer may board any vessel and:

(a) Examine the vessel or its cargo; and

(b) Inspect its crew.

§ 401.21 Discharge of refuse.

No vessel in transit shall emit sparks or excessive smoke or discharge oil, oil sludge, or other flammable or dangerous substance, or garbage, ashes, ordure, litter, or other materials, and no person shall deposit any such substance or material in waters or on land or structures under the jurisdiction of the Authority.

§ 401.22 [2] Criminal penalty.

(a) A person who willfully violates a regulation or rule is subject to a fine not less than $5,000 or more than $50,000 or imprisonment for not more than 5 years or both.

(b) For the purpose of paragraph (a) of this section, a "person" is deemed to be anyone who:

(1) Handles any vessel contrary to the provisions of these regulations or of any rules or directions of the Authority, or an officer thereof, given under the regulations or rules;

(2) Is a party to any act described in paragraph (b) (1) of this section; or

(3) Is the owner, charterer or master of any vessel by means of which any act described in paragraph (b) (1) of this section is committed.

§ 401.23 [2] Civil penalty.

(a) A person, as described in paragraph (b) of § 401.22, who violates a regulation or rule is liable to a civil penalty of not more than $10,000.

(b) In assessing or collecting any civil penalty incurred under paragraph (a) of this section, the Authority may, in its discretion, remit, mitigate, or compromise any penalty.

(c) Upon failure to collect a penalty levied under this section, the Authority may request the U.S. Attorney General to commence any action for collection in any district court of the United States. A vessel by means of which a violation of a regulation or rule is committed shall be liable in rem and may be proceeded against accordingly.

[2] Sections 401.22 and 401.23 apply only to that portion of the Seaway under the jurisdiction of the St. Lawrence Seaway Development Corporation.

Subpart B—Rules

PRECLEARANCE AND SECURITY FOR PAYMENT OF TOLLS

§ 401.101–1 Representative.

Except as provided in the rules relating to pleasure craft, §§ 401.107–1 to 401.107–7, every vessel intending to transit must be precleared by a representative who shall assume responsibility to the Authority for the payment of all tolls and charges to be incurred.

§ 401.101–2 Application for preclearance.

Application for preclearance will be made by the representative on Form SLS–429, a sample of which is shown in § 401.120–1. Application forms may be obtained from the St. Lawrence Seaway Authority, Cornwall, Ontario, or from the St. Lawrence Seaway Development Corporation, Massena, N.Y.

§ 401.101–3 Renewal application.

Where a preclearance has terminated by expiration of the representative's guarantee or because of a change in ownership or in the status of the representative or because of a change in the physical characteristics of the vessel, another application for preclearance must be made before further transit by the vessel.

§ 401.101–4 Approval of preclearance.

Preclearance may be approved by the Authority in writing, assigning a Seaway number, to which reference shall be made at all times when corresponding or making payments.

§ 401.101–5 Security for tolls.

Before transit, other than a transit restricted to the Sault Ste. Marie (Canada) Canal, by a vessel, other than a pleasure craft, security for the payment of tolls must be provided in one of the following ways:

(a) A money deposit with the Authority;

(b) A money deposit to the credit of the Authority with a bank in the United States or with a chartered bank in Canada;

(c) A deposit with the Authority of negotiable bonds of the Government of the United States or of the Government of Canada; or

(d) Furnishing the Authority with a letter of guarantee given by a bank referred to in paragraph (b) of this section.

§ 401.101–6 Amount of single vessel security.

The security for tolls in the case of one vessel shall be sufficient to cover the gross registered tonnage of that vessel at $1 per ton for transit each way, or at $2 per ton for a "round trip", and it shall be maintained in an amount sufficient to cover each and every transit for which tolls have been incurred and are unpaid.

§ 401.101–7 Amount of fleet security.

Where a number of vessels are owned or controlled by the same person or company and have the same representative, the security for tolls may be provided in an amount estimated by the representative as being equal to $1 per ton for the aggregate, maximum tonnage of such vessels to be within the Seaway at any one time, and it must be maintained in an amount sufficient to cover each and every transit for which tolls have been incurred and are unpaid.

CONDITION OF VESSELS

§ 401.102–1 Dimensions.

Vessels in excess of 730 feet in overall length or 75 feet 6 inches in extreme breadth including permanent fenders, if any, shall not transit under any circumstances.

§ 401.102–2 Draft.

Vessels shall not transit any part of the Seaway between Montreal and Lake Erie with a maximum draft in excess of 26 feet.

§ 401.102–3 Draft markings.

Vessels in excess of 65 feet in overall length must be correctly and distinctly marked on both sides at the bow and stern, and vessels in excess of 350 feet in overall length must also be so marked on both sides with midship draft markings. A Seaway officer may require the Master of any vessel to produce satisfactory evidence that draft markings are correct.

§ 401.102–4 Height.

No vessel shall transit any part of the Seaway if anything on the vessel extends more than 117 feet above water level. (See § 401.104–8 with regard to required advance information on the height of vessels.)

§ 401.102–5 Protruding bridges.

No vessel shall transit if any part of its bridges protrudes beyond the vessel's hull.

§ 401.102–6 Fenders.

If fenders are used, they shall either be permanently attached to the vessel or be made of such material as will remain afloat, and be securely fastened and suspended from the vessel in a horizontal position by means of a steel cable or a fiber rope. Fenders suspended from a vessel shall be slung in such a way that they may be raised or lowered so as to avoid damage to Seaway installations, and automobile or other tires shall not be used as fenders.

§ 401.102–7 Fender requirements.

Vessels carrying explosive or hazardous cargo must be equipped with fenders as specified in § 401.105–7, and fenders or other devices must be provided where

any structural part of a vessel protrudes so as to endanger Seaway installations.

§ 401.102–8 Discharge pipes.

No vessel shall transit with pipes which discharge onto the top of a tieup or lock wall. Discharge pipes will be rigged to assure that overboard discharge will be diverted into the water.

§ 401.102–9 Landing booms.

Vessels in excess of 150 feet in overall length must be equipped with at least one adequate landing boom on each side.

§ 401.102–10 Radiotelephone equipment.

All self-propelled vessels, other than pleasure craft of less than 65 feet, must be equipped with VHF (very high frequency) radiotelephone equipment. The radio transmitters must have sufficient power output to enable the vessel to communicate with Authority stations from a distance of 30 miles and must be fitted to operate from the wheelhouse and to communicate on 156.55, 156.6, 156.7, and 156.8 MHz.

§ 401.102–11 Mooring lines.

(a) Mooring lines must be uniform throughout their length, fitted with a spliced eye not less than 8 feet long and must have sufficient strength to check the vessel. They must be arranged so that they may be led to either side of the vessel as required.

(b) Synthetic lines may be used for mooring at approach walls, tieup walls, and docks within the Seaway provided they have an appropriate breaking strength. Wire rope mooring lines must be used for securing in lock chambers unless otherwise permitted.

(c) The following table sets out minimum specifications for mooring lines:

Ship's overall length (feet)	Length of mooring line (feet)	Breaking strength (tons)
125 to 200	360	15
200 to 300	360	21
300 to 500	360	23
500 to 730	360	35

§ 401.102–12 Fairleads.

Mooring lines, and hawsers where permitted, must be led at the vessel's side through a type of fairlead acceptable to the Authority, and they shall not pass through more than two inboard fairleads which must be fixed in place and provided with free-running sheaves or rollers. When mounted flush with the hull, fairleads should be fendered to prevent the lines from being pinched between the vessel and a wall.

§ 401.102–13 Requirements for mooring lines and winches.

Minimum requirements with respect to mooring lines and winches and with respect to the location of fairleads on vessels are as follows:

(a) Vessels of 125 feet and less in overall length shall have at least two mooring lines or hawsers, one leading from the break of the bow and one from the quarter. Both lines may be led through closed chocks and may be hand held.

(b) Vessels in excess of 125 feet and up to 200 feet in overall length shall have four mooring lines, two of which (one leading forward from the break of the bow and one leading astern from the quarter, or one leading astern from the break of the bow and one leading forward from the quarter) must be power operated from winches, capstans, or windlasses and must be led through a type of fairlead acceptable to the Authority. The two remaining lines may be led through closed chocks and may be hand held.

(c) Vessels in excess of 200 feet in overall length shall have four mooring lines, which must be power operated from the main drum of adequate power operated winches, and not from capstans or windlasses. All four mooring lines (two leading from the break of the bow and two from the quarter) must be led through a type of fairlead acceptable to the Authority.

(d) The following table sets out the requirements for the location of fairleads:

Overall length of vessel in feet	For mooring lines Nos. 1 and 2	For mooring lines Nos. 3 and 4
200 to 300	Between 30 and 80 ft. from the stem.	Between 30 and 80 ft. from the stem.
Over 300 to 400	Between 40 and 100 ft. from the stem.	Between 50 and 110 ft. from the stem.
Over 400 to 500	Between 40 and 110 ft. from the stem.	Between 60 and 130 ft. from the stem.
Over 500 to 600	Between 50 and 130 ft. from the stem.	Between 60 and 150 ft. from the stem.
Over 600 to 730	Between 60 and 160 ft. from the stem.	Between 70 and 170 ft. from the stem.

§ 401.102–14 Handlines.

Handlines must be of manila or other acceptable material and must have a minimum diameter of one-half inch and a minimum length of 100 feet and must not be knotted or weighted when they are to be used in the chamber of a lock.

§ 401.102–15 Anchor marking buoys.

An orange-colored anchor marking buoy, of an approved type and fitted with 75 feet of suitable line, shall be secured directly to each anchor so that it will mark the location of the anchor when it is dropped.

§ 401.102–16 Ballast.

Vessels must be adequately ballasted.

§ 401.102–17 Stern anchors.

It is strongly recommended that vessels in excess of 350 feet in overall length be equipped with a stern anchor rigged and ready for immediate use; all vessels in excess of 350 feet whose keels are laid after January 1, 1975, shall be equipped with stern anchors.

§ 401.102–18 Propeller direction alarms and r.p.m. indicators.

Vessels in excess of 260 feet in overall length shall be equipped with propeller direction/shaft r.p.m. indicators and, unless the vessel is bridge controlled or is equipped with an automatically synchronized electric telegraph system or a device which renders it impossible to operate engines against orders from the bridge, visible and audible wrong-way propeller direction alarms located in the wheelhouse and the engine room.

§ 401.102–19 Pitch indicators.

Vessels equipped with a variable pitch propeller shall have a pitch indicator in the wheelhouse and in the engineroom.

§ 401.102–20 Sewage and garbage disposal systems.

Vessels not otherwise equipped with containers for ordures shall be equipped with a sewage disposal system enabling compliance with applicable laws relative to sewage disposal. Garbage on a vessel shall be destroyed by means of an incinerator or other device, or it shall be retained on board in covered, leakproof containers until such time as it can be disposed of lawfully.

§ 401.102–21 Oily water separators.

Vessels which cannot contain waste oil products and bilge water containing waste oil products shall be equipped with oily water separators or other such equipment for the extraction of oil products from waste water before discharge.

§ 401.102–22 Rudder angle indicators.

Vessels in excess of 260 feet in overall length shall be equipped with rudder angle indicators located in the wheelhouse, and it is strongly recommended that the indicators or repeaters be arranged so that they are easily read from any position on the bridge.

§ 401.102–23 Gyrocompasses.

It is recommended that vessels be equipped with gyrocompasses.

§ 401.102–24 Radar equipment.

It is recommended that vessels be equipped with radar.

§ 401.102–25 Steering light.

Vessels shall be equipped with a steering light on the bow.

§ 401.102–26 Vessel inspection.

Vessels shall provide at least 24-hour notice of arrival to the nearest Seaway station prior to an initial transit or in case reinspection is required.

RADIO COMMUNICATIONS

§ 401.103–1 Listening watch.

As provided in the Seaway Regulations (Subpart A of this part), vessels shall be on radio listening watch on the assigned frequency while within a Seaway traffic control sector.

§ 401.103–2 Radiotelephone frequencies.

The Seaway stations operate on the following assigned VHF frequencies:

156.8 MHz (Channel 16)—Safety and calling.
156.7 MHz (Channel 14)—Working (Canadian stations other than Lakes Ontrato and Erie).
156.6 MHz (Channel 12)—Working (U.S. stations).

156.55 MHz (Channel 11)—Working (Canadian stations, Lake Ontario, and eastern end of Lake Erie).

§ 401.103–3 Location of stations.

The Seaway stations are for vessel traffic control purposes only, and are located as follows:

Call letters	Call sign	Location
VDX20	(Seaway Beauharnois.)	Upper Beauharnois Lock—traffic control sector No. 1.
KEF	(Seaway Eisenhower.)	Eisenhower Lock—traffic control sector No. 2.
VDX21	(Seaway Iroquois)	Iroquois Lock—traffic control sector No. 3.
WAG	(WAG Clayton)	Clayton, N.Y.—traffic control sector No. 4.
VDX70	(Seaway Picton)	Picton, Ontario—traffic control sector No. 5.
VDX72	(Seaway Oshawa)	Oshawa, Ontario—traffic control sector No. 5.
VDX22	(Seaway Welland)	St. Catharines, Ontario—traffic control sector No. 6.
VDX68	(Seaway Long Point.)	Port Colborne, Ontario—traffic control sector No. 7.
VDX23	(Seaway Sault)	Sault Ste. Marie, Ontario—traffic control sector No. 8.

§ 401.103–4 VHF radio coverage and procedure.

(a) Vessels must use the channels of communication in each control sector as listed below:

Station	Control sector No.	Sector limits	Call in	Work	Listening watch
Seaway Beauharnois	1	C.I.P. No. 2 to C.I.P. Nos. 6 and 7	Ch. 14	Ch. 14	Ch. 14.
Seaway Eisenhower	2	C.I.P. Nos. 6 and 7 to C.I.P. Nos. 10 and 11.	Ch. 12	Ch. 12	Ch. 12.
Seaway Iroquois	3	C.I.P. Nos. 10 and 11 to Whaleback Shoal.	Ch. 14	Ch. 14	Ch. 14.
WAG Clayton	4	Whaleback Shoal to Tibbetts Point	Ch. 16	Ch. 12	Ch. 16.
Seaway Picton	5	Tibbetts Point to Mid Lake Ontario	Ch. 11	Ch. 11	Ch. 16.
Seaway Oshawa	5	Mid Lake Ontario to C.I.P. No. 15	Ch. 11	Ch. 11	Ch. 16.
Seaway Welland	6	C.I.P. No. 15 to C.I.P. No. 16	Ch. 14	Ch. 14	Ch. 14.
Seaway Long Point	7	C.I.P. No. 16 to Long Point	Ch. 11	Ch. 11	Ch. 16.
Seaway Sault	8	C.I.P. No. 17 to C.I.P. No. 18	Ch. 14	Ch. 14	Ch. 16.

(b) Initial calls originating from Seaway Stations to vessels in Sectors 4, 5, 7, and 8 will be on Channel 16, switching to the working channel for conversation.

(c) Vessels arriving at either Call-in-Point (CIP) 15 or 16 should call "Seaway Welland" on Channel 14. If the vessel is called directly into the canal, it will remain on Channel 14. If the vessel is not to come directly into the canal, it will be sent to anchorage and instructed to guard Channel 16 until called in.

§ 401.103–5 Calling in.

(a) Vessels intending to, or in transit, must report on the assigned frequency to the designated station when opposite calling-in-points, as indicated on the General Seaway Plan, and checkpoints, indicated hereunder, giving the following information:

C.I.P. and checkpoint	Station to call	Message content
C.I.P. 2—entering sector 1 (order of passing through established).	Seaway Beauharnois—ch. 14.	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo. 6. Pilot requirement—Lake Ontario.
C.I.P. 3—(order of passing through established).	Seaway Beauharnois—ch. 14.	1. Name of vessel. 2. Location.
Exiting Upper Beauharnois Lock.	Seaway Beauharnois—ch. 14.	1. Name of vessel. 2. Location. 3. ETA C.I.P. 7.
C.I.P. 7—leaving sector 1.	Seaway Beauharnois—ch. 14.	1. Name of vessel. 2. Location.
C.I.P. 7—entering sector 2.	Seaway Eisenhower—ch. 12.	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo. 6. ETA Snell Lock (if pilot required).
C.I.P. 8—(order of passing through established).	Seaway Eisenhower—ch. 12.	1. Name of vessel. 2. Location.
C.I.P. 8A	Seaway Eisenhower—ch. 12.	1. Name of vessel. 2. Location.
Exiting Eisenhower Lock.	Seaway Eisenhower—ch. 12.	1. Name of vessel. 2. Location. 3. ETA C.I.P. 11.
C.I.P. 11—leaving sector 2.	Seaway Eisenhower—ch. 12.	1. Name of vessel. 2. Location.
C.I.P. 11—entering sector 3.	Seaway Iroquois—ch. 14.	1. Name of vessel. 2. Location.
C.I.P. 12—(order of passing through established).	Seaway Iroquois—ch. 14.	1. Name of vessel. 2. Location.
Exiting Iroquois Lock.	Seaway Iroquois—ch. 14.	1. Name of vessel. 2. Location. 3. ETA Whaleback Shoal.
Whaleback Shoal—leaving sector 3.	Seaway Iroquois—ch. 14.	1. Name of vessel. 2. Location.
Whaleback Shoal—entering sector 4.	WAG Clayton (call ch. 16; work ch. 12).	1. Name of vessel. 2. Location. 3. ETA Cape Vincent. 4. Confirmation pilot requirement—Lake Ontario.
Tibbetts Point—leaving sector 4.	WAG Clayton (call ch. 16; work ch. 12).	1. Name of vessel. 2. Location.
Tibbetts Point—entering sector 5.	Seaway Picton—ch. 11.	1. Name of vessel. 2. Location. 3. ETA Point Petre. 4. ETA Port Weller. (C.I.P. 15) or Lake Ontario Port. 5. Pilot requirement—Port Weller.
Point Petre	Seaway Picton—ch. 11.	1. Name of vessel. 2. Location. 3. ETA Newcastle.
Newcastle	Seaway Oshawa—ch. 11.	1. Name of vessel. 2. Location. 3. Updated ETA Port Weller (C.I.P. 15) or Lake Ontario Port. 4. Confirmation pilot requirement—Port Weller.
C.I.P. 15—(order of passing through established).	Seaway Welland—ch. 14.	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo. 6. Pilot requirement—Lake Erie.
Port Colborne Piers.	Seaway Welland—ch. 14.	1. Name of vessel. 2. Location. 3. ETA Long Point.
C.I.P. 16	Seaway Long Point—ch. 11.	1. Name of vessel. 2. Location.
Long Point—leaving sector 7.	Seaway Long Point—ch. 11.	1. Name of vessel. 2. Location.
C.I.P. 17	Seaway Sault—ch. 14.	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo.
C.I.P. 18	Seaway Sault—ch. 14.	1. Name of vessel. 2. Location.
DOWNBOUND VESSELS		
C.I.P. 18	Seaway Sault—ch. 14.	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo.
C.I.P. 17	Seaway Sault—ch. 14.	1. Name of vessel. 2. Location.
Long Point—entering sector 7.	Seaway Long Point—ch. 11.	1. Name of vessel. 2. Location. 3. ETA C.I.P. 16.
C.I.P. 16—(order of passing through established).	Seaway Welland—ch. 14.	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo. 6. Pilot requirement—Lake Ontario.
Exiting Lock No. 1—Welland Canal.	Seaway Welland—ch. 14.	1. Name of vessel. 2. Location. 3. ETA Newcastle. 4. ETA Tibbetts Point or Lake Ontario Port. 5. Pilot requirement—Tibbetts Point.
C.I.P. 15	Seaway Oshawa—ch. 11.	1. Name of vessel. 2. Location.
Newcastle	Seaway Oshawa—ch. 11.	1. Name of vessel. 2. Location. 3. ETA Point Petre.

C.I.P. and checkpoint	Station to call	Message content
Point Petre	Seaway Picton—ch. 11.	1. Name of vessel. 2. Location. 3. Updated ETA Tibbetts Point or Lake Ontario Port. 4. Confirmation river pilot requirement—Tibbetts Point.
Tibbetts Point—leaving sector 5.	Seaway Picton—ch. 11.	1. Name of vessel. 2. Location.
Tibbetts Point—entering sector 4.	WAG Clayton (call ch. 16; work ch. 12).	1. Name of vessel. 2. Location.
Cape Vincent—(after river pilot boards).	WAG Clayton (call ch. 16; work ch. 12).	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo. 6. ETA Whaleback Shoal.
Whaleback Shoal—leaving sector 4.	WAG Clayton (call ch. 16; work ch. 12).	1. Name of vessel. 2. Location.
Whaleback Shoal—entering sector 3.	Seaway Iroquois—ch. 14.	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo.
C.I.P. 14	Seaway Iroquois—ch. 14.	1. Name of vessel. 2. Location.
C.I.P. 13—(order of passing through established).	Seaway Iroquois—ch. 14.	1. Name of vessel. 2. Location.
Exiting Iroquois Lock.	Seaway Iroquois—ch. 14.	1. Name of vessel. 2. Location. 3. ETA C.I.P. 10. 4. Harbor or river pilot requirement—St. Lambert.
C.I.P. 10—leaving sector 3.	Seaway Iroquois—ch. 14.	1. Name of vessel. 2. Location.
C.I.P. 10—entering sector 2.	Seaway Eisenhower—ch. 12.	1. Name of vessel. 2. Location.
C.I.P. 9—(order of passing through established).	Seaway Eisenhower—ch. 12.	1. Name of vessel. 2. Location. 3. ETA Snell Lock (if pilot required).
Exiting Snell Lock.	Seaway Eisenhower—ch. 12.	1. Name of vessel. 2. Location. 3. ETA C.I.P. 6.
C.I.P. 6—leaving sector 2.	Seaway Eisenhower—ch. 12.	1. Name of vessel. 2. Location.
C.I.P. 6—entering sector 1.	Seaway Beauharnois—ch. 14.	1. Name of vessel. 2. Location.
C.I.P. 5—(order of passing through established).	Seaway Beauharnois—ch. 14.	1. Name of vessel. 2. Location.
Exiting Lower Beauharnois Lock.	Seaway Beauharnois—ch. 14.	1. Name of vessel. 2. Location. 3. Confirmation harbor or river pilot requirement—St. Lambert. 4. Montreal Harbor berth number. 5. VHF requirement—St. Lambert.
St. Lambert Lock to C.I.P. 2—leaving sector 1.	Seaway Beauharnois—ch. 14.	1. Name of vessel. 2. Location. 3. See par. (b) of this section.

(b) A downbound vessel in St. Lambert Lock wishing to communicate with Montreal Marine Control will switch to Channel 10 (156.5 MHz) for a Montreal Harbor situation report. After completing the call, the vessel will return to guarding Channel 14 (156.7 MHz) before exiting the lock. When the vessel has cleared the downstream end of the lower approach wall of St. Lambert Lock, the master or pilot will call "Seaway Beauharnois" and request permission to switch to Channel 10 (156.5 MHz). Seaway Beauharnois will concur and advise the vessel of any upbound traffic cleared for Seaway entry but not yet at CIP 2. In the event of expected vessel meeting(s) between the downstream end of the lower approach wall and CIP 2, the downbound vessel will be told to remain on Channel 14 (156.7 MHz) until the meet has been completed. After the meeting, the downbound vessel will call back before going to Channel 10 (156.5 MHz).

(c) Exiting a lock refers to the period of time during which the vessel is underway to leave the lock prior to the time when its stern clears the lock chamber.

(d) Changes in information provided under paragraph (a) of this section shall be reported to the appropriate Seaway Station.

§ 401.103–6 Communication — ports, docks and anchorages.

(a) Vessels arriving at ports, docks, and anchorages shall report to the appropriate Seaway Station, giving an estimated time of departure, if possible and, at least 4 hours prior to departure, vessels departing ports, docks, and anchorages shall report in the same way giving their destination and ETA at the next checkpoint.

(b) Vessels entering or leaving a lake port, shall report to the appropriate Seaway Station as follows:

Toronto and Hamilton—1 mile outside of harbor limits. Other lake ports—when crossing the harbor entrance.

TRANSIT INSTRUCTIONS

§ 401.104–1 Navigation season.

Navigation on the Seaway will open and close on the following dates in each year, subject to changes appropriate to weather and ice conditions or vessel traffic demands:

	Open	Close
South Shore, Beauharnois, Wiley-Dondero, and Iroquois	Apr. 1	Dec. 16
Welland Canal	Apr. 1	Dec. 31
Canadian Sault Ste. Marie Canal	Apr. 4	Dec. 12

§ 401.104–2 Special instructions.

Special instructions must be applied for to the Authority in connection with the intended transit of vessels of unusual design, hulks, sections of vessels, large dredges and all vessels in tow, and such vessels shall not transit except in strict compliance with such instructions.

§ 401.104–3 Compliance with instructions.

The Master of a vessel shall comply promptly with all transit instructions given by an officer or a station, and, if an instruction to move a vessel is not complied with, the Authority, in addition to any other duly authorized action, may relocate the vessel with respect to which the instruction was given.

§ 401.104–4 Available depths and drafts.

Main Seaway channels have a controlling depth of 27 feet, and the loading, draft, and speed of a vessel in transit shall be controlled by the Master, according to the vessel's individual characteristics and its tendency to list or squat, so as to avoid striking bottom. Draft shall not, in any case, exceed the maximum permissible draft which is prescribed by the Authority or notified by an officer or a station for the part of the Seaway in which a vessel is in transit.

§ 401.104–5 Maximum draft for Sault Ste. Marie Canal.

Vessels shall not transit the Sault Ste. Marie (Canada) Canal with a draft in excess of the maximum permissible draft currently prescribed by the Authority for the canal in question and unless the available depth of water on the appropriate controlling point for draft exceeds by at least 3 inches the maximum draft of the vessel at the time.

§ 401.104–6 Inadequate ballast.

Vessels, which are in the opinion of an authorized officer not adequately ballasted, may be refused transit or may be delayed.

§ 401.104–7 Reporting accidents or incidents.

No vessel shall transit unless the vessel, its cargo and equipment or machinery are in a condition to allow safe and expeditious transit, and every accident or incident during transit must be reported as soon as possible to the nearest Seaway Station.

§ 401.104–8 Furnishing information re height of vessel.

Vessels, any part of which extends more than 110 feet above water level, shall not transit any part of the Seaway until precise information concerning the height of the vessel has been furnished to the Seaway Station.

§ 401.104–9 Speed.

Maximum speed for vessels in excess of 40 feet in overall length shall not exceed that shown for designated areas in the following table and every vessel underway shall proceed at a reasonable speed, so as not to cause undue delay to other vessels.

From—	To—	Maximum speed over the bottom (m.p.h.)
Upper entrance Beauharnois Lock Buoy 5B.	Lake St. Francis Buoy 27F.	10 upbound (8.6 knots). 12 downbound (10.4 knots).
Lake St. Francis Buoy 27F.	Lake St. Francis Buoy 87F.	18 (15.5 knots):
Lake St. Francis Buoy 87F.	Snell Lock	10 upbound (8.6 knots): 12 downbound (10.4 knots):
Eisenhower Lock.	Richards Point Light 55.	13 (11.3 knots):
Richards Point Light 55.	Morrisburg buoy 84.	15 (13 knots):
Morrisburg buoy 84.	Ogden Island buoy 99.	13 (11.3 knots):
Ogden Island buoy 99.	Blind Bay ½ mile east of Light 162.	15 (13 knots):
Blind Bay ½ mile east of Light 162.	Deer Island Light 186.	13 (11.3 knots):

From—	To—	Maximum speed over the bottom (m.p.h.)
Deer Island Light 186.	Bartlett Point Light 227.	10 upbound (8.6 knots). 12 downbound (10.4 knots).
Bartlett Point Light 227.	Tibbetts Point	15 (13 knots).
Junction of Canadian Middle Channel and Main Channel abreast of Ironsides Island.	Open waters between Wolfe and Howe Islands through the said Middle Channel.	13 (11.3 knots).
Lock 1, Welland Canal.	Outer Piers, Port Weller Harbor.	9 (7.8 knots).
Port Robinson	Ramey's Bend through the Welland-By-Pass.	9 (7.8 knots).
All other canals		7 (6.1 knots).

§ 401.104–10 Meeting and passing.

(a) The meeting and passing of vessels shall be governed by the Rules of the Road for the Great Lakes.

(b) Meeting other vessels is prohibited within the limits of approach signs at bridges.

§ 401.104–11 Restriction on overtaking.

Except as instructed by the Vessel Traffic Controller, vessels shall not overtake and pass or attempt to overtake and pass another vessel:

(a) In any canal;

(b) Within 2,000 feet of a canal entrance;

(c) After the order of passing through has been established by the Vessel Traffic Controller; or

(d) Between the western end of the Vidal Shoal Cut and the upper entrance of the Sault Ste. Marie (Canada) Lock.

§ 401.104–12 Speed passing moored vessel or working equipment.

A vessel passing a moored vessel or equipment working in a canal shall proceed at such a speed so as not to endanger the moored vessel or the occupants thereof.

§ 401.104–13 Order of passing through.

Vessels shall advance to a lock in the order instructed by the Vessel Traffic Controller.

§ 401.104–14 Mooring at tieup walls.

Upon arrival at a lock, a vessel awaiting instructions to advance shall moor at the tieup wall and well close up to the designated limit of approach sign or to any vessel preceding it.

§ 401.104–15 Limit of approach to a lock.

A vessel approaching a lock or guard gate will be governed by the associated signal light system, and in no case shall its stem pass the appropriate limit of approach sign while a red light or no light is displayed.

§ 401.104–16 Cargo booms.

Vessels shall have cargo booms secured in their housings in a manner which affords maximum visibility from the wheelhouse.

§ 401.104–17 Preparing mooring lines for passing through.

Before a vessel enters a lock, sufficient lengths of mooring lines to reach the mooring posts on the lock walls shall be drawn off the winch drums and laid out on the deck. The eye of the mooring line shall be passed outward through the fairleads at the side to be ready for service.

§ 401.104–18 Entering a lock—general.

A vessel shall not proceed into a lock so that the stem passes the "Stop" sign on the lock wall nearest the closed gates, and it shall be positioned and moored as directed by the lockmaster.

§ 401.104–19 Tandem lockage.

When two or more vessels are being locked together, vessels astern of the leading vessel shall come to a full stop a sufficient distance from the preceding vessel to avoid a collision and shall be moved into mooring position as directed by the lockmaster.

§ 401.104–20 Passing handlines.

Handlines will be secured to the mooring lines and passed as follows:

(a) A downbound vessel shall use its own handlines, secured to the eye at the end of the mooring lines, which shall be passed to the linesmen at the lock as soon as the vessel passes the open gates.

(b) Handlines will be cast down to upbound vessels from the lock as soon as the vessel passes the open gates, except as provided in paragraph (c) of this section, and shall be secured to the mooring lines 2 feet back of the splice of the eye by means of a clove hitch.

(c) At Iroquois Lock and Lock 8, Welland Canal, a vessel transiting in either direction shall use its own handlines secured to the eye at the end of the mooring lines, which shall be passed to the linesmen at the lock as soon as the vessel passes the open gates.

§ 401.104–21 Precautions in passing lines.

Knotted or weighted handlines shall not be used in the chamber of a lock, and mooring lines shall not be cast over the side of a vessel in a manner dangerous to a lock crew.

§ 401.104–22 Mooring tables.

Unless otherwise directed by the officer in charge, vessels passing through locks in the South Shore, Beauharnois, Wiley-Dondero, Iroquois, Welland, and Canadian Sault Ste. Marie Canals shall moor at the side of the tieup wall or lock as shown in the following tables:

MONTREAL TO IROQUOIS

[S=Starboard. P=Port. Upb=Upbound. Dnb=Downbound.]

	South Shore		Beauharnois			Wiley-Dondero		
	St. Lambert	Cote Ste. Catharine	Lower	Pool	Upper	Snell	Eisenhower	Iroquois
Locks:								
Upb	P	P	S	—	S	S	S	P
Dnb	S	S	P	—	P	P	P	S
Tie-up walls:								
Upb	S	S	P	P	—	S	S	S
Dnb	P	P	—	S	S	P	P	P

WELLAND CANAL

[S=Starboard. P=Port. Upb=Upbound. Dnb=Downbound]

	1	2	3	4	5	6	7	Guard gate	8
Locks:									
Upb	S	P	P	P	P	P	P	—	S.
Dnb	P	S	S	P	P	P	S	—	P.
Tie-up walls:									
Upb	S	S	S	S	—	—	S	S	P or S.
Dnb	P	P	P	—	—	S	S	P	P or S.

CANADIAN SAULT STE. MARIE

Lock:	
Upb	S
Dnb	P
Tie-up walls:	
Upb	P
Dnb	P

§ 401.104–23 Mooring procedure in locks.

Mooring lines shall only be placed on the mooring posts as directed by the lockmaster, the lines leading astern normally being placed on the posts first, and winches from which the mooring lines run shall not be operated until the lockmaster or a linesman has signaled that the line has been placed on the post.

§ 401.104–24 Emergency procedure.

When the speed of a vessel entering a lock chamber has to be checked immediately, either the Master or the lockmaster shall order all mooring lines to be put out as soon as possible, and the Master shall signal a full check by sounding a series of five or more short blasts.

§ 401.104–25 Attending lines.

A vessel's lines must be under visual control and attended by members of its crew, during the time it is passing through a lock; where lines are hand held for tension control, each line must be attended by at least one member of its crew while the vessel is within the lock chamber.

§ 401.104–26 Leaving a lock.

Mooring lines shall only be cast off as directed by the lockmaster, and a vessel shall not proceed out of a lock until the exit gates, ship arresters and the bridge, if any, are in a fully open position.

§ 401.104–27 Turning basins.

A vessel shall not be turned about in any canal, except with permission from the Vessel Traffic Controller and then only at the following locations:

South Shore Canal:

(a) Turning Basin No. 1—Opposite Brossard.

(b) Turning Basin No. 2—Immediately below Cote Ste. Catharine Lock.

Welland Canal:

(a) Turning Basin No. 1—Opposite Ste. Catharines Wharf for vessels up to 350 feet.

(b) Turning Basin No. 2—Between Lock 7 and Guard Gate for vessels up to 600 feet.

(c) Turning Basin No. 3—Immediately south of Bridge 12.

(d) Turning Basin No. 4—North of Lock No. 8 for vessels up to 550 feet.

(e) Vessels up to 260 feet may be permitted to turn at the following locations:

(1) North end of Wharf No. 1,

(2) Tieup wall above Lock 1,

(3) Tieup wall below Lock 2,

(4) Wharf No. 9,

(5) Between the southerly extremities of Wharves 18–2 and 18–3.

§ 401.104–28 Dropping anchor or tying to canal bank.

Except in an emergency, a vessel shall not drop anchor in any canal or tie up to a canal bank unless so instructed by the Vessel Traffic Controller.

§ 401.104–29 Anchorage areas.

Designated anchorage areas are as follows:

Lake St. Louis	Point Fortier.
Beauharnois Canal.	Melocheville.
Lake St. Francis	St. Zotique and Dickerson Island.
Lake St. Lawrence	Wilson Hill Island and Morrisburg.
St. Lawrence River	Prescott and Union Park.
Lake Ontario	Off Port Weller.
Lake Erie	Off Port Colborne.

§ 401.104–30 Reporting position at anchor, wharf, etc., and resuming transit.

A vessel anchoring in a designated anchorage area, or otherwise, and a vessel mooring at a wharf or dock, tieing up to a canal bank or being held on a canal bank in any manner shall immediately report its position to the Vessel Traffic Controller, and it shall not resume its voyage without the Vessel Traffic Controller's permission.

§ 401.104–31 Signaling approach to bridge.

Unless the vessel's approach has been recognized by a flashing red signal light, three distinct blasts shall be sounded by a vessel when it comes abreast of any of the bridge "Whistle" signs, which have been placed at distances varying between 2,200 and 4,600 feet, upstream and downstream from moveable bridges at other than lock sites.

§ 401.104–32 Limit of approach to a bridge.

A vessel shall not pass the "Limit of Approach" sign at any movable bridge until such bridge is in a fully open position and the light shows green, and it shall not pass the sign at the twin railway bridges on the South Shore Canal at Caughnawaga or at Bridges 20 and 21 on the Welland Canal, until both bridges are in a fully open position and both lights show green.

§ 401.104–33 Vessels in tow.

A vessel that is not self-propelled shall not be underway in any canal unless it is securely tied to an adequate tug or tugs.

§ 401.104–34 Combined beam.

A tug shall not be fastened alongside a vessel so that the total beam exceeds 55 feet in the case of the Sault Ste. Marie (Canada) Canal or 75 feet, 6 inches in the case of any other canal.

§ 401.104–35 Position of single tug.

Where one tug has been authorized by special instructions for towing a particular vessel, it shall be fastened astern or alongside the quarter of the vessel, and, while underway,

(a) The wheelsman of the tug shall have an unobstructed view of the full outline of the deck of the towed vessel at the bow and of the water in front of the tow, or

(b) A deck officer shall be on the deck of the towed vessel to signal directions to the wheelsman of the tug.

§ 401.104–36 Two tugs.

Where two tugs are required by special instructions for towing a particular vessel, one shall be on a line ahead of the towed vessel and the other on a line astern. (Two adequate tugs shall be required for a tow in excess of 200 feet, except that specially constructed low barges, designed to be pushed by a tug at the center of the stern, may be permitted to transit with only one tug.)

§ 401.104–37 Towing more than one vessel.

Where one tug has been authorized by special instructions for towing more than one vessel, it shall be fastened alongside or astern of the vessels; otherwise a tug shall not tow more than one vessel in any canal, and, before arriving at the entrance of a canal, it must arrange with the Vessel Traffic Controller for mooring and leaving in the charge of a competent person any vessel which cannot be proceeded with immediately.

§ 401.104–38 Obstructing navigation.

A vessel shall not drop anchor or be fastened or moored so as to obstruct or hinder navigation.

§ 401.104–39 Interference with aids to navigation.

Aids to navigation shall not be interfered with or moored to, and no unauthorized person shall set out buoys or navigation markers on the Seaway.

§ 401.104–40 Loss of anchor.

The loss of an anchor shall be marked with a buoy and reported immediately to the Vessel Traffic Controller with particulars of its precise location.

§ 401.104–41 Searchlights.

A searchlight shall not be used in such a manner that its rays can interfere with the operation of a Seaway structure or of a vessel.

§ 401.104–42 Smoke.

A vessel in any canal shall take all necessary precautions to avoid the emission of sparks and excessive smoke, and it shall not blow boiler tubes.

§ 401.104–43 Damaging or defacing Seaway property.

The master of a vessel in transit shall navigate so as to avoid damage to Seaway property, and he shall prevent defacement of same by any member of the vessel's crew.

§ 401.104–44 Disembarking.

Members of the crew of a vessel passing through may disembark or board for the purpose of carrying out essential duties only as directed by the master.

§ 401.104–45 Prevention of oil pollution.

No vessel in transit shall discharge, dump, or pump oil products or bilge containing oil products into the Seaway or adjacent waters. A record shall be kept by vessels of each location within the Seaway or adjacent waters where bilge water has been discharged.

§ 401.104–46 Deck cargo.

Cargo or containers carried on deck, either forward or aft, shall be stowed in a manner which permits an unrestricted view from the wheelhouse for the purpose of navigation and does not interfere with mooring equipment.

§ 401.104–47 Reporting navigation aid deficiencies.

Any aid to navigation that is extinguished, damaged, out of position, or missing shall be reported to the nearest Seaway station.

DANGEROUS CARGO

§ 401.105–1 General conditions.

Vessels carrying fuel oil, gasoline, crude oil, or other flammable goods in

bulk, including empty tankers which are not gas free, and vessels carrying dangerous goods to which regulations made under the Canada Shipping Act, or to which the Dangerous Cargo Act of the United States or regulations issued pursuant thereto, apply, shall be deemed to carry dangerous cargo, and they may transit only if all requirements of the statutes and regulations cited and of §§ 401.105–2 to 401.105–11 have been fulfilled.

§ 401.105–2 Explosive vessel.

A vessel carrying:

(a) Explosives with a mass explosive risk, including ammonium nitrate when it falls into this classification; or

(b) More than 10 tons of explosives which do not explode en masse; or

(c) More than 100 tons of explosives having a fire hazard with minor or no explosive effects

shall be deemed for Seaway purposes to be an explosive vessel.

§ 401.105–3 Explosives permit.

An explosive vessel shall not transit without a Seaway explosives permit, which shall not be granted where a vessel carries more than 2 short tons of explosives with a mass explosive risk, more than 50 short tons of explosives which do not explode en masse, or more than 500 short tons of explosives having a fire hazard without explosive effects.

§ 401.105–4 Application for permit.

Written application for a Seaway explosives permit may be made to the Director of Operations, the St. Lawrence Seaway Authority, Cornwall, Ontario, or to the Director of Operations, St. Lawrence Seaway Development Corporation, Massena, N.Y., and it shall show that the goods are packed, marked, labeled, described, certified, stowed, and otherwise conform with all relevant regulations of the country in which they were loaded and of Canada and the United States.

§ 401.105–5 Production of explosives permit.

A signed copy of a Seaway explosives permit and a true copy of any certificate as to the loading of dangerous goods shall be kept on board a vessel in transit and made available to any officer requiring production of same.

§ 401.105–6 Hazardous cargo vessel.

A tanker vessel carrying fuel oil, gasoline, crude oil, or other flammable goods in bulk, including tankers which are not gas free, and also a dry cargo vessel carrying other dangerous cargo, which is:

(a) In excess of 50 tons of gases, compressed, liquefied, or dissolved under pressure;

(b) In excess of 50 tons of inflammable liquids of the low flashpoint group;

(c) In excess of 50 tons of organic peroxides;

(d) In excess of 100 tons of oxidizing substances;

(e) In excess of 100 tons of inflammable liquids of the intermediate flashpoint group;

(f) In excess of 100 tons of inflammable solids or spontaneously combustible substances;

(g) In excess of 100 tons of substances emitting inflammable gases when wet;

(h) In excess of 100 tons of poisonous (toxic) substances;

(i) In excess of 100 tons of infectious substances;

(j) In excess of 200 tons of corrosive substances; or

(k) In excess of 500 tons of inflammable liquids of the high flashpoint group

shall be deemed for Seaway purposes to be a hazardous cargo vessel.

§ 401.105–7 Nonmetallic fenders.

An explosive vessel and a hazardous cargo vessel, other than one carrying the equivalent of Bunker C oil in the center tanks and which is equipped with gas free ballast wing tanks, must be equipped with a sufficient number of nonmetallic fenders to prevent any metallic part of the vessel from touching the side of a dock or lock wall.

§ 401.105–2 Signals—explosive vessel.

An explosive vessel must display at the masthead or at an equivalent, conspicuous position, a B Flag by day and a red light by night, both visible all around the horizon for a distance of at least 2 miles.

§ 401.105–9 Signals—hazardous cargo vessel.

A hazardous cargo vessel must display at the masthead or at an equivalent, conspicuous position, a B Flag superior to numeral pennant No. 1 by day and a red light by night, both visible all around the horizon for a distance of at least 2 miles.

§ 401.105–10 Calling in.

An explosive vessel shall report the Seaway explosives permit number, and both explosive and hazardous cargo vessels shall report the nature of their cargo and its flashpoint (hazardous cargo), in addition to the other required information, when calling in as provided by § 401.103–5.

§ 401.105–11 Safety restrictions for passing through.

The passing through of explosive vessels and hazardous cargo vessels may be directed in a special manner by the officer in charge.

§ 401.105–12 Gas freeing and cleaning of tankers.

Gas freeing and cleaning of cargo tanks shall not take place in a canal or lock and shall be restricted to areas clear of other vessels and structures and only after it has been reported to the nearest Seaway station.

TOLL ASSESSMENT AND COLLECTION

§ 401.106–1 Transit declaration.

The Seaway transit declaration form (cargo and passenger), must be forwarded to the Authority within 14 days after a vessel, other than a pleasure craft of less than 350 tons, first enters the Seaway. Forms may be obtained from the St. Lawrence Seaway Authority, Cornwall, Ontario, or from the St. Lawrence Seaway Development Corporation, Massena, N.Y.

§ 401.106–2 Revised transit declaration.

Where a transit declaration is found to be inaccurate, concerning the destination, cargo or passengers, the representative must immediately forward to the Authority a new, revised declaration.

§ 401.106–3 Statistics Canada.

The information set out in the transit declaration will be transmitted by the St. Lawrence Seaway Authority to Statistics Canada, thus satisfying the requirements of the Statistics Act of Canada. The St. Lawrence Seaway Development Corporation will furnish the required statistical data in the United States.

§ 401.106–4 Toll accounts.

Transit declarations will be used in assessing toll charges in accordance with the St. Lawrence Seaway Tariff of Tolls, and toll accounts will be forwarded in duplicate to the representative or his designated agent.

§ 401.106–5 Payment of accounts.

Tolls accounts are payable when rendered, in Canadian or American funds as indicated on the accounts, and adjustments, if any, will be reflected in a subsequent account.

§ 401.106–6 Surcharge.

Unless a tolls account is paid within 14 days from the date shown on the account, a surcharge, in an amount not to exceed 5 percent of the amount due, may be added. Where a transit declaration is not forwarded within the 14 days allowed, the account will be antedated to the date when it would have been prepared if the declaration had been forwarded in time; and the surcharge may be added, unless the account is paid within 14 days of the date shown on the account.

§ 401.106–7 Producing cargo manifests.

In every case of a vessel carrying cargo to or from an overseas port, duplicate copies of the cargo manifest, duly certified, shall be forwarded with the transit declaration. In any case, a copy of the manifest, duly certified by the representative, shall be made available to an officer as required. A weigh-scale certificate or similar document taking the place of the cargo manifest may be accepted in lieu thereof.

§ 401.106–8 In-transit cargo.

Cargo, which is carried both upbound and downbound in the course of the same voyage, shall be reported in the transit declaration, but this cargo may be deemed to be ballast and not subject to toll assessment.

§ 401.106–9 Off-loaded weights.

The loaded or manifest weight of cargo must be shown for tolls assessment purposes, except in the case of petroleum products where gallonage meters are not

available at the point of loading, in which case off-loaded weights will be acceptable.

PLEASURE CRAFT

§ 401.107–1 Transit by pleasure craft.

Pleasure craft, other than those without adequate motor power, may transit the Seaway and are subject to all Seaway regulations except as provided in this section.

§ 401.107–2 Smaller craft not subject to preclearance.

Pleasure craft of less than 350 tons in weight need not be precleared with the Authority.

§ 401.107–3 Minimum size permitted in certain canals.

Pleasure craft of less than 20 feet in overall length or 1 ton in weight shall not be permitted to pass through the locks in the following canals:

South Shore Canal,
Beauharnois Canal,
Welland Canal.

§ 401.107–4 Radio communications.

Pleasure craft of less than 65 feet in overall length need not

(a) Be on radio listening watch; and

(b) Give notice of arrival by calling in as prescribed in §§ 401.103–2 to 401.-103–6.

§ 401.107–5 Order of passing through.

The transit of pleasure craft shall be scheduled by the officer in charge and may be delayed so as to avoid interference with other shipping.

§ 401.107–6 Pleasure craft toll tickets.

Tolls, in accordance with the St. Lawrence Seaway Tariff of Tolls, shall be paid by pleasure craft for the transit of each Seaway lock, other than locks on the Sault Ste. Marie (Canada) Canal, by means of $2 tickets or $3 tickets that may be purchased at the St. Lawrence Seaway Authority, corner of Pitt and Second Streets, Cornwall, Ontario, or from the St. Lawrence Seaway Development Corporation, Seaway Circle, Massena, N.Y. Tickets may also be purchased from pleasure craft organizations or yacht clubs that have obtained them from the Authority.

§ 401.107–7 Payment of tolls.

Payment of tolls shall be made by the person in charge of a pleasure craft while the craft is within the lock chamber. All pleasure craft in excess of 350 tons are subject to the regular tolls applicable to cargo and passenger vessels.

FORMS

§ 401.120–1 Preclearance form.

The St. Lawrence Seaway Application for Vessel Preclearance, Form SLS–429.

INSTRUCTIONS

The application form attached is to be completed for each vessel by its representative in duplicate and submitted to the St. Lawrence Seaway Authority, 202 Pitt Street, Cornwall, ON, or to the St. Lawrence Seaway Development Corporation, Massena, N.Y.

Upon approval of an application, one copy bearing the Seaway number assigned to the vessel will be returned to the representative.

The representative will be responsible for the documentary and financial arrangements with respect to each transit of the vessel.

When the representative is a corporation, a resolution will be required authorizing the execution of the Certificate of Guarantee unless it is signed by the President and the Secretary-Treasurer and bears the seal of the company.

A new application will be required where the guarantee endorsed on this application has expired or has been canceled, for each change of representative or of his address, and after a change in ownership or any major revision in the physical characteristics of the vessel.

NOTICE

No vessel is precleared until this application has been approved by the Authority.

Seaway No. ----------

PART I—REGISTRATION

1. Registration of Vessel:
(a) Name----------
(b) Country of registry----------
(c) Port----------
(d) Official number of letters----------

2. Insurance: Liability insurance must be equal to or exceed $40 per gross registered ton.
(a) Amount of liability insurance coverage on the vessel, (P & I) ----------
(b) Names of underwriters ----------

3. Representative responsible for payment of tolls and charges:
(a) Name ----------
(b) Address ----------
(c) Telephone No. ----------

4. Certificate of guarantee:

The undersigned hereby accepts responsibility for the carrying out of the obligations of the representative pursuant to the Seaway Regulations, including the accurate completion of Part II hereof, and hereby undertakes to make payment of all moneys that may become due by this vessel for tolls and charges during the full term of this certificate, which undertaking will remain in force notwithstanding the earlier expiration of this certificate.

The undersigned also agrees that security for the payment of tolls, which may be provided by him during the currency of this certificate, shall be subject to summary forfeiture in the event of noncompliance by him with the Seaway circulars or Authority bylaws relating to the payment of tolls and charges.

This certificate shall be good and binding:
(a) Until the Authority is otherwise advised in writing by the undersigned, or
(b) For the following voyage: ----------

Dated at ---------- this ---- day of ------, 19-----.

Signed ----------

NOTE—Approval of this application does not constitute acceptance of the fact that the vessel is in a condition satisfactory to the Authority.

IMPORTANT—RETURN BOTH COPIES

PART II—INFORMATION ON VESSEL

The furnishing of inaccurate information is an offense under the Seaway Regulations.

1. Managing Owner or Operator of the Vessel:
(a) Name of company ----------
(b) Address ----------

2. Type of vessel:
(a) Cargo ----------( )
(b) Tanker ----------( )
(c) Passenger only----------( )
(d) Cargo/passenger (more than 12 passengers)----------
(e) Cargo/passenger (under 12 passengers) ----------( )
(f) Under tow----------( )
(g) Dredge ----------( )
(h) Scow --( ) Barge --( ) Tank Barge ----------( )
(i) Tug ----------( )
(j) Naval (MIL)----------( )
(k) Government ----------( )
(l) Other (specify)----------( )

3. Type of service for which constructed:
(a) Inland----------( )
(b) Ocean ----------( )

4. Specifications:
(a) Gross tons----------
(b) Net tons----------
(c) Length (overall)----------
(d) Extreme breadth (including fenders) ----------
(e) Molded depth----------

NOTE—It is of the utmost importance to furnish the precise overall length of all vessels in order that traffic controllers may arrange lockages accordingly.

	Yes	No
Sewage disposal system	( )	( )
Oily water separator	( )	( )
Wrong way prop alarm	( )	( )
Prop locking device	( )	( )
Bow thruster	( )	( )
Bridge controlled	( )	( )
Rudder indicator	( )	( )
Engine r.p.m. indicator	( )	( )
Gyrocompass	( )	( )
Radar	( )	( )

(63 Stat. 92–97, 33 U.S.C. 981–990, as amended, and sec. 104, Public Law 92–340, 86 Stat. 424, 49 CFR 1.50a (37 FR 21943))

Effective date: April 15, 1973.

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION,
[SEAL] D. W. OBERLIN,
Administrator.

[FR Doc.73-6123 Filed 3-30-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 4—DEPARTMENT OF AGRICULTURE

PART 4–3—PROCUREMENT BY NEGOTIATION

PART 4–7—CLAUSES

Research Agreements With Educational Institutions

This amendment involves matters relating to agency management and contracting and while not subject by law to the notice and public procedure requirements for rulemaking under 5 U.S.C. 553 is subject to the Secretary's statement of policy (36 FR 13804). The amendment corrects or clarifies existing policy and embodies already existing Government-wide policy established by the Office of Management and Budget. No useful purpose would be served by public participation, and it is found upon good cause, in accordance with the Secretary's policy statement, that notice and other public procedures with respect to the amendment are impracticable and unnecessary.

(5 U.S.C. 301)

1. Section 4-3.5101 is amended by revising paragraph (g) as follows:

§ 4-3.5101 Definitions.

* * * * *

(g) *Nonexpendable property.* Property which: (1) Cost $300 or more, (2) is complete in itself, (3) does not lose its identity or become a component part of another when put into use, and (4) is of a durable nature with an expected service life of over 1 year.

* * * * *

2. Section 4-7.5101-1 is amended by revising paragraph (g) as follows:

§ 4-7.5101-1 Definitions.

* * * * *

(g) *Nonexpendable property.* Property which: (1) Costs $300 or more, (2) is complete in itself, (3) does not lose its identity or become a component part of another when put into use, and (4) is of a durable nature with an expected service life of over 1 year.

* * * * *

3. Section 4-7.5101-22 is amended by adding the following parenthetical note after the heading "§ 4-7.5101-22 Changes:" "(This clause applies to Research Agreements only where a contract is the award instrument used.)"

Effective date: April 2, 1973.

Done at Washington, D.C. this 26th day of March 1973.

T. M. BALDAUF,
Director of Plant and Operations.

[FR Doc.73-6301 Filed 3-30-73;8:45 am]

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER F—TELECOMMUNICATIONS AND PUBLIC UTILITIES

PART 101-35—TELECOMMUNICATIONS

Subpart 101-35.8—FTS Precedence System

Subpart 101-35.8 is added to establish the Federal Telecommunications System (FTS) precedence system for use in all forms of voice and record communication services provided by the General Services Administration in accordance with the criteria of National Communications System Memorandums Nos. 1-70 and 1-72. This precedence system prescribes the order in which telephone calls and messages are to be handled on the FTS networks.

Part 101-35 is amended by the addition of new Subpart 101-35.8, as follows:

Subpart 101-35.8—FTS Precedence System

Sec.	
101-35.800	General.
101-35.801	Definitions.
101-35.801-1	Flash.
101-35.801-2	Immediate.
101-35.801-3	Priority.
101-35.801-4	Routine.
101-35.802	Application and use.
101-35.802-1	Telephone calls.
101-35.802-2	Messages.
101-35.803	Responsibility.

Subparts 101-35.9—101-35.49 [Reserved]

AUTHORITY: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 101-35.8—FTS Precedence System

§ 101-35.800 General.

This subpart provides for the establishment of a Federal Telecommunications System (FTS) Precedence System for use in all forms of voice and record communication services provided by the General Services Administration on FTS networks.

§ 101-35.801 Definitions.

For the purpose of this Subpart 101-35.8 there are four categories of precedence: Flash, Immediate, Priority, and Routine. Telephone calls and messages of a higher category take precedence over calls and messages of a lower category. However, calls and messages within a given category will be handled in the order received.

§ 101-35.801-1 Flash.

Telephone calls and messages designated Flash take precedence over and preempt all other categories and will be handled as fast as possible. Flash precedence is reserved for telephone calls and messages pertaining to command and control of military forces essential to defense and retaliation; critical intelligence essential to national survival; conduct of diplomatic negotiations critical to the arresting or limiting of hostilities; dissemination of critical civil alert information essential to national survival; continuity of Federal Government functions essential to national survival; fulfillment of critical U.S. internal security functions essential to national survival; and Presidential Action Notices essential to national survival during attack or preattack condition.

§ 101-35.801-2 Immediate.

Telephone calls and messages designated Immediate take precedence over and preempt calls and messages designated Priority or Routine. Immediate precedence is reserved generally for calls and messages pertaining to situations which gravely affect the security of national allied forces; reconstitution of forces in a postattack period; intelligence essential to national security; conduct of diplomatic negotiations to reduce or limit the threat of war; implementation of Federal Government actions essential to national survival; situations which gravely affect the internal security of the United States; civil defense actions concerning direction of the population and its survival; disasters or events of extensive seriousness having an immediate and detrimental effect on the welfare of the population; and vital information having an immediate effect on aircraft, spacecraft, or missile operations.

§ 101-35.801-3 Priority.

Telephone calls and messages designated Priority take precedence over and preempt calls and messages designated Routine. Priority precedence is reserved generally for calls and messages concerning information essential to the conduct of Government operations. Such information includes important intelligence information; important diplomatic information; important information concerning the launch, operation, or recovery of spacecraft missiles or movement of naval, air, or ground forces; and information concerning coordination among Government agencies about emergency preparedness functions; major civilian aircraft accidents; maintenance of the health, safety, and welfare of the population, critical logistic functions and provision of critical public utility services; distribution of essential food and supplies critical to health; and continuity of critical Government functions.

§ 101-35.801-4 Routine.

Normal communications which require rapid transmission, but do not require preferential handling are considered Routine. All calls and messages not specifically designated otherwise are considered Routine.

§ 101-35.802 Application and use.

Careful selection and assignment of precedence by the system user is of the utmost importance since calls and messages will be handled solely by the precedence designation given to FTS operating personnel.

§ 101-35.802-1 Telephone calls.

Precedence telephone calls are handled only by FTS operators. Automatic preemption is not available on the FTS intercity voice network. FTS operators will preempt calls only when necessary to make facilities available for a higher precedence call. FTS operators will provide assistance in handling precedence calls and will require the originator's name, agency identification number, and telephone number being called. FTS users when requested by the operator to terminate a conversation shall do so immediately. Precedence calls will be ticketed and a record of all such calls will be maintained by the General Services Administration.

§ 101-35.802-2 Messages.

Precedence messages shall be designated by the originator. This precedence is indicated in the heading of the message by a prosign (letter). Flash messages shall be designated by the prosign "Z"; Immediate messages by the prosign "O"; and Priority by the prosign "P." The Standard Form 14, Telegraphic Message, provides a heading space for precedence and should be used by agencies for this purpose. The Advanced Record System (ARS) provides for automatic message preemption. Detailed instructions for preparing messages for the ARS are contained in the ARS Routing Guide.

§ 101-35.803 Responsibility.

The head of each agency is responsible for designating personnel authorized to

use the FTS Precedence System, and shall insure that authorized users adhere to the definitions and instructions contained herein. A list of authorized personnel shall be submitted to the General Services Administration (CTO), Washington, D.C. 20405. The Federal Telecommunications System will be in effect on a day-to-day basis, and, therefore, it is essential that calls meet the criteria outlined. Calls and messages shall not be assigned a precedence higher than that described by the criteria.

Subparts 101-35.9—101-35.49 [Reserved]

Effective date. This regulation is effective on April 2, 1973.

Dated: March 26, 1973.

ARTHUR F. SAMPSON,
Acting Administrator of General Services.

[FR Doc.73-6283 Filed 3-30-73;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5342]

[Colorado 12101]

COLORADO

Correction of Public Land Order No. 5158

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

1. Public Land Order No. 5158 of February 7, 1972, appearing in 37 FR 3058 of the issue of February 11, 1972, partially revoking certain reclamation withdrawals, so far as it described lands in T. 50 N., R. 8 W., sec. 17, NW¼SW¼, and sec. 21, SW¼SE¼, is hereby corrected to read, sec. 17, N½SW¼, and sec. 21, SE¼SE¼.

2. The land described as the NE¼SW¼, sec. 17, being added to the lands described in T. 50 N., R. 8 W., in Public Land Order No. 5158, and the land described as the SW¼SE¼, sec. 21, being deleted therefrom by this order, is withdrawn under the jurisdiction of the National Park Service in connection with the administration of the Black Canyon of the Gunnison National Monument, established by Proclamations Nos. 2032 of March 2, 1933, and No. 2372 of October 28, 1939, and will remain so withdrawn. The SW¼SE¼, sec. 21, has not been included in any reclamation withdrawal.

JACK O. HORTON,
Assistant Secretary of the Interior.

MARCH 27, 1973.

[FR Doc.73-6213 Filed 3-30-73;8:45 am]

[Public Land Order 5343]

[Idaho 09526]

IDAHO

Correction of Public Land Order No. 5290

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

1. Public Land Order No. 5290 of October 11, 1972, withdrawing national forest land for the Allison Creek Recreation Area, appearing in 37 FR 22746 of the issue of October 21, 1972, so far as it described the land as T. 24 N., R. 2 W., is hereby corrected to read "T. 24 N., R. 2 E."

2. The withdrawal of the land made by the incorrect description appearing in Public Land Order No. 5290 was erroneous and is hereby revoked, and the national forest land so described shall at 10 a.m. on May 2, 1973, be open to such forms of disposition as by law may be made of such land.

JACK O. HORTON,
Assistant Secretary of the Interior.

MARCH 27, 1973.

[FR Doc.73-6214 Filed 3-30-73;8:45 am]

Title 45—Public Welfare

CHAPTER X—OFFICE OF ECONOMIC OPPORTUNITY

PART 1061—CHARACTER AND SCOPE OF SPECIFIC COMMUNITY ACTION PROGRAMS

Subpart—Legal Services Program

Notice is hereby given that the regulations set forth below are promulgated as interim regulations by the Acting Director of the Office of Economic Opportunity. As a result of the prospective delegation of certain programs to other Federal departments, prospective funding changes, and changes in the management and administration of certain programs, the Office of Economic Opportunity has been required to institute emergency guidelines and instructions in advance of 30-day prior notice in the FEDERAL REGISTER. Accordingly, the regulations published below are effective on the dates indicated therein. Moreover, in view of the nature of the problems which these regulations are designed to remedy, having been advised by counsel, I find that to publish them in the FEDERAL REGISTER 30 days prior to their effective date would be impracticable and contrary to the public interest.

The regulations below will remain in effect unless and until superseded by permanent regulations published in the FEDERAL REGISTER. Interested persons wishing to comment before permanent regulations are promulgated may submit written data, views, and comments by mailing them to the Acting Director, Policy Regulation, Office of Program Review, Office of Economic Opportunity, 1200 19th Street NW., Washington, DC 20506, in time to arrive on or before April 25, 1973.

After careful consideration is given to all relevant material submitted, and to such other information as may be available, the Acting Director of OEO may modify these interim regulations as he deems appropriate and publish them as permanent regulations in the FEDERAL REGISTER.

Chapter X, Part 1061 of Title 45 of the Code of Federal Regulations is amended by adding a new subpart, reading as follows:

Sec.
1061.4-1. Policy.

AUTHORITY: Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

§ 1061.4-1 Policy.

No program or project, involving legal service to the poor, shall henceforth be funded, in any manner, except through the Office of Legal Services.

Effective date. This subpart shall become effective April 2, 1973.

HOWARD PHILLIPS,
Acting Director.

[FR Doc.73-6231 Filed 3-30-73;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1104; Amdt. 3]

PART 1033—CAR SERVICE

Penn Central Transportation Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 27th day of March 1973.

Upon further consideration of Service Order No. 1104, (37 FR 15307, 22936, and 38 FR 3512) and good cause appearing therefor:

It is ordered, That:

§ 1033.1104 *Service Order No. 1104 (Penn Central Transportation Co., George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees, authorized to operate over tracks of the Erie Lackawanna Railway Company)* be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

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

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

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

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

By the Commission, Railroad Service Board.

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

[FR Doc.73-6287 Filed 3-30-73;8:45 am]

[Rev. S.O. 1110; Amdt. 6]

PART 1033—CAR SERVICE

Penn Central Transportation Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 26th day of March 1973.

Upon further consideration of Revised Service Order No. 1110 (37 FR 19616, 22871, 23236; 38 FR 878, 3333, and 5636), and good cause appearing therefor:

It is ordered, That:

§ 1033.1110 *Service order 1110 (Penn Central Transportation Co., George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees, required to restore service at the Buttonwood (Wilkes-Barre), Pennsylvania, Gateway and to reroute traffic originally routed via that gateway)* be, and it is hereby, amended by substituting the following paragraphs (a) and (e) for paragraphs (a) and (e) thereof:

(a) The Penn Central Transportation Co., George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees (Penn Central) be, and it is hereby, ordered to restore service via its Buttonwood (Wilkes-Barre), Pa., gateway on or before April 30, 1973.

(e) *It is further ordered,* That this order shall become effective at 11:59 p.m., September 15, 1972, and, as to § 1033.1110(b), shall expire at 11:59 p.m., April 30, 1973, unless sooner vacated by order of this Commission upon restoration of service through the Buttonwood (Wilkes-Barre) Gateway.

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

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

By the Commission, Railroad Service Board.

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

[FR Doc.73-6289 Filed 3-30-73;8:45 am]

[S.O. 1111, Amdt. 6]

PART 1033—CAR SERVICE

Delaware and Hudson Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 26th day of March 1973.

Upon further consideration of Service Order No. 1111 (37 FR 19617, 22872, 25237; 38 FR 878, 3332 and 5637), and good cause appearing therefor.

It is ordered, That:

§ 1033.1111 *Service Order No. 1111 (Delaware and Hudson Railway Co., authorized to operate over tracks of Erie Lackawanna Railway Co., Thomas F. Patton and Ralph S. Tyler, Jr., Trustees).* Be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

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

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

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

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

By the Commission, Railroad Service Board.

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

[FR Doc.73-6288 Filed 3-30-73;8:45 am]

[Rev. S.O. 1124]

PART 1033—CAR SERVICE

Demurrage and Free Time on Freight Cars

At a session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 27th day of March 1973.

It appearing, that an acute shortage of boxcars, gondola cars, and covered hopper cars exists throughout the country; that certain carriers are unable to furnish adequate supplies of these types of freight cars to shippers located on their lines; that these shortages of freight cars are impeding the movement of many commodities; that many freight cars are held by shippers for excessive periods awaiting loading, unloading, or disposition instructions; that such practices immobilize large numbers of freight cars needed by shippers for the transportation of other freight; and that the existing demurrage and detention rules, regulations, and practices of the railroads are ineffective to control such use of freight cars. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered: That:

§ 1033.1124 Service Order No. 1124.

(a) *Demurrage and free time on freight cars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) *Application.* (i) The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(ii) This order shall apply to all freight cars which are listed in the Official Railway Equipment Register, ICC R.E.R. No. 386, issued by W. J. Trezise, or successive issues thereof, as having one of the mechanical designations shown on pages 1154 and 1155 under the headings:

Class "X"[1]—Box Car Type—All Class "X" except "XT."
Class "G"—Gondola Car Type—All Class "G" except "GW."
Class "L"—Special Car Type—"LC", "LO", "LU", only.

(iii) Exception:[1] This order shall not apply to cars with inside length 69 ft. 0 in. and over, or to flat cars having mechanical designation FM, with a carrying capacity of 200,000 lbs. or more.

(iv) Exception: This order shall not apply to cars held at, or outside of ocean, Great Lakes, or river ports, while subject to the provisions of Service Order No. 1121—Demurrage and Free Time at Ports—or revisions thereof.

(v) Exception: This order shall not apply to freight cars of Mexican ownership while held by or for shippers at Mexican border crossings, viz:

Brownsville, Tex.	Douglas, Ariz.
Laredo, Tex.	Naco, Ariz.
Eagle Pass, Tex.	Nogales, Ariz.
Presidio, Tex.	Calexico, Calif.
El Paso, Tex.	

(vi) Exception:[1] This order shall not apply to cars subject to Freight Tariff 8-O, ICC H-30, issued by B. B. Maurer, supplements thereto, or reissues thereof, Car Demurrage Rules on Cars Used in Handling Coal or Coke Products at Coal Mines, etc.

(vii) Exception:[1] The provisions of Rule 8, Item 935 of General Car Demurrage Tariff 4-J, ICC H-59, issued by B. B. Maurer, supplements thereto, or reissues thereof, or similar provisions of other applicable demurrage, detention, or storage tariffs shall govern the adjustment, cancellation, or refund of demurrage assessed as a result of the causes described in such rules.

(viii) Exception:[1] Exceptions to this order may be authorized to carriers by the Railroad Service Board. Request for exceptions must be submitted in writing to R. D. Pfahler, Chairman, Railroad Service Board, Interstate Commerce Commission, Washington, D.C. 20423. Each such request must specifically identify the type of cars for which an exemption is desired and must clearly

[1] Change.

state the reasons why such cars cannot be utilized in other services.

(ix) The terms "loading," "unloading," "constructive placement," and "forwrding directions" as defined in General Car Demurrage Tariff 4-J, ICC H-59, issued by B. B. Maurer, supplements thereto, or reissues thereof, shall apply to cars subject to this order.

(x) The term "holidays" means holidays as listed in Item 25 of General Car Demurrage Tariff 4-J, ICC H-59, issued by B. B. Maurer, supplements thereto, or reissues thereof.

(2) *Free Time.*[1] (i) Not more than a total of 48 hours' free time, computed in accordance with the provisions of the applicable tariffs naming demurrage or detention rules and charges, shall be allowed for loading, unloading, or furnishing of forwarding or disposition instructions on cars held for orders.

(ii) If the maximum free time authorized in applicable tariffs is less than the 48-hour period described in paragraph (a) (1) (i) of this section, the free-time periods provided in such tariffs shall apply.

(3) *Demurrage, detention, or storage charges—cars not subject to average demurrage basis.*[1] (i) After the expiration of the free-time period described in paragraph (a) (2) of this section, demurrage charges shall be assessed at the following rates, until car is released:

$10 per car per day, or fraction of a day, for each of the first 2 days.
$20 per car per day, or fraction of a day, for each of the next 2 days.
$30 per car per day, or fraction of a day, for each of the next 2 days.
$50 per car per day, or fraction of a day, for each subsequent day.

(ii) The applicable demurrage charges provided herein will accrue on all Saturdays, Sundays, and holidays subsequent to the free time including a Saturday, Sunday, or holiday immediately following the day on which the last day of free time begins; except as otherwise provided in Rule 6, section B, of General Car Demurrage Tariff 4-J, ICC H-59, issued by B. B. Maurer, supplements thereto, or reissues thereof.

(4) *Cars subject to average demurrage basis.*[1] (i) One credit will be allowed for each car released before the expiration of the first twenty-four (24) hours of free time. After the expiration of forty-eight (48) hours free time (or the adjusted free time if provided in applicable tariffs), one debit per car per day, or fraction of a day, will be charged for each of the first 2 days. In no case shall more than one credit be allowed on any one car, and in no case shall more than two credits be applied in cancellation of debits accruing on any one car. When a car has accrued two debits, a charge of $20 per car per day, or fraction of a day, will be made for each of the next 2 days, or fraction of a day, and $30 per car per day, or fraction of a day, for each of the next 2 days, and $50 per care per day, or fraction of a day, will be made for all subsequent detention. In computing time under this rule, all Saturdays, Sundays, and holidays will be counted after the free time, including a Saturday, Sunday, or holiday immediately following the day on which the last day of free time begins.

(ii) (*a*) Credits earned on cars held for loading shall not be used in offsetting debits accruing on cars held for unloading, nor shall credits earned on cars held for unloading be used in offsetting debits accruing on cars held for loading.

(*b*) Credits earned on cars loaded and unloaded in intraplant switching service shall not be used to offset debits accruing on cars handled in other services; nor shall credits earned on cars handled in other services be used to offset debits accruing on cars loaded and unloaded in intraplant switching service.

NOTE: The term "intraplant switching service" will be applied as defined in the applicable tariffs, and will include cars of grains, seeds, or soybeans, handled in "setback service."

(iii) Credits cannot be earned by private cars subject to Rule 1, section B, paragraph 4(a) of General Car Demurrage Tariff 4-J ICC H-59, issued by B. B. Maurer, supplements thereto, or reissues thereof, or subject to similar rules in other tariffs, but debits charged on such cars while under constructive placement may be offset by credits earned on other cars.

(iv) At end of the calendar month the total number of applicable credits will be deducted from the total number of debits at the ratio of two credits for one debit, and $10 per debit will be charged for the remainder. (See note.) If the total number of debits are offset by credits through deduction at the above ratio of two credits for one debit, no charge will be made for the detention of the cars except as otherwise provided herein for detention beyond the second debit day, and no payment will be made by the railroad on account of such excess of credits; nor shall the credits in excess of the debits of any one month be considered in computing the average detention for another month.

NOTE: For the purpose of applying paragraph (a) (4) (iv) of this section, when an odd number of credits is earned, one of such credits will be disregarded in the computation.

(5) Existing tariff rules requiring the placement or release, as a unit, of all cars in a multiple-car shipment shall remain in effect.

(6) The demurrage, detention, or storage rates provided herein shall supersede all published storage charges expressed in cents per hundredweight, per bushel, or other unit of measure, for all freight held in cars in excess of the free-time periods provided in paragraph (a) (2) of this section.

(7) If the demurrage, detention, or storage rates authorized in the applicable tariffs are greater than those described herein, such higher rates shall apply.

(8) Notices of arrival, constructive placement, etc.:

(i) Existing tariff provisions defining constructive placement and establishing the requirements for the placement, the giving of arrival or constructive placement notice of freight destined for unloading or transshipment, shall apply.

(ii) If no such rules with respect to arrival, or regarding constructive placement are published in the applicable tariffs, the rules published in General Car Demurrage Tariff 4-J, ICC H-59, issued by B. B. Maurer, supplements thereto, or reissues thereof, shall apply.

(b) *Rules and regulations suspended.* The operation of all rules and regulations, including rates, rules, and free-time periods granted by authority of Part 1, section 22, of the Interstate Commerce Act, insofar as they conflict with the provisions of this order, is hereby suspended.

(c) *Notification of shipper required.* (1) Carriers shall send or deliver a written notice to shippers or consignees of the requirements of this order at or prior to the time of actual or constructive placement of cars for loading or unloading or at the time notice of arrival or of constructive placement is given. On cars held for instructions from the shipper or qualified owner of the freight, such notices must accompany or precede the arrival notice.

(2) If a notice described in paragraph (c) (1) of this section has been given to a shipper or receiver at origin, destination, or hold point, no further notices of the requirements of this order need be given.

(3) Carriers are required to maintain a copy of all notices of the requirements of this order sent to shippers, receivers, or qualified owners of freight, at the station or point from which sent.

(4) Failure of a carrier to send and preserve copies of the notices required by paragraph (c) (1) (i) of this section shall not be deemed as nullifying the requirements of paragraph (a) (2) or (3) of this section.

(d) *Effective date.* This order shall become effective at 7 a.m., April 1, 1973.

(e) *Expiration date.*[1] This order shall expire at 6:59 a.m., August 1, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

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

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

By the Commission, Division 3.

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

[FR Doc.73-6290 Filed 3-30-73;8:45 am]

[1] Change.

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER H—INTERNAL REVENUE PRACTICE

PART 601—STATEMENT OF PROCEDURAL RULES

Comments or Suggestions Submitted in Connection With Proposed Rulemaking

Correction

In FR Doc. 73-6190 appearing at page 8245 in the issue for Friday, March 30, 1973, the following changes should be made:

1. On page 8246, the dates in the 10th and 16th lines of the first column, now reading "April 30, 1973", should read "April 29, 1973".

2. In § 601.601(b)(2)(i) the date in the 9th line, now reading "April 30, 1973", should read "April 29, 1973".

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of State

Section 213.3104 is amended to show that the following positions are no longer excepted under Schedule A: Six positions of member of the Executive Secretariat; Chief, Reports and Operations Staff; four Assistants to the Executive Secretary; Chief, Correspondence Review Staff; two professional positions in the Division of Intelligence Acquistion and Distribution; and one Special Assistant to the Assistant Secretary, Bureau of International Organization Affairs.

Effective April 2, 1973, paragraphs (a)(2), (3), (4), (6), (b)(2), and (f) of § 213.3104 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.73-6239 Filed 3-30-73;8:45 am]

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 is amended to show that one position of Confidential Assistant to the Deputy Assistant Secretary (Enforcement, Tariff and Trade Affairs, and Operations) is excepted under Schedule C.

Effective on April 2, 1973, § 213.3305 (a)(41) is added as set out below.

§ 213.3305 Treasury Department.

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

(41) One Confidential Assistant to the Deputy Assistant Secretary (Enforcement, Tariff and Trade Affairs, and Operations).

* * * * *

(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. 73-6242 Filed 3-30-73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that the following positions are excepted under Schedule C: three Confidential Assistants to the Secretary (Counsellor for Natural Resources), one Private Secretary to each of the three Confidential Assistants, and one Private Secretary to the Secretary (Counsellor for Natural Resources).

Effective on April 2, 1973, paragraphs (a)(29), (30), and (31) are added under § 213.3313 as set out below.

§ 213.3313 Department of Agriculture.

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

(29) Three Confidential Assistants to the Secretary (Counsellor for Natural Resources).

(30) One Private Secretary to each of the three Confidential Assistants to the Secretary (Counsellor for Natural Resources).

(31) One Private Secretary to the Secretary (Counsellor for Natural Resources).

* * * * *

(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.73-6243 Filed 3-30-73;8:45 am]

PART 213—EXCEPTED SERVICE

Occupational Safety and Health Review Commission

Section 213.3344 is amended to show that one position of Confidential Assistant to the Chairman is no longer excepted under Schedule C.

Effective April 2, 1973, § 213.3344(c) is amended as set out below.

§ 213.3344 Occupational Safety and Health Review Commission.

* * * * *

(c) One Confidential Assistant to each member of the Commission other than the Chairman.

(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.73-6241 Filed 3-30-73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that one position of Private Secretary to the Deputy Under Secretary for Field Operations is excepted under Schedule C.

Effective April 2, 1973, § 213.3384(a)(36) is added as set out below.

§ 213.3384 Department of Housing and Urban Development.

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

(37) One Private Secretary to the Deputy Under Secretary for Field Operations.

(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.73-6240 Filed 3-30-73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that one position of Director, Urban Program Coordination and one position of Deputy Under Secretary for Field Operations are excepted under Schedule C.

Effective on April 2, 1973, paragraph (a)(43) and (44) are added as set out below.

§ 213.3384 Department of Housing and Urban Development.

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

(43) One Director, Urban Program Coordination.

(44) One Deputy Under Secretary for Field Operations.

* * * * *

(5 U.S.C. 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.73-6363 Filed 3-30-73;10:11 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that one position of Deputy Under Secretary for Policy Analysis and Program Evaluation and one position of Director, Office of Planning Assistance and Standards are no longer excepted under Schedule C.

Effective on April 2, 1973, paragraphs (a)(1) and (d)(9) of § 213.3384 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.73-6364 Filed 3-30-73;10:11 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 JUSTICE

Immigration and Naturalization Service

[8 CFR Part 100]

PORTS OF ENTRY

Deletion of San Ygnacio, Tex.

Pursuant to section 553 of title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed issuance of the following rule pertaining to the elimination of San Ygnacio, Tex., as a port of entry.

In view of the minimal activity at the San Ygnacio, Tex., port of entry, and the time and expense incurred in providing inspection at that location, it is proposed to amend Part 100, as hereinafter set forth, to eliminate its designation as a Class B port of entry for aliens.

In accordance with section 553 of title 5 of the United States Code (80 Stat. 383), interested persons may submit to the Commissioner of Immigration and Naturalization, Room 757, 119 D Street NE., Washington, DC 20536, written data, views, or arguments, in duplicate, relative to the proposed rule. All relevant material received before May 1, 1973, will be considered.

In 8 CFR chapter I, Part 100 is amended as follows:

In subparagraph (2) Ports of entry for aliens arriving by vessel or by land transportation of paragraph (c) Suboffices of § 100.4 Field Service, District No. 14—San Antonio, Tex., is revised by deleting therefrom the listing of "San Ygnacio, Tex." as a Class B port of entry.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Dated: March 27, 1973.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.73-6237 Filed 3-30-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 2800]

RIGHTS-OF-WAY

Advance Permission

The purpose of this revision is to delete paragraph (a) of § 2801.1-4 of Title 43 of the Code of Federal Regulations. Paragraph (a) provides for the granting of advance permission to start construction, use, and occupy the lands under jurisdiction of the Department of the Interior and its agencies, in advance of approval of a right-of-way application, if such action is determined to be compatible with public interest. This deletion is proposed because a system of advance permission is not compatible with environmental protection or land use planning.

The result of the proposed deletion would be to require approval of a right-of-way application before construction, use, or occupancy could be commenced.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Bureau of Land Management (210), Washington, D.C. 20240, until May 4, 1973.

Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection in the Office of Information, Bureau of Land Management, Room 5643, Interior Building, Washington, D.C., during regular business hours (7:45 a.m.-4:15 p.m.).

Section 2801.1-4 is revised to read as follows:

§ 2801.1-4 Unauthorized occupancy.

Any occupancy or use of the lands of the United States without authority will subject the person occupying or using the land to prosecution and liability for trespass.

JACK O. HORTON,
Assistant Secretary of the Interior.

MARCH 26, 1973.

[FR Doc.73-6212 Filed 3-30-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Part 327]

INSPECTION OF FOREIGN CANNED OR PACKAGED PRODUCTS

Sampling Imported Meats

Notice is hereby given in accordance with administrative procedure provisions in 5 U.S.C. 553 that pursuant to the authority contained in the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), the Animal and Plant Health Inspection Service proposes to amend § 327.6 and § 327.12 (9 CFR 327.6, 327.12) of the Federal meat inspection regulations as indicated below.

Statement of Considerations: With minor exceptions, all meats and meat food products of cattle, sheep, swine, goats, and equines, capable of use as human food, that are imported from a foreign country, are required to be inspected by a program inspector before they are admitted into the commerce of the United States. On the basis of requirements expressed in Part 327 of the meat inspection regulations and implementing instructions issued to program employees, samples are selected and examined from each lot of product offered for importation. The results of the sample examination determine whether the lot of product is eligible to enter U.S. commerce. If, as a result of the sample examination, the determination is made that the inspection standard for entry is not met, the entire lot represented by the sample is designated "U.S. Refused Entry." Refused entry products must be reexported from the United States or, if not reexported, be effectively destroyed for human food purposes under inspectional supervision.

Foreign products offered for entry fall into the principal categories of fresh or frozen boneless manufacturing meats, meat cuts, canned meat food products and packaged meat food products. Inspection programs using statistical sampling plans have been developed and are in operation for boneless meats, meat cuts, and condition of container. Instructions are furnished to inspectors for selecting random samples, identifying and classifying defects found during sample examination, and using applicable acceptance and rejection criteria for these articles. These instructions insure maximum uniformity in the inspectors' decisions as to whether a lot of product is eligible for entry or must be designated as "U.S. Refused Entry."

An additional need exists to establish inspection programs using statistical sampling plans and criteria for identifying and classifying defects found during contents examination of canned and packaged products. The existing regulations and instructions to inspectors state in general the inspections which are to be made, but they are not sufficiently detailed to assure the maximum uniformity and accuracy in inspection findings and dispositions.

The proposed amendments to the meat inspection regulations would clarify and standardize the sampling and inspection procedures for the import inspection and acceptance or rejection of canned and packaged imported meat and meat food products.

It is, therefore, proposed to amend § 327.6(j) and § 327.12 of the meat inspection regulations as follows:

Section 327.6(j) would be amended to read as set forth below:

§ 327.6 Products for importation; Program inspection, time and place; application for approval of facilities as official import inspection establishment; refusal or withdrawal of approval; official numbers.

* * * * *

(j) Foreign canned products are required to be sound, healthful, wholesome, and otherwise not adulterated at the time they are imported into the United States. Provided other requirements of this part are met, the determination of the acceptability of the product and the condition of the containers shall be based on the results of inspection procedures outlined in instructions to program inspectors as provided in § 327.12.

* * * * *

Section 327.12 would be revised to read as set forth below:

§ 327.12 Foreign canned or packaged products; sampling and inspection.

(a) Consignments of foreign canned or packaged product shall be inspected for wholesomeness, freedom from adulteration, and compliance with all applicable regulations in this Part. Examinations shall include, but not be limited to, the following as applicable:

(1) Examination of label to ascertain whether it has been approved under Part 317 of this chapter;

(2) Condition of container of canned product;

(3) Net weight examination for products in immediate container bearing a net weight declaration;

(4) Product examination for wholesomeness and freedom from adulteration;

(5) Temperature of products which are not shelf stable;

(6) Comparison of label picture or illustration to actual content of container; accuracy of label declaration of numbers of units (counts) in the container; and meat content required in certain meat food products;

(7) Incubation of sample;

(8) Laboratory analysis of sample.

(b) Inspection shall be performed on samples randomly selected from lots presented for entry. The procedures shall incorporate statistically sound sampling plans for sample selection, with appropriate acceptance and rejection criteria, including reduced or tightened criteria or skip-lot procedures, based on establishment history. The method of sample selection, the sample size, and the acceptance and rejection criteria shall be prescribed in instructions to program employees.[1]

* * * * *

Any person wishing to submit written data, views, or arguments concerning the proposed amendments or instructions may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, before May 18, 1973.

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

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

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

Done at Washington, D.C., on: March 26, 1973.

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

[FR Doc.73-6236 Filed 3-30-73;8:45 am]

[1] The instructions which program inspectors use may be obtained upon request from the Deputy Administrator, Scientific and Technical Services, APHIS, U.S. Department of Agriculture, Washington, D.C. 20250.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 405]

[Reg. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED

Subpart D—Principles of Reimbursement for Provider Costs and for Services by Hospital-Based Physicians; Appeals by Provider

CURRENT FINANCING PAYMENTS

Notice is hereby given pursuant to the Administrative Procedure Act (5 U.S.C. 552 et seq.) that the amended regulations set forth in tentative form are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. Payments are made to hospitals and other providers of services under the medicare program on a regular basis not less often than monthly. In addition to this basic procedure for payment to a provider following the submission of bills, present procedures also provide for current financing payments to be made to providers, at their request, to reimburse them currently as services are furnished and prior to payment based on submission of bills. Special accelerated payments are also available upon request where the provider has experienced financial difficulties due to a delay by an intermediary in making payments or in exceptional situations where the provider has experienced a temporary delay in preparing and submitting bills beyond its normal billing cycle.

At the beginning of the medicare program in 1966, there was considerable concern that substantial numbers of institutional health care providers would decline to participate in the program until a fully satisfactory system of processing and paying medicare claims was established and proved. Now that the routine claims process has been established and the original concern over large backlogs eliminated, the current financing procedure which involves substantial loss of interest earnings by the Medicare Trust Fund is no longer appropriate. Hence, the proposed amendments will revoke the provision for current finance payments and provide that any such payments outstanding at the time the amendments become effective will be overpayments due the medicare program. The provisions for special accelerated payments will remain in effect.

Prior to the final adoption of the proposed amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before May 2, 1973.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 3193, 330 Independence Avenue SW., Washington, DC 20201.

The proposed amendments are to be issued under the authority contained in sections 1102, 1814(b), 1815, 1833(a), 1861(v), and 1871, 49 Stat. 647, as amended, 79 Stat. 296, 297, 302, 322, 331; 42 U.S.C. 1302, 1395 et seq.

Dated: February 23, 1973.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: March 26, 1973.

FRANK C. CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

Regulation No. 5 of the Social Security Administration (20 CFR Part 405) is further amended as follows:

1. Section 405.405 is amended by revising the heading and by revoking paragraph (d) as follows:

§ 405.405 Payments to providers; general.

* * * * *

(d) [Revoked]

2. Section 405.419 is amended by deleting subparagraph (4) of paragraph (c).

§ 405.419 Interest expense.

* * * * *

(c) *Borrower-lender relationship.* * * *

(4) [Deleted]

* * * * *

3. Section 405.429 is amended by deleting from paragraph (b)(2), first sentence, the parenthetical expression "(excluding the amount of any current payment made pursuant to § 405.454(g)(1))." As so amended, paragraph (b)(2) reads as follows:

§ 405.429 Return on equity capital of proprietary providers.

* * * * *

(b) *Application.* Proprietary providers generally do not receive public contributions and assistance of Federal and other governmental programs such as Hill-Burton in financing capital expenditures. Proprietary institutions historically have financed capital expenditures through funds invested by owners in the expectation of earning a return. A return on investment, therefore, is needed to avoid withdrawal of capital and to attract additional capital needed for expansion. For purposes of computing the allowable return, the provider's equity capital means:

* * * * *

(2) Net working capital maintained for necessary and proper operation of patient care activities. However, debt representing loans from partners, stockholders, or related organizations on which interest payments would be allowable as costs but for the provisions of § 405.419(b)(3)(ii), is not subtracted in computing the amount of paragraph (b)(1) of this section and this paragraph (b)(2), in order that the proceeds from such loans be treated as a part of the provider's equity capital. In computing the amount of equity capital upon which a return is allowable, investment in facilities is recognized on the basis of the historical cost, or other basis, used for depreciation and other purposes under the health insurance program. With respect to a facility or any tangible assets of a facility acquired after August 1, 1970, the excess of the price paid for such facility or such tangible assets over the historical cost, as defined in § 405.415(b), or the cost basis, as determined under § 405.415(g) (whichever is appropriate), is not includable in equity capital, and loans made to finance such excess portion of the cost of such acquisitions (see § 405.419(d)) are excludable in computing equity capital. For purposes of computing the allowable return the amount of equity capital is the average investment during the reporting period. The rate of return allowed, as derived from time to time based upon interest rates in accordance with this principle, is determined by the Social Security Administration and communicated through intermediaries. Return on investment as an element of allowable costs is subject to apportionment in the same manner as other elements of allowable costs. For the purposes of this regulation, the term "proprietary providers" is intended to distinguish providers, whether sole proprietorships, partnerships, or corporations, that are organized and operated with the expectation of earning profit for the owners, from other providers that are organized and operated on a nonprofit basis.

4. Section 405.454 is amended by revoking the provision for current financing in paragraph (g), by substituting a new paragraph (g) and, to conform to the revocation, deleting from paragraphs (a), (h), and (k) references to the provision for current financing. As so amended, paragraphs (a), (g), (h), and (k) will read as follows:

§ 405.454 Payments to providers.

(a) *Pirnciple.* Providers of services will be paid the reasonable cost of services furnished to beneficiaries. Interim payments approximating the actual costs of the provider will be made on the most expeditious basis administratively feasible but not less often than monthly. A retroactive adjustment based on actual costs will be made at the end of the reporting period.

* * * * *

(g) *Outstanding current financing payments.* Prior to (date of publication of regulation) current financing payments were authorized to providers of services, at their request, to reimburse them currently as services were furnished to beneficiaries. Such payments were in addition to the basic procedure for payments to providers. Effective (date of publication of regulation) current financing payments shall not be made. Any current financing payments outstanding on (date of publication of regulation) constitute overpayments which are due and payable to the Social Security Administration as of such date. If refund is not made the Social Security Administration may recover such overpayments by withholding payments, in whole or in part, otherwise due the provider of services under title XVIII of the Social Security Act, in accordance with procedures established by the Administration, notwithstanding any provision to the contrary in §§ 405.370 to 405.373.

(h) *Accelerated payments to providers.* Upon request, an accelerated payment may be made to a provider of services where the provider has experienced financial difficulties due to a delay by the intermediary in making payments or in exceptional situations, where the provider has experienced a temporary delay in preparing and submitting bills to the intermediary beyond its normal billing cycle. Any such payment must be approved first by the intermediary and then by the Social Security Administration. The amount of the payment is computed as a percentage of the net reimbursement for unbilled and/or unpaid covered services. Recovery of the accelerated payment may be made by recoupment as provider bills are processed and/or by direct payment.

* * * * *

(k) *Bankruptcy or insolvency of provider.* If on the basis of reliable evidence, the intermediary has a valid basis for believing that, with respect to a provider, proceedings have been or will shortly be instituted in a State or Federal court for purposes of determining whether such provider is insolvent or bankrupt under an appropriate State or Federal law, any payments to the provider shall be adjusted by the intermediary, notwithstanding any other regulation or program instruction regarding the timing or manner of such adjustments, to a level necessary to insure that no overpayment to the provider is made.

[FR Doc.73-6270 Filed 3-30-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[49 CFR Part 570]

[Docket No. 73-9; Notice 1]

MOTOR VEHICLE INSPECTION STANDARDS AND PROCEDURES

Notice of Proposed Rulemaking

The purpose of this notice is to propose motor vehicle inspection standards and procedures for hydraulic service brake and parking brake systems, steering and suspension systems, and tire and wheel assemblies.

Background. Section 108(b)(1) of the National Traffic and Motor Vehicle Safety Act of 1966 authorizes the Secretary to "* * * establish uniform Federal motor vehicle safety standards applicable to all used motor vehicles," the standards to be expressed in terms of motor vehicle performance. The mode of enforcement of these standards contemplated by Congress is State inspection of used motor vehicles. Section 108(b)(1) of the Act declares that "it is the policy of Congress to encourage and strengthen the enforcement of State inspection of used motor vehicles." That congressional policy has already been implemented in part by actions taken by the Secretary under the companion Highway Safety Act of 1966. Under the Highway Safety Act, each State is required to have a federally approved highway safety program in accordance with uniform Federal highway safety program standards. An initial highway safety program standard released on June 27, 1967, requires that each State "have a program for periodic inspection of all registered vehicles," and, among other provisions, requires that "the inspection

covers systems, subsystems, and components having substantial relation to safe vehicle performance," and that "the inspection procedures equal or exceed criteria issued or endorsed by" the National Highway Traffic Safety Administration.

Subsequently, on August 3, 1972, the NHTSA reaffirmed its commitment to vehicle inspection in the proposed 23 CFR Part 243 Highway Safety Program No. N-3, "Vehicle Requirements" (37 FR 15602 at 15610). Under the proposal, periodic inspection programs would be retained but as an alternative a State could adopt an experimental, pilot, or demonstration program approved by the Administrator (§ 243.5(g)). A vehicle inspection would cover at least "the braking, suspension, and steering systems, and tire conditions" (§ 243.5(c)).

Other actions taken in implementation of the mandates of the Traffic Safety Act include the submittal to Congress in June 1968 of the report "Safety for Motor Vehicles in Use," publication on November 27, 1968, of a Notice of Request for Comments on Federal motor vehicle safety standards applicable to motor vehicles in use (Docket No. 37, 33 FR 17699), and issuance of the Vehicle-in-Use Program Plan in April 1972. NHTSA has also funded at least 18 research contracts in this area.

Policy considerations. Cost/benefit factors have been the primary policy consideration in developing the proposed standards and inspection program procedures. An elaborate and comprehensive inspection program covering the totality of vehicle systems was intially considered. However, the construction of new or expanded inspection facilities, the purchase of complex equipment and the training of operators for its use would result in an increased burden for the average taxpayer, and perhaps an intolerable burden for those of lesser means. This segment of the population is generally dependent for transportation upon older vehicles, which might be rejected under a stringent inspection for reasons that are not critically safety-related. Financial burdens could only be justified were corresponding benefits to traffic safety realized. The information gathered to date does not support the imposition of an elaborate scheme.

Therefore, the standards proposed by the NHTSA cover only those vehicle systems whose maintenance in good order has proven critical to the prevention of traffic accidents. Research indicates that 6 percent of all vehicle accidents studied were caused by failure of mechanical components, with the probability that an additional 11 percent of accidents were also caused or contributed to by component degradation. Further analysis shows that 77 percent of these accidents involved brake systems, steering and suspension systems, and tire and wheel assemblies. The NHTSA thus believes that the highest payoff in used vehicle safety lies in establishing inspection standards for these vehicle systems, which are the ones covered in this proposal. These standards should be viewed as the minimum acceptable for vehicles in use on the public roads. They are not intended to supplant State standards that establish a higher performance for the systems covered by this notice, or to discourage States from establishing or maintaining standards for other vehicle systems not covered.

Similar considerations governed the selection of inspection procedures. The NHTSA reviewed inspection procedures of many origins, giving special attention to USA Standard D-7.1 (1968) "Inspection Procedures for Motor Vehicles, Trailers, and Semitrailers Operated on Public Highways," and the "Vehicle Inspection Handbook" (June 1972) prepared by Automobile Manufacturer's Association, Inc. in cooperation with the American Association of Motor Vehicle Administrators. The proposed requirements have been developed with a view towards inspecting with basic, readily available equipment. This should also enable vehicle inspections to be completed within a reasonable period of time.

Applicability. The standards are proposed to apply to the inspection and performance of all motor vehicles licensed for use on the public roads (other than motorcycles, and trailers) with a gross vehicle weight rating of 10,000 pounds or less.

Brake system standards and inspection procedures. It is obviously of the utmost importance that the service brake system operate to slow or halt the vehicle according to the wishes and needs of the driver. To accomplish this the overall system must be equalized, and in good operational order with no critical deformation or wear. The criteria and procedures are proposed with these goals in mind. The inspection should initially verify that the brake system failure indicator lamp, found on 1968 and subsequent model passenger cars, is operable. The integrity of the service brake system would next be checked. One attribute of integrity is freedom from brake fluid leakage. The simple test proposed here is whether, when the brake pedal is once applied, and force maintained, the pedal continues to descend by more than one-quarter inch, or whether the failure indicator illuminates. This would be combined with a test for integrity requiring the sudden application of 150 pounds of force to the pedal, to be held for 10 seconds without failure of a brake line or other part.

An additional test for system integrity is whether the brake pedal is fully applied before it hits the floorboard or other object restricting travel. If the pedal is fully applied within 80 percent of the total distance from free pedal height to the floorboard, or other object restricting travel, an adequate brake pedal reserve exists. An inadequate reserve may indicate maladjustment, leakage, lining problems and the like.

Equalization of front brake systems tends to insure that the vehicle does not pull to one side but decelerates in a straight line when the brakes are applied. Equalization of rear brake systems is important to prevent lock-up of one wheel upon brake application, a condition which in extreme situations could lead to uncontrolled skidding. Equalization is met under the proposed standard when the force applied to any wheel is within 20 percent of the force applied to the opposite wheel on the same axle. Current State inspection procedures for equalization vary. Some rely on a road test with a subjective driver reaction. Others use a drive-on platform from which readings are taken. A few jurisdictions use a roller type brake analyzer with the capability of judging balance and equalization. Only the latter two objective methods are allowable under the proposal.

Brake hoses should be inspected through all wheel positions, from full left to full right. If the hoses are cracked, chafed, crimped, damaged, degraded, flattened, or mounted so as to contact the vehicle body or chassis, the vehicle should be rejected. For the past several years brake drums and discs have been embossed with dimensions critical to safety. The inspection would require drums and discs to be within the appropriate specifications.

The condition of friction materials is relevant to adequate brake performance, and values and procedures are given for inspection of drum lining and disc pad wear. Structural and mechanical parts such as backing plates and caliper assemblies should not be deformed or cracked, and system parts should not be broken, misalined, missing, binding, or show evidence of severe wear. When a power assist system is inspected, both the components and the system should demonstrate integrity.

Finally, the parking brake system should be inspected for efficiency. Alternative tests are proposed. In one, the vehicle would have to remain stationary for 1 minute, including upward on a 17 percent grade. This is a more severe vehicle attitude for testing parking brake efficiency than in the reverse direction, with the vehicle inclined facing downward. In the alternate test, the vehicle would have to stop in not more than 54 feet from a speed of 20 mi/h using the parking brake alone.

Steering and suspension system standards and inspection procedures. A vehicle should handle predictably under normal and emergency conditions, and the steering and suspension systems should be in good order. The steering system should retain a considerable degree of the tightness that it had when the vehicle was new. Lash or free play in the system should not exceed a certain tolerance, which the NHTSA has tentatively determined is 2 inches (i.e., when the wheels are turned in one direction, and the steering wheel is turned to begin a return movement, a point on the steering wheel rim should not move more than 2 inches before the beginning of perceptible return movement of the front wheels). Similarly, free play in the steering linkage should not exceed a certain tolerance, which the NHTSA

has tentatively determined is one-quarter inch. This agency is interested in receiving specific comments on the appropriateness of the 2-inch and one-quarter-inch tolerances. Additionally, there should be no binding or jamming in the system inhibiting free turning of the front wheels in both directions. The power steering system should operate without hesitation, its sound operating condition evidenced both by sufficient fluid in the reservoir and pump belts in proper condition and adjustment.

Alinement is important not only for directional predictability but also to insure evenness of tire wear. Toe-in or toe-out should not exceed 30 feet per mile when the vehicle is tested on a scuff gage, such as is found in many inspection stations.

As for the suspension system, front and rear, structural parts should not be missing, bent, or damaged. If stabilizer bars are present, they should be connected. Springs should not be broken, or extended by spacers. There should be no oil on shock absorber housings, evidencing leakage by the seal. Free rocking motion should not exceed two cycles after jouncing of the vehicle at either end, as evidence of sound shock absorber condition.

The inspection of steering and suspension systems is generally visual in nature.

Tire and wheel assembly standards and inspection procedures. The importance of tires and wheels to traffic safety cannot be overemphasized. Tires should have adequate tread depth, and be free from evidence of separation of cords, plies, and treads from the carcass or other adjacent materials. If the tread is less than one-sixteenth of an inch deep, or if a tire shows chunking, bumps, knots, or bulges, the vehicle should be rejected. These conditions can be observed visually without the use of tools though an inspector may wish to verify tread depth with a tread gage on tires that do not incorporate tread wear indicators.

The NHTSA also considers it important that tire cords not be exposed, either to the naked eye or when cuts or abrasions on the tire are probed. An awl should make an adequate probe for separation of cuts.

Tires on the same axle should be of the same nominal size, construction, and profile and within the sizes recommended by the manufacturer for the vehicle. A major mismatch in nominal size, construction, and profile is cause for rejection. The NHTSA is interested in receiving comments with supporting data, if possible, as to the degree of mismatch necessary for rejection.

Tire rims should not be cracked, and discs, rims, and flanges should have no visible cracks. Wheel nuts should be present and tight.

If a rim is deformed in excess of one-sixteenth of an inch, a tire may lose air in maneuvers or even be flexed off the rim. Lateral and radial runout should be tested by pressing a runout gage against the rim, rotating the tire, and judging whether deformation exceeds this tolerance.

In consideration of the foregoing, it is proposed that Title 49, Code of Federal tional Highway Traffic Safety Admin-Regulations, be amended by adding Part 570 to read as set forth below.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, Na-istration, Room 5221, 400 Seventh Street SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered by the Administration. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The Administration will continue to file relevant material, as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: July 5, 1973.

Proposed effective date: 30 days after publication of final rule.

Issued on March 29, 1973.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

PART 570—MOTOR VEHICLE INSPECTION STANDARDS AND PROCEDURES

Sec.
570.1 Scope.
570.2 Purpose.
570.3 Application.
570.4 Definitions.
570.5 Brake system standards and inspection procedures.
570.6 Steering and suspension systems standards and inspection procedures.
570.7 Tire and wheel assembly standards and inspection procedures.

AUTHORITY: Secs. 103, 108, 119, Public Law 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1397, 1407; delegation of authority at 49 CFR 1.51 and 501.8.

§ 570.1 Scope.

This part specifies standards and procedures for inspection of braking systems, steering and suspension systems, and tire and wheel assemblies of motor vehicles in use.

§ 570.2 Purpose.

The purpose of this part is to establish criteria for the inspection of motor vehicles by State inspection systems, in order to reduce death and injuries attributable to failure or inadequate performance of motor vehicle systems.

§ 570.3 Application.

This part does not in itself impose requirements on any person. It is intended to be implemented by States through the highway safety program standards issued under the Highway Safety Act (23 U.S.C. 402) with respect to inspection of motor vehicles with gross vehicle weight rating of 10,000 pounds or less.

§ 570.4 Definitions.

Unless otherwise indicated, all terms used in this part that are defined in 49 CFR Part 571, Motor Vehicle Safety Standards, are used as defined in that part without regard to the applicability of a standard in which a definition is contained.

§ 570.5 Brake system standards and inspection procedures.

Unless otherwise noted the force to be applied in inspection procedures to power assisted and full-power brake systems is 25 pounds and to others, 50 pounds.

(a) *Service brake system*—(1) *Failure indicator.* The brake system failure indicator lamp, if part of a vehicle's original equipment, shall be operable. This lamp is required by Federal Motor Vehicle Safety Standard No. 105, 49 CFR 571.105, on every passenger car manufactured since January 1, 1968.

(i) *Inspection procedure.* Apply parking brake and turn the ignition to start, or verify by other means indicated by the vehicle manufacturer that the brake system failure indicator lamp is operable.

(2) *Brake system integrity*—(i) *Leakage.* The brake system shall have no fluid leakage, whose presence will be indicated by decrease in pedal height greater than one-quarter inch after the brake pedal has been fully applied, or by illumination of the brake system failure indicator lamp. The brake system shall withstand the sudden application of force to the pedal without failure of any line or other part.

(a) *Inspection procedure.* As rapidly as possible apply a force of 125 pounds to the brake pedal and hold for 10 seconds. Measure any decrease in pedal height. Turn the ignition to the On position. Apply the brakes and observe whether the lamp illuminates.

(ii) *Brake pedal reserve.* When the brake pedal is fully depressed the distance that the pedal has traveled from its free position shall be not greater than 80 percent of the total distance from its free position to the floorboard or other object that restricts pedal travel.

(a) *Inspection procedure.* Measure the distance from the free pedal position to the floorboard or other object that restricts brake pedal travel. Depress the brake pedal for not less than 10 seconds. Then with the force still applied measure the distance from the free pedal position to the floorboard or other object that restricts pedal travel. Determine the brake pedal height ratio.

(3) *Brake equalization.* The force applied by the brake on a front wheel or a rear wheel shall not differ by more than 20 percent from the force applied by

the brake on the other front wheel or the other rear wheel respectively.

(i) *Inspection procedure.* A vehicle may be tested on a drive-on platform, or a roller-type brake analyzer with the capability of judging balance and equalization. If a vehicle is tested on an analyzer, tire inflation pressure should not be lower than that recommended by the vehicle manufacturer as indicated in the vehicle. Adjust as necessary.

(4) *Brake hoses and assemblies.* Brake hoses shall not be mounted so as to contact the vehicle body or chassis. Hoses shall not be cracked, chafed, crimped, damaged, degraded, or flattened.

(i) *Inspection procedure:* Examine visually through all wheel positions from full left to full right for conditions indicated.

(5) *Disc and drum condition.* If the drum is embossed with a maximum safe diameter dimension or the rotor is embossed with a minimum safe thickness dimension, the drum or disc shall be within the appropriate specifications. These dimensions will be found on motor vehicles manufactured since January 1, 1971, and may be found on vehicles manufactured for several years prior to that time.

(i) *Inspection procedure:* Examine visually for condition indicated, measuring as necessary.

(6) *Friction materials.* On each brake the thickness of the lining or pad shall not be less than one thirty-second of an inch over the rivet heads, or the brake shoe on bonded linings or pads. Brake linings and pads shall not have cracks or breaks that extend to rivet holes. Drum brake linings shall be securely attached to brake shoes. Disc brake pads shall be securely attached to backing plates.

(i) *Inspection procedure.* Hoist vehicle for ease of inspection, and remove wheels and drums. Examine visually for conditions indicated, and measure height of rubbing surface of lining over rivet heads. Measure bonded lining thickness over shoe surface at the thinnest point on lining or pad.

(7) *Structural and mechanical parts.* Backing plates and caliper assemblies shall not be deformed or cracked. System parts shall not be broken, misaligned, missing, binding, or show evidence of severe wear. Automatic adjusters and other parts shall be assembled and installed correctly.

(i) *Inspection procedure.* Examine visually for conditions indicated.

(8) *Power assist.* Vacuum hoses shall not be collapsed, abraded, broken, improperly mounted or audibly leaking. With residual vacuum exhausted and a constant 25-pound force on the brake pedal, the pedal shall fall slightly when the engine is started, demonstrating integrity of the power assist system.

(i) *Inspection procedure.* With engine running, examine hoses visually and aurally for conditions indicated. Stop engine and apply service brakes several times to destroy vacuum in system. Depress brake pedal with 25 pounds of force and while maintaining that force, start the engine. If brake pedal does not fall slightly under force when the engine starts, there is a malfunction in the power assist system.

(b) *Parking brake system.* The parking brake shall hold the vehicle stationary on a 17 percent up grade for 1 minute. Alternatively the parking brake shall stop the vehicle in not more than 54 feet from a speed of 20 m.p.h. on a clean, level pavement.

(1) *Inspection procedure.* Drive the vehicle forward onto a 17 percent up grade. Apply parking brake, and shift transmission to neutral. Determine whether the brake holds for 1 minute without application of service brakes. Alternatively, from a vehicle speed of 20 m.p.h., stop the vehicle using only the parking brake. Measure distance traversed from start of application of brake until vehicle comes to rest.

§ 570.6 Steering and suspension systems standards and inspection procedures.

(a) *Steering system—*

(1) *System play.* Lash or free play in the steering system shall not exceed 2 inches.

(i) *Inspection procedure.* With the engine off and the wheels in the straight ahead position, turn the steering wheel in one direction until there is a perceptible movement of a front wheel. Reverse rotation of the steering wheel. If a point on the steering wheel rim moves more than 2 inches before perceptible return movement of the wheel under observation, there is excessive lash or free play in the steering system.

(2) *Linkage play.* Free play in the steering linkage shall not exceed one-quarter of an inch.

(i) *Inspection procedure.* Elevate the front end of the vehicle to load the ball joints. Apply the service brakes. Insure that wheel bearings are correctly adjusted. Grasp the front and rear of a tire and attempt to turn the tire and wheel assembly left and right. If the free movement at the front or rear tread of the tire exceeds one-quarter inch there is excessive steering linkage play.

(3) *Free turning.* Steering wheels shall turn freely through the limit of travel in both directions.

(i) *Inspection procedure.* Turn the steering wheel through the limit of travel in both directions. Feel for binding or jamming in the steering gear mechanism.

(4) *Alinement.* Toe in or toe out, shall not exceed 30-feet per mile, as recorded on a scuff gauge.

(i) *Inspection procedure.* Drive vehicle over scuff gauge and record reading.

(5) *Power steering system.* The power steering system shall not have cracked or slipping belts, or insufficient fluid in the reservoir.

(i) *Inspection procedure.* Examine fluid reservoir and pump belts for conditions indicated.

(b) *Suspension system—*(1) *Suspension condition.* Ball joints shall not be cut or cracked. Structural parts shall not be bent or damaged. Stabilizer bars (if present) shall be connected. Springs shall not be broken, or extended by spacers. Shock absorber mountings, shackles, and U-bolts shall be tight. Rubber bushings shall not be cracked, extruded out from or missing from suspension joints. Radius rods shall not be missing or damaged.

(i) *Inspection procedure.* Examine front and rear end suspension parts for conditions indicated.

(2) *Shock absorbers—*(i) *Leakage.* There shall be no oil on the shock absorber housing attributable to leakage by the seal.

(a) *Inspection procedure.* Hoist vehicle to facilitate inspection. Examine shock absorbers for oil droplets leaking from within.

(ii) *Condition.* A vehicle shall not continue free rocking motion for more than two cycles.

(a) *Inspection procedure.* With vehicle on a level surface, push down on one end and release. Note number of cycles of free rocking motion. Repeat procedure at other end of vehicle.

§ 570.7 Tire and wheel assembly standards and inspection procedures.

(a) *Tires—*(1) *Tread depth.* The treads on each tire shall be not less than one-sixteenth of an inch deep.

(i) *Inspection procedure.* Passenger car tires have tread depth indicators that become exposed when tread depth is less than one-sixteenth of an inch. Inspect for indicators in any two adjacent major grooves at three locations spaced approximately equally around the outside of the tire. For vehicles other than passenger cars it may be necessary to measure tread depth with a tread gauge.

(2) *Type.* Vehicles should be equipped with tires on the same axle that are matched in nominal size, construction, and profile.

(i) *Inspection procedure.* Examine visually. A major mismatch in nominal size, construction, and profile between tires on the same axle, or a major deviation from the size as recommended by the manufacturer (e.g. as indicated on the glove box placard on 1968 and later passenger cars) are causes for rejection.

(3) *General condition.* Tires shall be free from chunking, bumps, knots, or bulges evidencing cord, ply, or tread separation from the casing or other adjacent materials.

(i) *Inspection procedure.* Examine visually for conditions indicated.

(4) *Damage.* Tire cords or belting materials shall not be exposed, either to the naked eye or when cuts or abrasions on the tire are probed.

(i) *Inspection procedure.* Examine visually for conditions indicated, using an awl if necessary to probe cuts or abrasions.

(b) *Wheel assemblies—*(1) Integrity. A tire rim shall not be cracked.

(i) *Inspection procedure.* Examine visually for condition indicated.

(2) *Deformation.* The lateral and radial runout of each rim bead shall not exceed one-sixteenth of an inch.

(i) *Inspection procedure.* Adjust wheel nuts and bearings if necessary. Using runout gage, a suitable stand, and a

roller finger, measure lateral runout of rim bead through one full wheel rotation and identify any runout in excess of one-sixteenth of an inch. Runout exists when the top and bottom of the wheel move alternatively toward and away from the center as the wheel rotates on a free-rolling axle.

(3) *Wheels.* Wheel discs, rims, or flanges shall have no visible cracks.

(i) *Inspection procedure.* Examine visually for conditions indicated.

(4) *Mounting.* All wheel nuts and bolts shall be present and tight.

(i) *Inspection procedure.* Examine visually for conditions indicated.

[FR Doc.73-6331 Filed 3-30-73;8:45 am]

[49 CFR Part 572]

[Docket 73-8; Notice 1]

OCCUPANT CRASH PROTECTION

Proposed Test Dummy Specifications

The purpose of this notice is to propose specifications for the test dummy to be used in testing vehicles for compliance with Motor Vehicle Safety Standard No. 208, Occupant Crash Protection, and to propose an amendment to Standard No. 208 incorporating the new specification.

Standard No. 208 (49 CFR 571.208) is the primary standard for protection of vehicle occupants in crashes. It provides requirements both for seatbelt systems and for passive protection systems that require no action by vehicle occupants, in the form of options to be selected by manufacturers. A passive system is to be tested by seating anthropomorphic test dummies in the vehcile and subjecting it to various types of crashes, with the requirement that the dummies be contained within the vehicle and that the force on or acceleration of specified locations on the dummies (head, chest, and femurs) not exceed certain levels.

On December 5, 1972, the U.S. Court of Appeals for the Sixth Circuit rendered a decision on petitions for review of Standard 208 by several automobile manufacturers (Chrysler v. Volpe, No. 71-1339 et al., Sixth Cir. 1972). The Court upheld the validity of the standard in most respects, but remanded the proceeding to the agency on the ground that the test dummy specifications (primarily SAE Recommended Practice J963) were inadequate and did not meet the statutory requirement that the standard be phrased in objective terms. The Court noted three specific respects in which it considered the specifications to be inadequate: (1) The absence of an adequate flexibility criterion for the dummy's neck; (2) permissible variations in the test procedure for determining thorax dynamic spring rate; and (3) the absence of specific, objective specifications for construction of the dummy's head. The Court also noted with approval the statement made by the NHTSA in a previous notice in this proceeding: "(S)ince the dummy is merely a test instrument and not an item of regulated equipment, it is not necessary to describe it in performance terms; its design could legally be 'frozen' by detailed, blue-print-type drawings and complete equipment specifications" (36 FR 19255, Oct. 1, 1971). Thus, the Court's position was that the dummy could be specified either in performance terms or by descriptive design specifications.

The approach taken in this notice is to use both of these methods. Mechanical drawings are being supplied that will provide uniformity of details in dummies or dummy parts produced by suppliers. In addition, specific commercially available "part numbers" will be provided. Performance specifications are also provided that will serve as calibration checks and help to assure repeatability of results.

The dummy design that has been tentatively selected by the NHTSA, and is hereby proposed, is a composite design using components developed by Alderson Research Laboratories, Sierra Engineering Co., and General Motors. This dummy design has been designated by General Motors as the "GM Hybrid II Dummy," and has undergone extensive testing by GM. In the judgment of the NHTSA, on the basis of information received to date and on the basis of the agency's own test program, it represents the most satisfactory design that is currently commercially available.

All interested persons should bear in mind that the legal requirements of Standard 208 and other standards relate to vehicle performance, not to dummy design. The dummy is simply an objective method of specifying performance in a crash test that must be attained by a vehicle when tested by the government. From the standpoint of this agency, any person is free to produce the dummies used for testing, and in fact the availability of relevant mechanical drawings through the NHTSA is intended to make that possible. The negotiation or adjudication of any patent or other private claims that may arise should be dealt with by the commercial and legal processes of the private sector. To the knowledge of this agency, the only patent on a component of the specified dummy is one on the knee held by Alderson, and that company has stated to the NHTSA that it will license production under its patent for a reasonable royalty.

The mechanical drawings, materials specifications, and assembly details for the proposed dummy are presently in preparation, and will be placed on public file for inspection and copying as they are received, in no event later than 30 days before the end of the comment period. They will be incorporated as part of the rule, since it is physically impracticable to publish them in the FEDERAL REGISTER. If the agency finds that public use of the drawings would be materially aided by placing them in a location in addition to its Washington address, it will consider doing so. Comments are invited on this point. Until they are available, interested persons may refer to the document submitted to the docket by General Motors (Docket No. 69-7, general correspondence, Items 74 and 74(a), Dec. 18, 1972, Jan. 11, 1973) for a description of the dummy and its component parts.

The NHTSA is continuing to support advanced research and development work on devices that simulate the human body. It is widely recognized that the technology in this area is in a relatively early stage of development. In the judgment of this agency, however, the device proposed for use by this notice is fully adequate for the purpose, and it is anticipated that, as finally issued, the proposed dummy specifications will remain stable for several years.

The head proposed for the dummy is the latest in a series of aluminum heads developed by Sierra Engineering Co. After reviewing the impact test data of heads having a variety of designs and compositions, the NHTSA has determined that the aluminum head is less likely to becloud the accelaration data with its own resonances than are heads of other materials.

The performance of the head is evaluated by a test in which the head is dropped forehead first onto a steelplate. The accelerations recorded by the accelerometers in the head must fall within specified limits in order for the head to qualify for use in compliance tests.

The neck chosen for the dummy is made of rubber and meets the design specifications of General Motors Drawing No. 50-3. Its performance is evaluated by a pendulum impact test, in which the motion of the head allowed by the neck must fall within specified limits during a controlled deceleration of the pendulum. Data from pendulum tests conducted by Calspan Corp., indicate that the test is sensitive to differences in design and repeatable in successive tests of the same neck.

The thorax proposed for the dummy conforms to the most recent Alderson specification, in which steel ribs are combined with a leather sternum. The damping properties of this design more nearly resemble the behavior of the human chest than did earlier designs. Its performance is evaluated in an impact test using a cylindrical impacter. The test has been found capable of detecting variances due to thorax design, and is considered to provide a good calibration check for the thorax.

The configuration of the lumbar spine and pelvis are largely derived from Alderson designs, with the addition of a lumbar spine segment designed by General Motors to provide greater uniformity of movement of the lower back. Its performance is evaluated in a static bending test of the torso with all components in place.

The legs are also of Alderson design, with modifications to the knee structure in accordance with a GM design. The knee performance is evaluated by an impact test using the impacter developed for thoracic testing.

To reduce variances in performance caused by differences in instrumentation

location and mounting, the proposed regulation also specifies the manner in which instruments are to be located and mounted.

In light of the above, it is proposed that Chapter V of Title 49, Code of Federal Regulations, be amended by adding a new Part 572, "Test Dummy Specifications" as set forth below.

It is also proposed that section S8.1.8 of Standard No. 208 be amended by substituting a reference to the Part 572 dummy for the present reference to the SAE J963 dummy. It is further proposed that the first and second restraint options available to manufacturers before passive protection becomes mandatory, suspended by the Chrysler decision, be reinstated in the standard, thereby permitting manufacturers to elect to install passive restraint systems during that period.

The NHTSA does not intend hereby to make the Part 572 dummy applicable to seat belts under the third option in 1973 (S4.1.2.3).

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered by the Administration. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The Administration will continue to file relevant material, as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: July 1, 1973.

Proposed effective date: August 1, 1973.

This notice of proposed rulemaking is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act, Public Law 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1407, and the delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.

Issued on March 28, 1973.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

A new part, Part 572, is proposed as follows:

PART 572—ANTHROPOMORPHIC TEST DUMMY

Sec.
572.1 Scope.
572.2 Purpose.
572.3 Application.
572.4 Terminology.
572.5 General description.
572.6 Head.
572.7 Neck.
572.8 Thorax.
572.9 Lumbar spine, abdomen, and pelvis.
572.10 Limbs.
572.11 Test conditions and instrumentation.

AUTHORITY: Secs. 102, 119, National Traffic and Motor Vehicle Safety Act, Public Law 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1407; and the delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.

§ 572.1 Scope.

This part describes the 50th percentile male anthropomorphic test dummy that is to be used for compliance testing of motor vehicles with motor vehicle safety standards.

§ 572.2 Purpose.

The design and performance criteria specified in this part are intended to describe a measuring tool with sufficient precision to give repetitive and correlative results under similar test conditions and to reflect adequately the protective performance of a vehicle with respect to human occupants.

§ 572.3 Application.

This section does not in itself impose duties or liabilities on any person. It is a description of a tool to measure the performance of occupant protection systems required by the safety standards that incorporate it. It is designed to be referenced by, and become a part of, the test procedures specified in motor vehicle safety standards such as Standard No. 208, Occupant Crash Protection.

§ 572.4 Terminology.

(a) The term "dummy" refers to the test device described by this part.

(b) Terms describing parts of the dummy, such as "head," are the same as names for corresponding parts of the human body.

(c) The term "upright position" means the position of the dummy when it is seated on a rigid horizontal surface with its midsagittal plane vertical, with its buttocks and shoulders tangent to a transverse vertical plane, and with its occiput 1.7 inches forward of the transverse vertical plane.

§ 572.5 General description.

(a) The dummy consists of the component assemblies specified in Figure 1 and conforms to the drawings and specifications subreferenced by Figure 1.

(b) Adjacent segments are joined in a manner such that throughout the range of motion and also under crash-impact conditions there is no contact between metallic elements except for contacts that exist under static conditions.

(c) The structural properties of the dummy are such that the dummy conforms to this part in every respect both before and after being subjected to barrier or sled tests producing readings 25 percent above any of the quantitative injury criteria specified in S6 of Standard No. 208 (49 CFR § 571.208).

§ 572.6 Head.

(a) The head consists of the assembly shown as number SA 150 M010 in Figure 1 and conforms to each of the drawings subtended by number SA 150 M010.

(b) When the head is dropped from a height of 10 inches in accordance with paragraph (c) of this section, the peak resultant accelerations at the head's center of gravity shall be not less than 210 g., and not more than 260 g. The acceleration/time curve for the test shall be unimodal and shall lie at or above the 100 g. level for an interval not less than 0.9 millisecond and not more than 1.5 milliseconds.

(c) Test procedure:

(1) Suspend the head as shown in Figure 2, so that the lowest point on the forehead is the point of intersection between the midsagittal plane and a cross-sectional plane that is horizontal and 1.5 inches below the top of the head when the dummy is in the upright position.

(2) Drop the head from the specified height onto a flat horizontal steel plate, 2 inches thick and 2 feet square.

§ 572.7 Neck.

(a) The neck consists of the assembly shown as number SA 150 M020 in Figure 1 and conforms to each of the drawings subtended by No. SA 150 M020.

(b) When the neck is tested with the head in accordance with paragraph (c) of this section, the head shall rotate in reference to the pendulum's longitudinal centerline a total of 64°±4° about its center of gravity, rotating to the extent specified in the following table at each indicated point in time, measured from impact, with a chordal displacement measured at its center of gravity that is within the limits specified. The peak resultant acceleration recorded at the center of gravity shall not exceed 23 g.

Rotation (degrees)	Time (ms) ±(2+.04T)	Chordal displacement (inches ±0.3)
0	0	0.0
30	27	2.7
60	46	5.2
Maximum	68	5.0
60	70	5.2
30	92	2.7
0	110	0.0

(c) Test procedure:

(1) Mount the head and neck on a rigid pendulum as specified in Figure 3, so that the head's midsagittal plane is vertical and coincides with the plane of motion of the pendulum's longitudinal centerline.

(2) Release the pendulum and allow it to fall freely from a height such that the velocity at impact is 23.5 feet per second (f.p.s.), measured at the center of the instrument mounting specified in Figure 3.

(3) Decelerate the pendulum to a stop at a rate that is not less than 17 g. and not more than 23 g., with a rise time to 17 g. of not more than 4 milliseconds and

a decay time from 17 g. of not more than 10 milliseconds.

(4) Allow the neck to flex without impact of the head or neck with any object.

(5) Measure the acceleration of the pendulum with instrumentation that has a frequency response of the Channel Class 60, SAE Recommended Practice J211, October 1970.

§ 572.8 Thorax.

(a) The thorax consists of the assembly shown as No. SA 150 M030 in Figure 1, and conforms to each of the drawings subtended by No. SA 150 M030.

(b) The thorax contains enough unobstructed interior space behind the rib cage to permit the midpoint of the sternum to be depressed 2 inches without contact between the rib cage and other parts of the dummy or its instrumentation, except for instruments specified in paragraph (d)(7) of this section.

(c) When impacted by a test probe conforming to § 572.11(a) at 14 f.p.s. and at 22 f.p.s. in accordance with paragraph (d) of this section, the thorax shall resist with forces measured by the test probe of not more than 1,400 pounds and 2,100 pounds, respectively, and shall deflect by amounts not greater than 1.0 inch and 1.6 inches, respectively. The internal hysteresis in each impact shall not be less than 50 percent.

(d) Test procedure:

(1) Seat the dummy in the upright position without back support and extend the arms and legs horizontally forward.

(2) Locate the point on the forward surface of the thorax that lies in the midsagittal plane 18 inches below the top of the head.

(3) Adjust the dummy so that the surface area immediately adjacent to the point specified in paragraph (d)(2) of this section is vertical.

(4) Orient the test probe so that at impact its longitudinal centerline is horizontal and in the midsagittal plane.

(5) Impact the thorax with the test probe moving horizontally at the specified velocity so that the center point of the probe face impacts the point specified in step (2).

(6) Guide the probe during impact so that it moves with no significant lateral, vertical, or rotational movement.

(7) Measure the deflection of the thorax at the point specified in paragraph (d)(2) of this section with a potentiometer mounted inside the thorax.

(8) Measure hysteresis by determining the ratio of the area between the loading and unloading portions of the force deflection curve to the area under the loading portion of the curve.

§ 572.9 Lumbar spine, abdomen, and pelvis.

(a) The lumbar spine, abdomen, and pelvis consist of the assemblies designated as numbers SA 150 MO50 and SA 150 MO60 in Figure 1 and conform to the drawings subtended by numbers SA 150 MO50 and SA 150 MO60.

(b) When subjected to a static force in accordance with paragraph (c) of this section, the lumbar spine assembly shall flex by an amount that permits the rigid thoracic spine to rotate from its nominal position by the number of degrees shown below at each specified force level, and shall straighten upon removal of the force so that the thoracic spine returns to within 5° of its nominal position.

Flexion (degrees)	*Force (pounds ±5 percent)*
0	0
20	24
30	34
40	50

(c) Test procedure:

(1) Place the assembled thorax, lumbar spine, and pelvic assemblies in the upright position on a rigid horizontal surface and hold the pelvis so that it does not move.

(2) Apply a forward force to the rear surface of the thorax parallel to and symmetrical about the midsagittal plane and perpendicular to the thoracic spine 15 inches above the lowest point of the flexible portion of the lumbar spine.

(d) When subjected to a static force in accordance with paragraph (e) of this section, the abdomen shall deflect not less than 1.3 inches at a uniform rate of 80 pounds ±5 pounds per inch of deflection.

(e) Test procedure:

(1) Place the assembled thorax, lumbar spine, and pelvic assemblies in a supine position on a rigid horizontal surface.

(2) Place a rigid cylinder 6 inches in diameter and 18 inches long transversely across the abdomen, so that the cylinder is symmetrical about the midsagittal plane, with its longitudinal centerline horizontal and perpendicular to the midsagittal plane at a point 9.2 inches above the bottom line of the buttocks, measured with the dummy in the upright position.

(3) Apply a vertical downward force through the cylinder at a rate of 0.1 inch per second.

(4) Guide the cylinder so that it moves without significant lateral or rotational movement.

§ 572.10 Limbs.

(a) The limbs consist of the assemblies shown as numbers SA 150 MO70, SA 150 MO71, SA 150 MO80, and SA 150 MO81, in Figure 1 and conform to the drawings subtended by these numbers.

(b) When each knee is impacted at 6.9 ft./sec. in accordance with paragraph (c) of this section, the maximum force on the femur shall be not more than 2,500 pounds and not less than 1,900 pounds, with a duration above 1,000 pounds of not less than 1.7 milliseconds.

(c) Test procedure:

(1) Seat the dummy in the upright position without back support. Place the feet and knees 4 inches apart, with the femurs horizontal, the lower legs vertical, and the feet resting on a horizontal surface.

(2) Aline the test probe specified in § 572.11(a) so that at impact its longitudinal centerline coincides with the longitudinal centerline of a femur.

(3) Impact the knee with the test probe moving horizontally at the specified velocity.

(4) Guide the probe during impact so that it moves with no significant lateral, vertical, or rotational movement.

§ 572.11 Test conditions and instrumentation.

(a) The test probe used for thoracic and knee impact tests is a cylinder 6 inches in diameter that weighs 51.5 pounds including instrumentation. Its impacting end has a flat right face with an edge radius of 0.5 inches.

(b) Accelerometers are mounted in the head on the horizontal transverse bulkhead shown in the drawings subreferenced under assembly No. SA 150 MO10 in Figure 1, so that their sensitive axes intersect at a point in the midsagittal plane 0.5 inch above the horizontal bulkhead and 1.9 inches forward of the vertical mating surface of the skull with the skull cover, and so that their seismic mass centers are in a plane parallel to the upper surface of the bulkhead. One accelerometer is alined with its sensitive axis perpendicular to the horizontal bulkhead in the midsagittal plane and with its seismic mass center not more than 0.3 inch from the axial intersection point. Another accelerometer is alined with its sensitive axis parallel to the horizontal bulkhead and perpendicular to the midsagittal plane, and with its seismic mass center not more than 1.3 inches from the axial intersection point. A third accelerometer is alined with its sensitive axis parallel to the horizontal bulkhead in the midsagittal plane, and with its seismic mass center not more than 1.3 inches from the axial intersection point.

(c) Accelerometers are mounted in the thorax by a bracket within the thoracic spine so that their sensitive axes intersect at a point in the midsagittal plane 0.8 inch below the upper surface of the plate to which the neck mounting bracket is attached and 3.2 inches perpendicularly forward of the surface to which the accelerometer bracket is attached. One accelerometer has its sensitive axis oriented parallel to the attachment surface in the midsagittal plane, with its seismic mass center not more than 1.3 inches from the intersection of the sensitive axes specified above. Another accelerometer has its sensitive axis oriented parallel to the attachment surface and perpendicular to the midsagittal plane, with its seismic mass center not more than 1.3 inches from the intersection of the sensitive axes specified above. A third accelerometer has its sensitive axis oriented perpendicular to the attachment surface in the midsagittal plane, with its seismic mass center not more than 0.2 inch from the intersection of the sensitive axes specified above. Accelerometers are oriented with the dummy in the upright position.

(d) A force-sensing device is mounted axially in each femur shaft so that the transverse centerline of the sensing element is 4.25 inches from the knee's center of rotation.

(e) The output of acceleration and force sensing devices installed in the dummy is recorded in individual data channels that conform to the requirements of SAE Recommended Practice J211, October 1970, with channel classes as follows:

(1) Head acceleration—1000Hz.
(2) Thorax acceleration—180Hz.
(3) Femur force—600Hz.

(f) The mountings for sensing devices have no resonance frequency within a range of three times the frequency range of the applicable channel class.

(g) Limb joints are set at 1g, barely restraining the weight of the limb when it is extended horizontally. The force required to move a limb segment does not exceed 2g throughout the range of limb motion.

(h) Performance tests are conducted at any temperature from 66° F. to 78° F. and at any relative humidity from 30 percent to 70 percent.

FIGURE 1

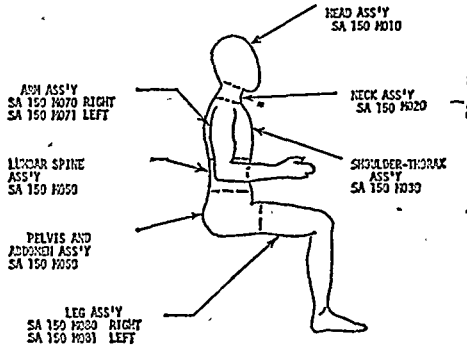
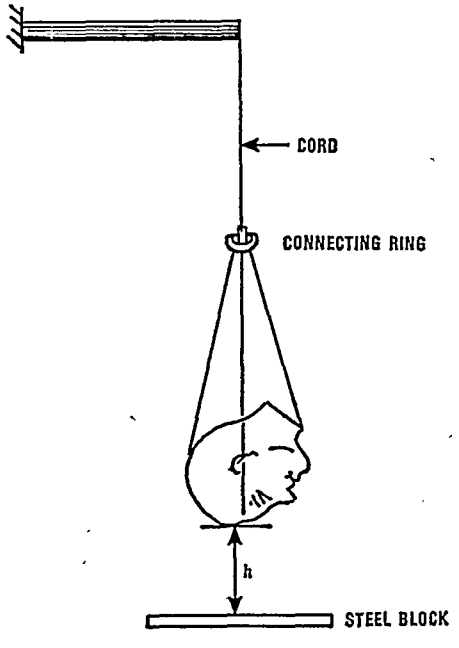
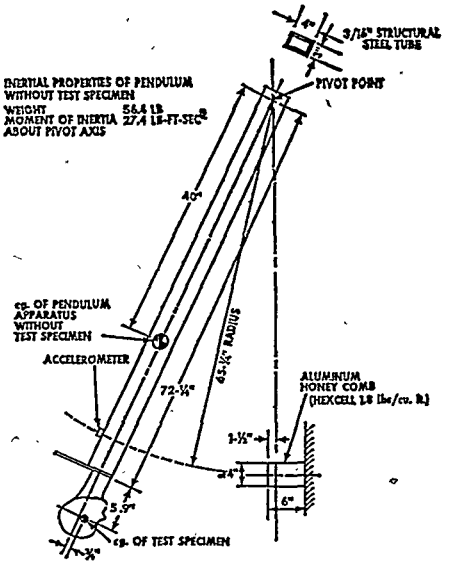


Figure 2



HEAD POSITIONING FOR DROP TESTS

Figure 3



HEAD NECK SET-UP FOR PENDULUM IMPACT TESTS

2. S8.1.8 of Standard No. 208, is amended as follows:

S8.1.8 Anthropomorphic test devices conform to the requirements of Part 572 of this title.

[FR Doc.73-6264 Filed 3-28-73;2:20 pm]

ENVIRONMENTAL PROTECTION AGENCY

[41 CFR Part 15-16]

PROCUREMENT FORMS

Forms for Negotiated Architect-Engineer Contracts

Notice is hereby given that the Environmental Protection Agency proposes a new amendment to 41 CFR, Chapter 15, by adding a new § 15-16.701-50, Additional General Provisions to U.S. Standard Form 253, General Provisions for Architect-Engineer Contracts, Part 15-16, Procurement Forms, Subpart 15-16.7, Forms for Negotiated Architect-Engineer Contracts, to read as set forth below.

Interested parties may submit written comments or objections as they may desire. Communications should be submitted in triplicate to the Environmental Protection Agency, Contracts Management Division, Washington, D.C. 20460. All communications received on or before June 1, 1973, will be considered prior to adoption of this regulation. A copy of each communication will be placed on file for public inspection in the Contracts Management Division, Room 415, Waterside Mall, Washington, D.C. 20460.

Dated: March 27, 1973.

ROBERT W. FRI,
Acting Administrator.

Subpart 15-16.7—Forms for Negotiated Architect Engineer Contracts

Sec.
15-16.701-50 Additional General Provisions to U.S. Standard Form 253.

AUTHORITY: 40 U.S.C. 486(c), sec. 205(c), 63 Stat. 377, as amended.

§ 15-16.701-50 Additional General Provisions to U.S. Standard Form 253.

14. METHOD OF PAYMENT

(a) Estimates shall be made monthly of the amount and value of the work and services performed by the Architect-Engineer under this contract, such estimates to be prepared by the Architect-Engineer and accompanied by such supporting data as may be required by the Contracting Officer.

(b) Upon approval of such estimate by the Contracting Officer payment upon properly certified vouchers shall be made to the Contractor as soon as practicable of 90 percent of the amount as determined above, less all previous payments: *Provided, however,* That if the Contracting Officer determines that the work is substantially complete and that the amount of retained percentages is in excess of the amount considered by him to be adequate for the protection of the Government, he may at his discretion release to the Architect-Engineer such excess amount.

(c) Upon satisfactory completion by the Architect-Engineer of the work called for under the terms of this contract, and upon acceptance of such work by the Contracting Officer, the Architect-Engineer will be paid the unpaid balance of any money due for such work, including the retained percentages relating to this portion of the work.

(d) Upon satisfactory completion of the construction work and its final acceptance, the Architect-Engineer shall be paid the unpaid balance of any money due hereunder. Prior to such final payment under the contract, or prior settlement upon termination of the contract, and as a condition precedent thereto, the Architect-Engineer shall execute and deliver to the Contracting Officer a release of all claims against the Government arising under or by virtue of this contract, other than such claims, if any, as may be specifically excepted by the Architect-Engineer from the operation of the release in stated amounts to be set forth therein.

15. INTEREST

Notwithstanding any other provision of this contract, unless paid within 30 days all amounts that become payable by the Architect-Engineer to the Government under this contract (net of any applicable tax credit under the Internal Revenue Code) shall bear interest at the rate of 6 percent per annum from the date due until paid. Amounts shall be due upon the earliest one of (i) the date fixed pursuant to this contract, (ii) the date of the first demand for payment, consistent with the contract including demand consequent upon default termination, (iii) the date of a supplemental agreement fixing the amount, or (iv) if this contract provides for revision of prices, the date or written notice to the Architect-Engineer rating the amount of refund payable in connection with a pricing proposal or in connection with a negotiated pricing agreement not confirmed by contract supplement.

16. GRATUITIES

(a) The Government may by written notice to the Architect-Engineer, terminate the right of the Architect-Engineer to proceed under this contract if it is found, after notice and hearing, by the Administrator or his duly authorized representative, that gratuities (in the form of entertainment, gifts, or otherwise) were offered or given by the Architect-Engineer, or any agent or representative of the Architect-Engineer, to any officer or employee of the Government with a view toward securing a contract or securing favorable treatment with respect to the awarding or amending, or making of any determinations with respect to the performing of such contract: *Provided,* That the existence of the facts upon which the Administrator or his

duly authorized representative makes such findings shall be in issue and may be reviewed in any competent court.

(b) In the event this contract is terminated as provided in paragraph (a) hereof, the Government shall be entitled (1) to pursue the same remedies against the Architect-Engineer as it could pursue in the event of a breach of the contract by the Architect-Engineer, and (2) as a penalty in addition to any other damages to which it may be entitled by law, to exemplary damages in an amount (as determined by the Administrator or his duly authorized representative) which shall be not less than three nor more than 10 times the costs incurred by the Architect-Engineer in providing any such gratuities to any such officer or employee.

(c) The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any rights and remedies provided by law or under this contract.

17. NOTICE TO THE GOVERNMENT OF DELAYS

Whenever the Architect-Engineer has knowledge that any actual or potential situation is delaying or threatens to delay the timely performance of this contract, the Architect-Engineer shall within ten (10) days give notice thereof, including all relevant information with respect thereto, to the Contracting Officer.

18. COMPOSITION OF CONTRACTOR

If the Architect-Engineer hereunder is comprised of more than one (1) legal entity, each such entity shall be jointly and severally liable hereunder.

19. LISTING OF EMPLOYMENT OPENINGS

(This clause is applicable pursuant to 41 CFR Part 50-250 if this contract is for $10,000 or more and will generate 400 or more man-days of employment).

(a) The Contractor agrees that all employment openings of the Contractor which exist at the time of the execution of this contract and those which occur during the performance of this contract, including those not generated by this contract and including those occurring at an establishment of the Contractor other than the one wherein the contract is being performed but excluding those of independently operated corporate affiliates, shall, to the maximum extent feasible, be offered for listing at an appropriate local office of the State employment service system wherein the opening occurs and to provide such periodic reports to such local office regarding employment openings and hires as may be required.

(b) Listing of employment openings with the employment service system pursuant to this clause shall be made at least concurrently with the use of any other recruitment source or effort and shall involve only the normal obligations which attach to the placing of a bona fide job order but does not require the hiring of any job applicant referred by the employment service system.

(c) The periodic reports required by paragraph (a) of this clause, shall be filed at least quarterly with the appropriate local office or, where the Contractor has more than one establishment in a State, with the central office of that State employment service. Such reports shall indicate for each establishment the number of individuals who were hired during the reporting period and the number of hires who were veterans who served in the Armed Forces on or after August 5, 1964, and who received other than a dishonorable discharge. The Contractor shall maintain copies of the reports submitted until the expiration of one (1) year after final payment under the contract, during which time they shall be made available, upon request, for examination by any authorized representatives of the Contracting Officer or of the Secretary of Labor.

(d) Whenever the Contractor becomes contractually bound to the listing provisions of this clause, he shall advise the employment service system in each State wherein he has establishments of the name and location of each such establishment in the State. As long as the Contractor is contractually bound to these provisions and has so advised the State employment service system, there is no need to advise the State system of subsequent contracts. The Contractor may advise the State systems when it is no longer bound by this contract clause.

(e) This clause does not apply (1) to the listing of employment openings which occur outside of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands, and (2) to contracts with State and local governments.

(f) This clause does not apply to openings which the Contractor proposes to fill from within his own organization or to fill pursuant to a customary and traditional employer-union hiring arrangement. This exclusion does not apply to a particular opening once an employer decides to consider applicants outside of his own organization or employer-union arrangement for that opening.

(g) As used in this clause:

(1) "All employment openings" includes, but is not limited to, openings which occur in the following job categories: Production and nonproduction; plant and office; laborers and mechanics; supervisory and nonsupervisory; technical; and executive, administrative, and professional openings which are compensated on a salary basis of less than $18,000 per year. This term includes full-time employment, temporary emyployment of more than 3 days' duration, and part-time employment.

(2) "Appropriate office of the State employment service system" means the local office of the Federal-State national system of public employment offices with assigned responsibility for serving the area of the establishment where the employment opening is to be filled, including the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

(3) "Openings which the Contractor proposes to fill from within his own organization or to fill pursuant to a customary and traditional employer-union hiring arrangement," means employment openings for which no consideration will be given to persons outside the Contractor's organization (including any affiliates, subsidiaries, and parent companies) or outside of a special hiring arrangement which is part of the customary and traditional employment relationship which exists between the Contractor and representatives of his employees and includes any openings which the Contractor proposes to fill from regularly established "recall" or "rehire" lists or from union hiring halls.

(4) "Man-day of employment" means any day during which an employee performs more than one (1) hour of work.

(h) The Contractor agrees to place this clause (excluding this paragraph (h)) in any subcontract directly under this contract.

20. UTILIZATION OF MINORITY BUSINESS ENTERPRISES

(a) It is the policy of the Government that minority business enterprises shall have the maximum practicable opportunity to participate in the performance of Government contracts.

(b) The Architect-Engineer agrees to use his best efforts to carry out this policy in the award of his subcontracts to the fullest extent consistent with the efficient performance of this contract. As used in this contract, the term "minority business enterprise" means a business, at least 50 percent of which is owned by minority group members or, in case of publicly owned businesses, at least 51 percent of the stock of which is owned by minority group members. For the purposes of this definition, minority group members are Negroes, Spanish-speaking American persons, American-Orientals, American Indians, American Eskimos, and American Aleuts. Contractors may rely on written representations by subcontractors regarding their status as minority business enterprises in lieu of an independent investigation.

21. AUDIT

(a) For purposes of verifying that certified cost or pricing data submitted, in conjunction with the negotiation of this contract or any contract change or other modification involving an amount in excess of $100,000 was accurate, complete, and current, the Contracting Officer, or his authorized representatives, shall, until the expiration of three (3) years from the date of final payment under this contract or of the time periods for the particular records specified in Part 1-20 of the Federal Procurement Regulations (41 CFR Part 1-20), whichever expires earlier, have the right to examine those books, records, documents, papers, and other supporting data which involve transactions related to this contract or which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein.

(b) The Architect-Engineer agrees to insert this clause, including this paragraph (b), in all subcontracts hereunder which when entered into exceed $100,000, unless the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. When so inserted, changes shall be made to designate the higher tier subcontractor at the level involved as the contracting and certifying party; to add "of the Government prime contract" after "Contracting Officer;" and to add, at the end of (a) above, the words, "*Provided*, That, in the case of any contract change or modification, such change or modification results from a change or other modification to the Government prime contract." In each such excepted subcontract hereunder which when entered into exceeds $100,000, the Contractor shall insert the following clause:

AUDIT-PRICE ADJUSTMENTS

(a) This clause shall become operative only with respect to any change or other modification of this contract which involves a price adjustment in excess of $100,000 unless the price adjustment is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public or prices set by law or regulation: *Provided*, That such change or other modification to this contract results from a change or other modification to the Government prime contract.

(b) For purposes of verifying that certified cost or pricing data submitted in conjunction with such a contract change or modification were accurate, complete, and current, the Contracting Officer of the Government prime contract, or his authorized representatives, shall, until the expiration of three (3) years from the date of final payment under this contract, or of the time

periods for the particular records specified in Part 1-20 of the Federal Procurement Regulations (41 CFR Part 1-20), whichever expires earlier, have the right to examine those books, records, documents, papers, and other supporting data which involve transactions related to this contract or which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein.

(c) The subcontractor agrees to insert this clause, including this paragraph (c), in all subcontracts hereunder which when entered into exceeds $100,000.

22. PRICE REDUCTION FOR DEFECTIVE COST OR PRICING DATA

(The provisions of this clause shall be applicable only if the amount of this contract exceeds $100,000.)

(a) If the Contracting Officer determines that any price, including profit or fee, negotiated in connection with this contract or any cost reimbursable under this contract was increased by any significant sums because the Architect-Engineer, or any subcontractor pursuant to the clause of this contract entitled "Subcontractor Cost or Pricing Data" or "Subcontractor Cost or Pricing Data—Price Adjustments," or any subcontract clause therein required, furnished incomplete or inaccurate cost or pricing data or data not current as certified in his Contractor's Certificate of Current Cost or Pricing Data, then such price or cost shall be reduced accordingly and the contract shall be modified in writing to reflect such reduction.

(b) Failure to agree on a reduction shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract.

(NOTE—Since the contract is subject to reduction under this clause by reason of defective cost or pricing data submitted in connection with certain subcontracts, it is expected that the Architect-Engineer may wish to include a clause in each such subcontract requiring the subcontractor to appropriately indemnify the Architect-Engineer. It is also expected that any subcontractor subject to such indemnification will generally require substantially similar indemnification for defective cost or pricing data required to be submitted by his lower tier subcontractors.)

23. SUBCONTRACTOR COST AND PRICING DATA

(The provisions of this clause shall be applicable only if the amount of this contract exceeds $100,000.)

(a) The Architect-Engineer shall require subcontractors hereunder to submit in writing cost or pricing data under the following circumstances.

(1) Prior to award of any cost-reimbursement type, time and material, labor-hour, incentive, or price redeterminable subcontract, change or other modification, the price of which is expected to exceed $100,000; and

(2) Prior to the award of any other subcontract, the price of which is expected to exceed $100,000 or to the pricing of any subcontract change or other modification for which the price adjustment is expected to exceed $100,000, where the price or price adjustment is not based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(b) The Architect-Engineer shall require subcontractors to certify, in substantially the same form as that used in the certificate by the Prime Contractor to the Government, that, to the best of their knowledge and belief, the cost and pricing data submitted under (a) above are accurate, complete, and current as of the date of the execution, which date shall be as close as possible to the date of agreement on the negotiated price of the subcontract or subcontract change or modification.

(c) The Architect-Engineer shall insert the substance of this clause, including this paragraph (c) in each of his cost-reimbursement type, time and material, labor-hour, price redeterminable, or incentive subcontracts hereunder, and in any other subcontract hereunder which exceeds $100,000 unless the price thereof is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. In each such excepted subcontract hereunder which exceeds $100,000, the Architect-Engineer shall insert the substance of the following clause:

SUBCONTRACTOR COST AND PRICING DATA-PRICE ADJUSTMENTS

(a) Paragraphs (b) and (c) of this clause shall become operative only with respect to any change or other modification made pursuant to one or more provisions of this contract which involves a price adjustment in excess of $100,000. The requirements of this clause shall be limited to such price adjustments.

(b) The Architect-Engineer shall require subcontractors hereunder to submit cost or pricing data under the following circumstances:

(1) Prior to award of any cost-reimbursement type, time and material, labor-hour, incentive, or price redeterminable subcontract, the price of which is expected to exceed $100,000; and

(2) Prior to award of any other subcontract, the price of which is expected to exceed $100,000, or to the pricing of any subcontract change or other modification for which the price adjustment is expected to exceed $100,000, where the price or price adjustment is not based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(c) The Architect-Engineer shall require subcontractors to certify, in substantially the same form as that used in the Certificate by the Prime Contractor to the Government, that, to the best of their knowledge and belief, the cost and pricing data submitted under (b) above are accurate, complete, and current as of the date of the execution, which date shall be as close as possible to the date of agreement on the negotiated price of the contract modification.

(d) The Architect-Engineer shall insert the substance of this clause including this paragraph (d) in each subcontract hereunder which exceeds $100,000.

24. NOTICE OF MAXIMUM PERMISSIBLE ESCALATION IN WAGE AND PRICE STANDARDS

Offerors are advised of standards established under Executive Orders 11615, 11627, and 11640 setting maximum permissible percentage of escalation in wage rates and price increases. Such standards call for wage rate increases of no more than 5.5 percent per annum unless specific exceptions have been granted by the Pay Board. The price standard established by the Price Commission has the objective of holding economy-wide price increases to 2.5 percent per annum (three percent (3%) per annum in the case of small business firms). To achieve this target, firms are allowed to increase prices to reflect allowable costs incurred since the last price increase or since January 1, 1971, whichever was later, and such costs as firms are continuing to incur, adjusted to reflect productivity gains. These price increases may not result in profit margins on sales which exceed the firm's profit margins for the highest two of the last three fiscal years ending before August 15, 1971. Average productivity gains are estimated to be 3 percent or higher for the economy annually for 1972 and 1973.

25. PRICE CERTIFICATION

(a) By submission of this bid (offer) bidder (offeror) certifies (1) that he is in compliance and will continue to comply with the requirements of Executive Order 11640, January 26, 1972, or (2) that he is a small business concern (as determined in accordance with the regulations of the Cost of Living Council in 6 CFR 101.51.37 FR 8939, May 3, 1972) and as such is exempt from wage and price controls (except where health services or construction are involved).

(b) Prior to the payment of invoices under this contract, the Contractor shall place on, or attach to, each invoice submitted one of tre following certifications, as appropriate:

I hereby certify that the amounts invoiced herein do not exceed the lower of (1) the contract price, or (2) maximum levels established in accordance with Executive Order 11640, January 26, 1972.

I hereby certify that I am a small business concern employing 60 or fewer employees (as determined in accordance with the regulations of the Cost of Living Council in 6 CFR 101.51.37 FR 8939, May 3, 1972, and any subsequent amendments) and as such am exempt from wage and price controls as provided by the Council's regulation.

(c) The Contractor agrees to insert the substance of this clause, including this paragraph (c), in all subcontracts for supplies or services issued under this contract.

26. PRICING ADJUSTMENTS

When costs are a factor in any determination of a contract price adjustment pursuant to the "Changes" clause or any other provision of this contract, such costs shall be in accordance with the contract cost principles and procedures in Part 1-15 of the Federal Procurement Regulations (41 CFR 1-15) or Section XV of the Armed Services Procurement Regulation in effect on the date of this contract.

27. PAYMENT OF INTEREST ON CONTRACTORS' CLAIMS

(a) If an appeal is filed by the Contractor from a final decision of the Contracting Officer under the disputes clause of this contract, denying a claim arising under the contract, simple interest on the amount of the claim finally determined owed by the Government shall be payable to the Contractor. Such interest shall be at the rate determined by the Secretary of the Treasury pursuant to Public Law 92-41, 85 Stat. 97, from the date the Contractor furnishes to the Contracting Officer his written appeal under the disputes clause of this contract, to the date of (1) a final judgment by a court of competent jurisdiction, or (2) mailing to the Contractor of a supplemental agreement for execution either confirming completed negotiations between the parties or carrying out a decision of a board of contract appeals.

(b) Notwithstanding (a), above, (1) interest shall be applied only from the date payment was due, if such date is later than the filing of appeal, and (2) interest shall not be paid for any period of time that the Contracting Officer determines the Contractor has unduly delayed in pursuing his remedies before a board of contract appeals or a court of competent jurisdiction.

28. ALTERATIONS

The following alterations are made in Standard Form 253:

Clause seven (7), Government Rights (Unlimited), is deleted and the following clause is substituted in lieu thereof:

DRAWINGS AND OTHER DATA TO BECOME PROPERTY OF GOVERNMENT

All designs, drawings, specifications, notes, and other work developed in the performance of this contract shall be and remain the sole property of the Government and may be used on any other work without additional compensation to the Architect-Engineer. With respect thereto, the Architect-Engineer agrees not to assert any rights and not to establish any claim under the design patent or copyright laws. The Architect-Engineer for a period of three (3) years after completion of the project agrees to furnish and provide access to all retained materials on the request of the Contracting Officer. Unless otherwise provided in this contract, the Architect-Engineer shall have the right to retain copies of all such materials beyond such period.

Clause eight (8), Examination of Records, is deleted and the following clause substituted in lieu thereof:

EXAMINATION OF RECORDS BY COMPTROLLER GENERAL

(a) This clause is applicable if the amount of this contract exceeds $2,500 and was entered into by means of negotiation, including small business restricted advertising, but is not applicable if this contract was entered into by means of formal advertising.

(b) The Architect-Engineer agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three (3) years after final payment under this contract or such lesser time specified in either Appendix M of the Armed Services Procurement Regulations or the Federal Procuement Regulations Part 1-20, as appropriate, have access to and the right to examine any directly pertinent books, documents, papers, and records of the Architect-Engineer involving transactions related to this contract.

(c) The Architect-Engineer further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three (3) years after final payment under the subcontract or such lesser time specified in either Appendix M of the Armed Services Procurement Regulation or the Federal Procurement Regulations Part 1-20, as appropriate, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor, involving transactions related to the subcontract. The term "subcontract" as used in this clause excludes (1) purchase orders not exceeding $2,500 and (2) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

(d) The periods of access and examination described in (b) and (c) above, for records which relate to (1) appeals under the "Disputes" clause of this contract, (2) litigation or the settlement of claims arising out of the performance of this contract, or (3) costs and expenses of this contract as to which exception has been taken by the Comptroller General, or any of his duly authorized representatives, shall continue until such appeals, litigations, claims, or exceptions have been disposed of.

The following alterations are made in Standard Form 19-B, Representations and Certifications (Construction Contract) October 1969 Edition:

1. Change the title of the form to read:

Representations and Certifications (Construction and Architect-Engineer Contracts) (for use with Standard Forms 19, 21, and 252).

2. Change the Reference block to read:

Reference (Enter same No. (s) as on SF 19, 21, and 252).

3. Change (c) of paragraph 1, Small Business, to read:

(c) Had average annual receipts for the preceding three (3) fiscal years not exceeding $7.5 million for construction contracts, $1 million for Architect-Engineer contracts primarily architectural, and $5 million for Architect-Engineer contracts primarily engineering.

[FR Doc.73-6168 Filed 3-30-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19677; RM-1949, RM-1911]

FM BROADCAST STATIONS, RICHLANDS, VA.; AND WELCH, W. VA.

Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations. (Richlands, Va., and Welch, W. Va.)

1. The notice of proposed rulemaking in the above-entitled proceeding was adopted on January 31, 1973, and published in the FEDERAL REGISTER on February 9, 1973 (38 FR 3998). The date for filing comments has expired and the date for filing reply comments is presently March 26, 1973.

2. On March 21, 1973, Clinch Valley Broadcasting Corp. (Clinch Valley), by its counsel, filed a petition for extension of time in which to submit reply comments to and including April 9, 1973. Counsel states that during the period of March 24 through March 28, 1973, he will be heavily committed in connection with the National Association of Broadcasters' Convention and the necessary exchange of correspondence, the review and analysis of the comments of the proponent in this proceeding, and the preparation of an adequate reply cannot be accomplished within the present schedule. Counsel for the proponent has been advised of this requested extension and he has consented to its prompt consideration and grant.

3. It appears that the additional time is warranted and would serve the public interest. *Accordingly, it is ordered,* That the time for filing reply comments in Docket No. 19677 is extended to and including April 9, 1973.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: March 26, 1973.

Released: March 27, 1973.

[SEAL] WALLACE E. JOHNSON, *Chief, Broadcast Bureau.*

[FR Doc.73-6261 Filed 3-30-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1300]

[Ex Parte 294]

SOUTHERN FREIGHT ASSOCIATION ET AL.

Petition for Revocation of Tariff Circular Rules

Notice of proposed rulemaking and order. At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 19th day of March 1973.

It appearing, that, by Special Permission Application No. S-6680, filed jointly on January 10, 1972, by the Southern Freight Association, the Traffic Executive Association-Eastern Railroads, and the Western Trunk Line Committee, agents, applicants seek special permission to waive Rule 54 of Tariff Circular No. 20, which relief would have widespread effect;

It further appearing, that the Interstate Commerce Commission's Rule 54 of Tariff Circular No. 20 (49 CFR 1300.54); § 145.11(g) of Tariff Circular No. 24 (49 CFR 1303.11(g)); Rule 26 of Tariff Circular No. 19-A (49 CFR 1304.26); Rule 5(a) of Tariff Circular MP No. 3 (49 CFR 1306.5(a)); Rule 20(f) (second paragraph) of Tariff Circular MF No. 3 (49 CFR 1307.44(f)(2)); Rule 5(a) of Tariff Circular No. 22 (49 CFR 1308.5(a)); and Rule 5(a) of Tariff Circular No. 21 (49 CFR 1308.105(a)) provide that after a notice of change in rates, fares, charges, rules, or provisions has been published and filed, the new rates, fares, charges, rules, or provisions must be allowed to become effective and remain in effect for a period of at least 30 days before being changed, withdrawn, canceled, extended, or superseded;

It further appearing, that requests for special permission authority to depart from the above regulations so as not to be required to allow a change to go into effect and/or remain in effect for 30 days before the publication of another change upon lawful notice have been granted by the Commission without apparent objection or interest by opposing parties;

It further appearing, that no real purpose would be served by continuing the regulations and requiring the filing of special permission applications for the relief therefrom by parties desiring to publish changes, withdrawals, cancellations, or extensions of the new rates, fares, charges, rules or provisions upon full statutory notice of 30 days or other lawful notice to the public and to the Commission;

And it further appearing, that this proceeding is not anticipated to have any adverse effects upon the quality of the human environment; and good cause appearing therefor:

It is ordered, That a rulemaking proceeding be, and it is hereby, instituted under the provisions of the Interstate Commerce Act and the Administrative Procedure Act to determine whether the

facts and circumstances require or warrant the cancellation of the tariff publishing regulations set forth in the first paragraph of this order.

It is further ordered, That all carriers and other persons subject to our jurisdiction under the Interstate Commerce Act be, and they are hereby, made respondents in this proceeding.

It is further ordered, That no oral hearing be scheduled for receiving of testimony in this proceeding unless a need should later appear, but that applicants in Special Permission Application No. S-6680 or any other interested persons may participate in this proceeding by submitting for consideration written statements of fact, views, and arguments on the subject mentioned above, or any other subjects pertaining to this proceeding.

It is further ordered, That any person intending to participate in this proceeding by submitting initial statements or reply statements shall notify the Commission by filing with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, on or before May 8, 1973, the original and one copy of a statement of his intention to participate; that the Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties to this proceeding, upon whom copies of all statements must be filed; and that at the time of service of this service list the Commission will fix a time within which initial statements and replies must be filed.

And it is further ordered, That statutory notice of the institution of this proceeding be given to the general public by mailing a copy of this order to the Governor of every State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation, by depositing a copy of this order in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, for public inspection, and by delivering a copy thereof to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission, Division 2.

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

[FR Doc.73-6286 Filed 3-30-73;8:45 am]

Notices

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

DEPARTMENT OF STATE

OVERSEAS SCHOOLS ADVISORY COUNCIL

Notice of Meeting

The Executive Committee of the Overseas Schools Advisory Council, Department of State, will meet Tuesday, April 10, 1973, 9:30 a.m. in the Twelfth Floor Conference Room at the U.S. Mission to the United Nations, 799 United Nations Plaza, New York, N.Y. 10017.

Topics scheduled for discussion are:

I. Status of 1972/1973 "Fair Share" Presentation to U.S. Corporations and Foundations; and Administrative Expenses of the Institute for Development of Educational Activities, Dayton, Ohio.

II. How Can Council Increase the Number of American Corporations and Foundations Contributing to its Program.

III. How Can Council Be of Better Service to the Overseas Schools.

IV. Report on "Charter of the Overseas Schools Advisory Council" established in compliance with Federal Advisory Committee Act, Public Law 92-463, 86 Stat. 770, effective January 5, 1973.

V. Suggestions Received from Participants and Schools.

VI. Next Presentation of the Council.

VII. Selection of Date for Full Council Meeting.

For purposes of fulfilling building security requirements, anyone wishing to attend the meeting should call Ms. Judy Knott, Office of Overseas Schools, Department of State, Washington, D.C., Area Code 703-557-9715, prior to April 10.

Dated: March 20, 1973.

ERNEST N. MANNINO,
Executive Secretary, Overseas Schools Advisory Council.

[FR Doc.73-6284 Filed 3-30-73;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

UNITED STATES ARMY COMBAT DEVELOPMENTS ADVISORY GROUP

Notice of Meeting

MARCH 26, 1973.

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463) announcement is made of the following Committee meeting:

Name of Committee: U.S. Army Combat Developments Advisory Group.

Date of Meeting: April 11 and 12, 1973.

Time: 0730 to 1900 hours, April 11, 1973 and 0730 to 1130 hours, April 12, 1973.

Proposed Agenda: An Overview of the Field Artillery (FA) Target Acquisition System.

This meeting is closed to the public since the entire proceedings of the U.S. Army Combat Developments Advisory Group meeting are matters that the Commanding General, U.S. Army Combat Developments Command, has determined fall within the exception recognized in section 552(b)(1) of title 5 of the United States Code, and the public interest requires these activities to be withheld from disclosure.

For the Commander.

BILLY M. VAUGHN,
Brigadier General, U.S. Army, Chief of Staff.

[FR Doc.73-6215 Filed 3-30-73;8:45 am]

Department of the Navy

NAVAL RESEARCH ADVISORY COMMITTEE

Notice of Closed Meetings

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law No. 92-463 (1972)) notice is hereby given that closed meetings of the Naval Research Advisory Committee will be held April 4-5, 1973 at the Pentagon, Washington, D.C. The Committee serves in an advisory capacity to the Secretary of the Navy, the Chief of Naval Operations, and the Chief of Naval Research. The purpose of the meetings is to discuss command, control, and communication and to review other items.

The following sets forth the approved agenda for the meetings:

APRIL 4

1. Navy's Command and Control.
2. Report of CIACT (CNO Industry Advisory Committee on Telecommunications).
3. Implementation of the CIACT Report.
4. Report of the Marine Power Systems Steering Group.
5. The Role of Coastal Warfare in the Navy.

APRIL 5

6. Executive session.

Dated: March 23, 1973.

H. B. ROBERTSON, Jr.,
Rear Admiral, JAGC, U.S. Navy, Acting Judge Advocate General.

[FR Doc.73-6221 Filed 3-30-73;8:45 am]

Office of the Secretary of Defense

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Notice of Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that closed Panel meetings of the DIA Scientific Advisory Committee will be held on:

Wednesday, April 11, 1973.

Monday, April 30—Tuesday, May 1, 1973.

These meetings commencing at 9 a.m. will be to discuss classified matters.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, Office of the Assistant Secretary of Defense (Comptroller).

[FR Doc.73-6256 Filed 3-30-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[INT DES 73-17]

PROPOSED TRANSPARK ROAD, BIGHORN CANYON NATIONAL RECREATION AREA, MONTANA-WYOMING

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for a proposed Transpark Road, Bighorn Canyon National Recreation Area, Montana-Wyoming, and invites written comment on or before May 17, 1973. Written comment should be addressed to the Director, Midwest Region or to the Superintendent, Bighorn Canyon National Recreation Area at the addresses given below.

The environmental statement considers the effects of a road traversing lands within Bighorn Canyon National Recreation Area; portions of the proposed route would be built over private and Indian lands. The total length of the road would be 50.3 miles including spurs.

Copies of the draft statement are available from or for inspection at:

Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, NE 68102.
Bighorn Canyon National Recreation Area, P.O. Box 458 Y.R.S., Hardin, MT 59035.

Dated: March 29, 1973.

W. W. LYONS,
Deputy Assistant Secretary of the Interior.

[FR Doc.73-6340 Filed 3-30-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

SS "UNITED STATES"

Revised Notice of Purchase and Solicitation of Proposals for Use

In FR Doc. 73-3581 appearing in the FEDERAL REGISTER issue of February 26, 1973 (38 FR 5197) notice was given that the Maritime Administration is soliciting proposals from qualified operators interested in the purchase or charter of the SS *United States* for operation under the American flag.

Said notice required that proposals be submitted by March 30, 1973, addressed to the Secretary, Maritime Administration, Washington, D.C. 20235, with sufficient details for the Maritime Administration to determine the intended use and the economic feasibility of the purchase, as well as the ability (financial and operational) of the proposed operator to undertake the project.

Upon request received for additional time in which to develop a serious proposal for activation of the SS *United States* the time for submitting proposals heretofore made is hereby extended to and including April 13, 1973.

Dated: March 29, 1973.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-6308 Filed 3-30-73;8:45 am]

National Bureau of Standards

AUTOMATED MERCHANDISE AND PRODUCT IDENTIFICATION CODES

Notice of Solicitation of Proposals and Comments Regarding Adoption by Retail and Grocery Industries

The National Bureau of Standards, under Department of Commerce authorities and responsibilities for fostering strength and competitiveness in U.S. trade and commerce, solicits the proposals, comments and participation of all interested parties concerned with the development of uniform merchandise and product codes for use in the retail merchandise and grocery industries, respectively. The merchandise and product identification codes are prerequisites for the generalized introduction of computer and automatic reading technologies to increase productivity and improve the quality of service to the consumer in the retail merchandise and grocery industries. The overall objective is the adoption of uniform identification codes and compatible automatic marking and reading technologies which will permit the source-marking of merchandise and grocery products at the point of manufacture with subsequent automatic reading of labels through the point of sale to the consumer.

The retail merchandise and grocery industries have initiated separate efforts to develop and adopt voluntary uniform merchandise and product identification codes, respectively. The retail industry effort is being directed by the National Retail Merchants Association (NRMA) with the objective of developing the first version of a uniform merchandise identification code by the end of 1973. The grocery industry has established an Ad Hoc Committee on Universal Product Coding (UPC) to carry out the development of a Universal Product Code for the industry; adoption of the technical specifications for such a code is planned for the spring of 1973. Additionally, the Food and Drug Administration has developed a National Drug Code (NDC) for use with prescription drugs, over-the-counter drugs and other health-related items and controlled substances.

Because of the complex interrelationships between merchandise, grocery products and drug-related products in the selling environment, there is a need to analyze the identification codes being proposed in order to identify and determine the best overall approach to resolving any code compatability problems that might exist. Without such compatibility, wherever needed, the significant productivity gains and the resultant cost benefits available through the use of new computer and automatic reading technologies could be diminished. Certain products will have to be handled manually or marked with two different codes, necessitating added equipment costs and higher costs to the consumer.

The National Bureau of Standards' objectives are to (1) provide a mechanism to facilitate the coordinated development and adoption of merchandise, product and drug codes by the retail and grocery industries; (2) insure that all interested parties are given a fair opportunity to express their views and be represented; (3) assist in stimulating competitiveness and focusing research and development to enhance productivity in the retail and grocery areas of the services sector of the economy; and (4) fostering the effective introduction and application of computer technology for public benefit.

Interested parties are invited to provide to the National Bureau of Standards the following types of comments and information. (The items listed are illustrative only and are not intended to limit responses in any way.)

1. Comments on the requirements for and desirability of uniform, compatible identification codes for merchandise, and grocery and drug products.
2. Information describing specific requirements for automated methods for marking and identifying merchandise, and grocery and drug products.
3. Assessments and statistical data relevant to the anticipated impact of proposed identification codes on such factors as productivity, competitiveness and marketing economics.
4. Assessments of the potential impact of the proposed identification codes on the manufacturers and suppliers of electronic point-of-sale terminals and automatic reading equipment.
5. Technical information on the automatic reading technologies available for implementing the proposed identification codes and schemes.
5. Technical information on the automatic tion in the effort will take, e.g., providing information and data, representation on technical committees and working groups that might be established, sponsoring a guest worker or research associate to work onsite at the National Bureau of Standards, or undertaking special studies and assessments relevant to the project.
7. Designation of a point of contact for coordinating participation in the effort.

Responses to this notice should be submitted on or before May 3, 1973. Responses should be submitted to the Director, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234 (telephone 301-921-3151).

Dated: March 27, 1973.

LAWRENCE M. KUSHNER,
Acting Director.

[FR Doc.73-6323 Filed 3-30-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-620; NDA 16-976]

ARMOUR PHARMACEUTICAL CO.

Alpha Chymar Solution; Notice of Withdrawal of Approval of New-Drug Application

Armour Pharmaceutical Co., P.O. Box 511, Kankakee, IL 60901, holder of new-drug application No. 16-976 for Alpha Chymar Solution (Sterile Chymotrypsin Solution), has discontinued marketing of the product and has requested withdrawal of approval of the new-drug application, thereby waiving opportunity for hearing. Alph Chymar Solution (Sterile Chymotrypsin Solution) contains 150 N.F. Units, Crystallized Alpha Chymotrypsin, in each milliliter.

This application was approved February 23, 1972. The labeling recommends the drug, a proteolytic enzyme, for use in zonulysis for surgical intracapsular lens extraction from the eye. Distribution was started on April 1, 1972.

Armour Pharmaceutical Co., advised the Food and Drug Administration on April 28, 1972, that it had discontinued distribution of Alpha Chymar Solution and the firm subsequently voluntarily recalled the product to the user level on May 2, 1972.

The action taken was based on reports from physicians of unexpected adverse effects following use of the first marketed lot of the drug. Specifically, a greater severity of corneal clouding and edema and striate keratitis occurred than had been observed during the clinical trials of the drug.

The applicant has performed additional animal studies to compare the first marketed lot of the drug with the lot used in the clinical evaluation. No significant differences were found between the two lots.

In correspondence dated September 20, 1972, the applicant reported their conclusion: "After a careful evaluation of manufacturing controls, quality evaluation, special animal toxicity studies, clinical investigation, and reports of adverse reactions in patients using the commercial lot, it is concluded that the critical factor may have been an unexpected

sensitivity of some patients to the pH of the vehicle."

Accordingly, the Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e) and under the authority delegated to him (21 CFR 2.120)), finds that new evidence of clinical experience not contained in the new drug application shows that the drug is not shown to be safe for use under the conditions of use upon the basis of which the application was approved.

Therefore, pursuant to the foregoing finding, approval of new drug application No. 16-976 and all amendments and supplements thereto applying to Alpha Chymar Solution (sterile chymotrypsin solution) is withdrawn effective on April 2, 1973.

Dated: March 26, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-6266 Filed 3-30-73;8:45 am]

National Institutes of Health

BIOPHYSICS AND BIOPHYSICAL CHEMISTRY B STUDY SECTION

Amended Notice of Meeting

Pursuant to Public Law 92-463 and previous Notice of Meeting dated March 13, 1973, notice is hereby given that the meeting of the Biophysics and Biophysical Chemistry B Study Section, Division of Research Grants, will be held April 26-28, 1973. The 26th has been added. This meeting will begin at 7:30 p.m., National Institutes of Health, Building 31, Conference Room 2, Bethesda, Md., and will be open to the public from 7:30 to 8:30 p.m., April 26, 1973, to discuss administrative details relating to committee business. All other sessions will be closed to the public to review, discuss, and evaluate and/or rank grant applications in accordance with the provisions set forth in section 552(b) 4 of title 5 United States Code and 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Mr. Richard Turlington, Division of Research Grants, Information Officer, Room 433, NIH, Westwood Building, Bethesda, Md. 20014, telephone 496-7441, will furnish summaries of the meeting and rosters of the committee members. Substantive program information may be obtained from the Executive Secretary, Dr. John Wolff, Room 223, Westwood Building, Bethesda, Md. 20014, telephone 496-7070.

Dated: March 22, 1973.

JOHN F. SHERMAN,
Acting Director, NIH.

[FR Doc.73-6220 Filed 3-30-73;8:45 am]

CANCER CAUSE AND PREVENTION ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Cancer Cause and Prevention Advisory Committee, April 26-27, 1973, at 9 a.m., Building 31, Conference Room 6, National Institutes of Health, Bethesda, Md. 20014. This meeting will be open to the public from 9 a.m. to 5 p.m. on both days to discuss carcinogenesis and prevention. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301-496-1911), will furnish summaries of the open meeting and roster of committee members.

Dr. Gio B. Gori, Executive Secretary, Building 31, Room 11A03, National Institutes of Health, Bethesda, Md., 20014 (301-496-6616) will provide substantive program information.

Dated: March 22, 1973.

JOHN F. SHERMAN,
Acting Director, NIH.

[FR Doc.73-6219 Filed 3-30-73;8:45 am]

COMMITTEE ON CANCER IMMUNOTHERAPY

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Committee on Cancer Immunotherapy, National Cancer Institute, Tuesday, April 24, 1973, at 8:45 a.m., National Institutes of Health, Building 10, Conference Room 4B14. This meeting will be closed to the public to review contracts, in accordance with the provisions set forth in section 552(b)(4) of title 5 United States Code, and section 10(d) of Public Law 92-463.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (30-496-1911), will furnish summaries of the closed meeting and roster of committee members.

Dorothy B. Windhorst, M.D., Executive Secretary, Building 10, Room 4B-11, National Institutes of Health, Bethesda, Md. 20014 (301-496-3639), will provide substantive program information.

Dated: March 23, 1973.

JOHN F. SHERMAN,
Deputy Director, NIH.

[FR Doc.73-6216 Filed 3-30-73;8:45 am]

PERINATAL BIOLOGY AND INFANT MORTALITY RESEARCH AND TRAINING COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Perinatal Biology and Infant Mortality Research and Training Committee, April 30, 1973, at 9 a.m., National Institutes of Health, Building 31, Conference Room 4. This meeting will be open to the public from 9 a.m., April 30, 1973, to discuss needs in perinatology training and closed to the public from 11 a.m., April 30, 1973, in accordance with the provisions set forth in section 552(b)4 of title 5 United States Code and section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Ms. Patricia Gabbett, Information Officer, NICHD, Landow Building, Room A-804B, National Institutes of Health, 496-5133, will furnish summaries of the meeting and rosters of the committee members. Substantive information may also be obtained from Mr. Jehu Hunter, Executive Secretary of the Committee, Room 2A-20, Building 31, National Institutes of Health, 496-1877.

Dated: March 22, 1973.

JOHN F. SHERMAN,
Acting Director, NIH.

[FR Doc.73-6218 Filed 3-30-73;8:45 am]

POPULATION RESEARCH AND TRAINING COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Population Research and Training Committee, April 19-20, 1973, at 7 p.m., National Institutes of Health, Building 31, Conference Room 10. This meeting will be open to the public from 7 p.m., April 19, 1973, to discuss changes in emphasis and workload of the Committee and to partake of administrative reports by staff and research reports by Committee members. The meetings will be closed to the public from 9 a.m., April 20, 1973, in accordance with the provisions set forth in section 552(b)4 of title 5, United States Code, and 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Ms. Patricia Gabbett, Information Officer, NICHD, Landow Building, Room A-804B, National Institutes of Health, 496-1533, will furnish summaries of the meeting and rosters of the committee members. Substantive information may also be obtained from Dr. Bengt Liljeroot, Executive Secretary of the Committee, Room C-729A, Landow Building, National Institutes of Health, 496-6515.

Dated: March 22, 1973.

JOHN F. SHERMAN,
Acting Director, NIH.

[FR Doc.73-6217 Filed 3-30-73;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION

Meeting and Agenda

Notice is hereby given, pursuant to Public Law 92-463 that the next meeting

of the National Advisory Council on Vocational Education will be held on April 4, 1973, from 9 a.m. to 4:30 p.m. local time, at the Arlington Hotel, Hot Springs, Ark. The National Advisory Council on Vocational Education will hold a joint meeting with the State Advisory Councils on Vocational Education on April 5, 1973, from 9 a.m. to 5 p.m. local time, and on April 6, 1973, from 9 a.m. to 12 noon, at the Arlington Hotel, Hot Springs, Ark.

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:

APRIL 4

Report of the Chairman.
Welcome and orientation of new Council members.
Report of the Executive Director.
Discussion: Goals of the Council in 1973.
Reports of committees.

APRIL 5

Report from the National Council.
Report on Cost of Vocational Education by Dr. Eric Lindman.
Report of the Education Revenue Sharing Proposal by Dr. William Pierce, USOE.
Address on the Role of State Advisory Council in Industry-Education Cooperation by Mr. Daniel Woods of Timex Corp.
Small group discussions.
Address by Congressman Lloyd Meeds (D. Washington).

APRIL 6

Iowa career education films.
Presentations by vocational student organizations.
Reports from discussion group chairmen.

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, DC 20004.

Signed at Washington, D.C., on March 21, 1973.

CALVIN DELLEFIELD,
Executive Director.

[FR Doc. 73-6304 Filed 3-30-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-73-227]

ACTING DIRECTOR, PHILADELPHIA AREA OFFICE

Designation

The officer named below is hereby designated to serve as Acting Director of the Philadelphia Area Office during the vacancy in the position of Director, Philadelphia Area Office. The Acting Director has all the powers, functions, and duties delegated or assigned to the Area Office Director.

1. Joseph A. La Sala, Deputy Regional Administrator, Philadelphia Regional Office.

(Designation February 23, 1971, 36 FR 3389.)

Effective as of the 13th day of March, 1973.

THEODORE R. ROBB,
Regional Administrator, Region III.

[FR Doc.73-6257 Filed 3-30-73;8:45 am]

Federal Insurance Administration

[Docket No. N-73-145]

NATIONAL INSURANCE DEVELOPMENT PROGRAM

Notice of Offer To Provide Reinsurance Against Excess Aggregate Loss Resulting From Riots or Civil Disorders; Correction

The notice of offer to provide reinsurance against excess aggregate loss resulting from riots or civil disorders, published on March 28, 1973, at 38 FR 8076 et seq., is corrected as follows:

(1) The reference in the first paragraph of SECTION I. *Policies reinsured.* (B), 38 FR 8077, is changed from "sec. XVII." to "sec. XVIII."; and

(2) The date in the first paragraph of SEC. II. *Premiums.*, 38 FR 8077, is changed from "1972" to "1973"; and

(3) Both dates in the seventh paragraph of SEC. II. *Premiums.*, 38 FR 8077, are changed from "1971" to "1972"; and

(4) The date in the first paragraph of SEC. IV. *Claims.*, 38 FR 8078, is changed from "1971" to "1972"; and

(5) The term in SEC. XVII. *Definitions.* (1), 38 FR 8079, is changed from " 'aggregate losses' " to " ' Aggregate losses' "; and

(6) The date in SEC. XVII. *Definitions.* (7), 38 FR 8079, is changed from "1972" to "1973".

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-6356 Filed 3-30-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

TRANSPORTATION OF RADIOACTIVE MATERIALS

Memorandum of Understanding

CROSS REFERENCE: For a related document published jointly by the Atomic Energy Commission and the Department of Transportation concerning the Transportation of Radioactive Materials, see the Atomic Energy Commission (FR Doc. 73-6321), infra.

ATOMIC ENERGY COMMISSION

TRANSPORTATION OF RADIOACTIVE MATERIALS

Memorandum of Understanding

The roles of the Department of Transportation and the Atomic Energy Commission in the regulation of the transportation of radioactive materials were described in a memorandum of understanding signed on March 22, 1973. The present memorandum supersedes a 1966 agreement between the Atomic Energy Commission and the Interstate Commerce Commission. A text of the memorandum is set forth below.

Dated at Germantown, Md., this 27th day of March 1973.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

MEMORANDUM OF UNDERSTANDING BETWEEN THE U.S. DEPARTMENT OF TRANSPORTATION AND THE U.S. ATOMIC ENERGY COMMISSION FOR REGULATION OF SAFETY IN THE TRANSPORTATION OF RADIOACTIVE MATERIALS UNDER THE JURISDICTION OF THE DEPARTMENT OF TRANSPORTATION AND THE ATOMIC ENERGY COMMISSION

The Department of Transportation (DOT), under the Transportation of Explosives Act (18 U.S.C. 831-835), the Dangerous Cargo Act (R.S. 4472, as amended, 46 U.S.C. 170), and title VI and 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421-1430 and 1472 (h)), is authorized to regulate the transportation of explosives and other dangerous articles, including radioactive materials. The Atomic Energy Commission (AEC), under 42 U.S.C. Ch. 23, is authorized to license and regulate the receipt, possession, use, and transfer of "byproduct material," "source material," and "special nuclear material." The AEC, through appropriate contractual provisions as implemented by AEC Manual requirements and specific instruction, also controls the receipt, possession, use, and trasfer of radioactive material by those AEC contractors who are exempt from AEC licensing requirements.

For the purpose of developing, establishing, and implementing consistent and comprehensive regulations and requirements for the safe transportation of radioactive materials, and avoiding duplication of effort, DOT and AEC agree, subject to their respective statutory authorities, as follows:

I. DEVELOPMENT OF STANDARDS

A. DOT will develop safety standards governing all radioactive material packagings

and their contents, and the classification, labeling, and marking of all radioactive material packages, except for those types of radioactive material and areas of technical competence specified in paragraph B.

B. AEC will develop safety standards, for packaging design and performance, for packages of fissile materials and Type B and large quantities of radioactive material, in the following areas:

1. Structural materials of fabrication;
2. Closure devices;
3. Structural integrity;
4. Criticality control;
5. Containment of radioactive material;
6. Shielding retention;
7. Generation of internal pressure;
8. Internal contamination;
9. Protection against internal overheating; and
10. Quality control of packaging fabrication and continued use.

C. DOT will develop safety standards governing mechanical conditions of carrier equipment and qualifications of carrier personnel, carrier loading, unloading, handling, and storage of radioactive material, and any special transport controls to be provided during carriage, including construction standards for transport vehicles.

II. REGULATIONS

A. DOT will adopt regulations imposing, on shippers and carriers subject to its jurisdiction, those standards developed by AEC and DOT pursuant to section I of this memorandum, and will adopt a requirement for AEC approval of packages for shipment of fissile material, and Type B and large quantities of radioactive material by all persons not otherwise subject to the provisions of 10 CFR Part 71 or AEC Manual requirements, but subject to DOT jurisdiction.

B. AEC will adopt regulations and contractual requirements imposing, on AEC licensees and license-exempt contractors, those standards which it has developed pursuant to section I, and procedures and criteria for approval of proposed package designs and transport controls peculiar to the package design, and will require that AEC licensees and license-exempt contractors comply with the applicable requirements of DOT regulations when transporting or shipping radioactive material, when those persons are not otherwise subject to the provisions of DOT regulations.

III. PACKAGE REVIEW

A. AEC will evaluate package designs for fissile material and Type B and large quantities of radioactive material, and will, if satisfactory, issue approvals therefor (i.e., an AEC license, an AEC certificate of compliance, or other AEC package approval) directly to the person requesting the evaluation.

B. AEC will evaluate package designs for specification containers and will make appropriate recommendations to the DOT for its consideration.

C. With respect to those designs of packages intended to be used for transporting radioactive material in the United States, which have been approved by foreign competent ntaional authorities but which require revalidation under DOT regulations, DOT will submit to AEC for approval those designs of packages (1) for Type B quantities where, in DOT's opinion, evaluation by AEC is warranted, (2) for fissile material, and (3) for large quantities of radioactive materials.

IV. INSPECTION AND ENFORCEMENT

A. Each agency will conduct an inspection and enforcement program within its jurisdiction, to assure compliance with its requirements.

B. DOT and AEC will consult with each other on the results of their inspections, and each will take enforcement action as it deems appropriate within the limits of its authority.

V. ACCIDENTS AND INCIDENTS

A. DOT will require notification and reporting of accidents, incidents, or suspected leakage involving radioactive material packages if such occurs or is discovered while in transit. When such cases occur during transit, DOT will be the lead agency[1] in investigation of the occurrence and in preparation of the report of the investigation.

B. AEC will require notification and reporting of accidents, incidents, and suspected leakage involving radioactive material packages if such occurs or is discovered prior to delivery of the radioactive material packages to a carrier for transport or after delivery to a receiver. When such cases occur other than during transit, AEC will be the lead agency in investigation of the occurrence and in preparation of the report of the investigation.

C. Notwithstanding paragraphs A and B, this section V. does not affect the authority of the National Transportation Safety Board.

VI. NATIONAL COMPETENT AUTHORITY

A. DOT will be the national competent authority with respect to the administrative requirements set forth in the Regulations for the Safe Transport of Radioactive Materials of the International Atomic Energy Agency. In issuing certificates of national competent authority for the United States under those regulations, DOT will require, for containers other than DOT specification containers, an AEC certificate of approval or a showing that the shipment is within the scope of an exemption or general license under 10 CFR Part 71 or AEC Manual chapter.

B. DOT will act as the representative of the United States to the International Atomic Energy Agency and other international groups on matters pertaining to transportation of radioactive material. AEC will provide technical support and advice to DOT in this area.

VII. EXCHANGE OF INFORMATION

A. Prior to issuance of any regulations by either DOT or AEC involving transportation of radioactive materials, each agency will advise and consult with the other to avoid possible conflict in regulations and to assure that: (1) The regulations are in the public interest; (2) the regulations are in accord with the best-known, practicable means of providing safety in transportation; (3) the effect of these regulations will not be inimical to the common defense and security of the United States, and (4) the regulations will not constitute an unreasonable risk to the health and safety of the public.

B. DOT and AEC will exchange information, consult with, and assist each other within the areas of their special competence in the development and enforcement of regulations and requirements. Each agency will make available to the other, subject to security requirements and statutory provisions affecting the release of information, summaries of inspection records, investigations of serious accidents, and other matters relating to safety in the transportation of radioactive materials.

VIII. WORKING ARRANGEMENT

A. AEC and DOT will designate appropriate staff representatives and will establish joint working arrangements from time to time for the purpose of administering this memorandum of understanding.

IX. GENERAL

A. Nothing herein is intended to affect the statutory exemption of shipments of radioactive materials made by or under the direction of supervision of the AEC or Department of Defense in accordance with the provisions of 18 U.S.C. 832(c).

B. This agreement shall take effect upon the signing by authorized representatives of the respective agencies, and shall supersede in its entirety the March 21, 1966, memorandum of understanding between the ICC and AEC.

C. Nothing in this memorandum is intended to restrict the statutory authority of either agency.

For the United States Department of Transportation.

[SEAL] CLAUDE S. BRINEGAR,
Secretary of Transportation.

MARCH 22, 1973.

For the United States Atomic Energy Commission.

[SEAL] DIXY LEE RAY,
Chairman,
Atomic Energy Commission.

MARCH 22, 1973.

[FR Doc.73-6321 Filed 3-30-73;8:45 am]

[1] The lead agency has primary responsibility for investigating the occurrence and preparing the report of the investigation. The other agency may participate in the investigation with the lead agency or conduct a separate investigation if it chooses to do so.

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Notice of Meeting

MARCH 29, 1973.

The FEDERAL REGISTER notice, published at 38 FR 8188 (March 29, 1973), announcing the April 7, 1973, meeting of the Advisory Committee on Reactor Safeguards' combined Subcommittee on ATWS (Anticipated Transients with Failure to Scram)—Reliability Analysis, is revised to delete from the agenda the discussion of the Electrical Research Council program and add thereto, a discussion of the Edison Electrical Institute data collection program.

Because the meeting will consist of an exchange of opinions to formulate recommendations to the ACRS regarding the agenda items I have determined, in accordance with subsection 10(d) of Public Law 92-463 that the new item may be properly included in the closed meeting, as discussion of the item, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and it is essential to protect the free interchange of internal views regarding the added item and avoid

undue interference with agency or Committee operation.

JOHN V. VINCIGUERRA,
Advisory Committee Management Officer.

[FR Doc.73-6342 Filed 3-30-73;8:45 am]

[Dockets Nos. 50-317, 50-318]

BALTIMORE GAS AND ELECTRIC CO.

Order Extending Completion Dates

Baltimore Gas and Electric Co. is the holder of Provisional Construction Permits Nos. CPPR-63 and CPPR-64 issued by the Commission on July 7, 1969, for construction of the Calvert Cliffs Nuclear Power Plant, Units 1 and 2, two 2,440 megawatt (thermal) pressurized water nuclear reactors presently under construction at the company's site on the western shore of the Chesapeake Bay in Calvert County, Md., about 10 miles southeast of Prince Frederick, Md.

On February 15, 1973, the company filed a request for an extension of the completion dates because construction has been delayed due to several mutually dependent variables which include (i) lower than predicted labor productivity, (ii) more extensive effort than predicted to meet the quality assurance and quality control requirements, and (iii) additional work due to the evolution of more stringent safety recommendations developed subsequent to the issuance of the construction permits. The Director of Regulation having determined that this action involves no significant hazards considerations, and good cause having been shown, the bases for which are set forth in a memorandum dated March 26, 1973, from R. C. DeYoung to A. Giambusso:

It is hereby ordered, That the latest completion date for CPPR-63 (Unit 1) is extended from April 1, 1973, to November 1, 1974, with the earliest completion date being November 1, 1973. The latest completion date for CPPR-64 (Unit 2) is extended from April 1, 1974, to November 1, 1975, with the earliest completion date being November 1, 1974.

For the Atomic Energy Commission.

Date of issuance: March 27, 1973.

A. GIAMBUSSO,
Deputy Director for Reactor Projects, Directorate of Licensing.

[FR Doc.73-6282 Filed 3-30-73;8:45 am]

[Docket No. 50-412]

DUQUESNE LIGHT CO. ET AL.

Order Canceling Prehearing Conference

In the matter of Duquesne Light Co., Ohio Edison Co., Pennsylvania Power Co., the Cleveland Electric Illuminating Co., the Toledo Edison Co. (Beaver Valley Power Station, Unit 2), Docket No. 50-412.

The Atomic Safety and Licensing Board has given consideration to the advisability of a prehearing conference in aid of a determination of the parties qualified to participate in this proceeding and the issues to be considered in the hearing. The Board notes that persons petitioning to participate in this proceeding are in large measure the same persons seeking participation in the matter of Duquesne Light Company, et al. (Beaver Valley Station, Unit 1), Docket No. 50-334. The Board also notes that the Intervention Board for the Beaver Valley Station, Unit 1, has made certain determinations respecting the petitions to intervene, and that the Appeal Board has under consideration certain aspects of those determinations.

This Board concludes that since the persons and contentions sought to be asserted are substantially the same in this proceeding and in the Beaver Valley Station, Unit 1, proceeding, it will be conducive to the orderly and expeditious conduct of this proceeding to await the determinations by the Appeal Board respecting parties and issues in the Beaver Valley Station, Unit 1, proceeding before convening a prehearing conference in this proceeding. A further order will be issued at a later time respecting the date designated for the initial prehearing conference.

Wherefore, it is ordered, in accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, That the prehearing conference in this proceeding scheduled to convene at 9 a.m. on Tuesday, April 3, 1973, in Courtroom No. 14, U.S. District Court, U.S. Post Office and Courthouse, Seventh and Grand Streets, Pittsburgh, Pa., is canceled and such prehearing conference will not convene at that time.

Issued: March 29, 1973, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.73-6341 Filed 3-30-73;8:45 am]

[Docket No. 50-412]

DUQUESNE LIGHT CO. ET AL.

Availability of AEC Draft Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the U.S. Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a draft environmental statement prepared by the Commission's Directorate of Licensing related to the proposed Beaver Valley Power Station, Unit 2, to be constructed by Duquesne Light Co. et al., in Beaver County, Pa., is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Beaver Area Memorial Library, 100 College Avenue, Beaver, PA 15009. The draft statement is also being made available at the Office of Radiological Health, Department of Environmental Resources, P.O. Box 2063, Harrisburg, PA 17105. Copies of the Commission's draft environmental statement may be obtained by request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

The applicant's environmental report, as supplemented, submitted by Duquesne Light Co. et al., is also available for public inspection at the above designated locations. Notice of availability of the applicant's environmental report was published in the FEDERAL REGISTER on December 13, 1972 (37 FR 26539).

Pursuant to 10 CFR Part 50, Appendix D, interested persons may, on or before May 17, 1973, submit comments on the applicant's environmental report, as supplemented, and the draft environmental statement for the Commission's consideration. Federal and State agencies are being provided with copies of the applicant's environmental report and the draft environmental statement (local agencies may obtain these documents upon request). When comments thereon by Federal, State, and local officials are received by the Commission, such comments will be made available for public inspection at the Commission's Public Document Room in Washington, D.C., and the Beaver Area Memorial Library, 100 College Avenue, Beaver, PA 15009. Comments on the Draft Environmental Statement from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 27th day of March 1973.

For the Atomic Energy Commission.

WM. H. REGAN, JR.,
Chief, Environmental Projects Branch No. 4, Directorate of Licensing.

[FR Doc.6229 Filed 3-30-73;8:45 am]

[Docket No. 50-395]

SOUTH CAROLINA ELECTRIC & GAS CO.

Assignment of Members of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this proceeding:

Alan S. Rosenthal, Chairman.
William C. Parler, Member.
Dr. Lawrence R. Quarles, Member.

Dated: March 27, 1973.

MARGARET E. DUFLO,
Secretary to the Appeal Board.

[FR Doc.73-6228 Filed 3-30-73;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THAILAND

Entry or Withdrawal From Warehouse for Consumption

MARCH 27, 1973.

On March 16, 1972, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a comprehensive bilateral cotton textile agreement with the Government of Thailand concerning exports of cotton textiles and cotton textile products from Thailand to the United States over a 5-year period beginning on April 1, 1972, and extending through March 31, 1977. Among the provisions of the agreement are those establishing an aggregate limit for the 64 categories, and within the aggregate limit specific limits on Categories 9/10, 15/16, 18/19, 22/23, 26/27, 43, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 60, 62, 63, and 64 for the agreement year beginning on April 1, 1973.

Accordingly, there is published below a letter of March 27, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in the above categories, produced or manufactured in Thailand, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning April 1, 1973, and extending through March 31, 1974, be limited to the designated levels. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

MARCH 27, 1973.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of March 16, 1972, between the Governments of the United States and Thailand, and in accordance with Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective April 1, 1973 and for the 12-month period extending through March 31, 1974, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 9/10, 15/16, 18/19, 22/23, 26/27, 43, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 60, 62, 63, and 64, produced or manufactured in Thailand, in excess of the following levels of restraint:

Category	*12-month levels of restraint*
9/10	1,968,750 square yards.
15/16	787,500 square yards.
18/19	1,968,750 square yards.
22/23	1,181,250 square yards.
26/27	1,575,000 square yards (of which not more than 1,050,000 square yards shall be in duck fabric[1])
43	50,400 dozen.
45	21,000 dozen.
46	18,900 dozen
47	16,590 dozen.
48	9,450 dozen.
49	14,700 dozen.
50	26,250 dozen.
51	26,250 dozen.
52	28,350 dozen.
53	8,085 dozen.
54	14,700 dozen.
55	7,140 dozen.
60	39,900 dozen.
62	79,891 pounds.
63	79,891 pounds.
64	85,598 pounds.

[1] The T.S.U.S.A. Nos. for duck fabric are:
320...01 through 04, 06, 08
321...01 through 04, 06, 08
322...01 through 04, 06, 08
326...01 through 04, 06, 08
327...01 through 04, 06, 08
328...01 through 04, 06, 08

In carrying out this directive, entries of cotton textiles and cotton textile products in the above categories, produced or manufactured in Thailand, which have been exported to the United States from Thailand prior to April 1, 1973, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods for the 12-month period beginning April 1, 1972, and extending through March 31, 1973.

In the event that the levels of restraint for that 12-month period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of March 16, 1972, between the Governments of the United States and Thailand which provide, in part, that within the aggregate limit, the limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on April 23, 1972 (37 FR 8802), as amended February 14, 1973 (38 FR 4436).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Thailand and with respect to imports of cotton textiles and cotton textile products from Thailand have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73-6366 Filed 3-30-73;10:18 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF JUSTICE

Revocation 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 revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Associate Deputy Attorney General for Congressional Relations, Office of the Deputy Attorney General.

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

[FR Doc.73-6255 Filed 3-30-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Revocation 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 revokes the authority of the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Confidential Assistant to the Secretary, Office of the Secretary.

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

[FR Doc.73-6252 Filed 3-30-73;8:45 am]

DEPARTMENT OF COMMERCE

Notice of Revocation 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 Commision revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Director, Office of Trade Adjustment Assistance, Domestic and International Business, Deputy Assistant Secretary for Resources.

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

[FR Doc.73-6246 Filed 3-30-73;8:45 am]

DEPARTMENT OF COMMERCE

Revocation 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 revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of

Deputy Assistant Secretary for Economic Affairs.

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

[FR Doc.73-6250 Filed 3-30-73;8:45 am]

DEPARTMENT OF COMMERCE

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Executive Assistant to the Secretary, Immediate Office, Office of the Secretary.

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

[FR Doc.73-6251 Filed 3-30-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Revocation 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 revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Commissioner of Assistance Payment, Social and Rehabilitation Service, Assistance Payments Administration.

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

[FR Doc.73-6249 Filed 3-30-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Revocation 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 revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Legislation (Education), Office of the Assistant Secretary for Legislation, Office of the Secretary.

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

[FR Doc.73-6248 Filed 3-30-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Revocation 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 revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Commissioner for Development, Office of Education, Office of the Deputy Commissioner for Development.

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

[FR Doc.73-6244 Filed 3-30-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Revocation 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 revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Administrator for Development, Office of the Administrator, Health Services and Mental Health Administration, Public Health Service.

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

[FR Doc.73-6245 Filed 3-30-73;8:45 am]

COMMISSION ON CIVIL RIGHTS

Title Change in Noncareer Executive Assignment

By notice of July 11, 1970, FR Doc. 70-8854, the Civil Service Commission authorized the Commission on Civil Rights to fill by noncareer executive assignment the position of Assistant to the Staff, Director for Congressional Affairs, Office of the Staff. This is notice that the title of this position is now being changed to Director, Congressional Liaison, Office of the Staff Director.

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

[FR Doc.73-6254 Filed 3-30-73;8:45 am]

COMMISSION ON CIVIL RIGHTS

Title Change in Noncareer Executive Assignment

By notice of September 3, 1969, FR Doc. 10469, the Civil Service Commission authorized the Commission on Civil Rights to make a change in title for the position of Assistant Staff Director for Community Programing, Office of Community Programing, authorized to be filled by noncareer executive assignment. This is notice that the title of this position is now being changed to Assistant Staff Director, Office of Field Operations.

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

[FR Doc.73-6253 Filed 3-30-73;8:45 am]

FEDERAL TRADE COMMISSION

Revocation 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 revokes the authority of the Federal Trade Commission to fill by noncareer executive assignment in the excepted service the position of Director, Bureau of Consumer Protection.

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

[FR Doc.73-6247 Filed 3-30-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

CANADIAN-U.S.A. TELEVISION AGREEMENT

Table of Allocations for VHF and UHF Television

MARCH 21, 1973.

Table of Canadian television channel allocations within 250 miles of the Canada-U.S.A. border.

The attached table of Canadian Television Channel Allocations is recapitulative and contains information supplied by the Department of Communications of Canada, pursuant to section F of the Canadian-U.S.A. Television Agreement (TIAS 2594). It reflects all the additions, changes and delegations notified to the Commission by the above date and supersedes previous lists issued by the Commission.

Further additions, changes and deletions, as coordinated between the Commission and the Canadian Department of Communications will be issued from time to time.

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

CANADIAN-U.S.A. TELEVISION AGREEMENT

TABLE OF ALLOCATIONS FOR VHF AND UHF TELEVISION

(Listed by Province)

CANADA

TABLE A

Offset Carrier Designators

— Zero offset frequency (underscored)
+ Plus 10 kHz
— Minus 10 kHz
L— Limited Allocation

Revised to January 20, 1973.

ALBERTA

City	VHF Channel No.	UHF Channel No.
Banff		51+
Blairmore		57+
Brooks		66−, 72
Burmis	3, 5− L[1]	
Calgary	2+, 4, 9+	16, 22, 38, 44, 53, 73+, 79
Cardston		19+
Claresholm		52
Coronation	10	
Drumheller	12	30
Fort MacLeod		74−
Hanna		78−
High River		66
Innisfail		71
Lacombe		15−
Lethbridge	7, 13+	23+, 58−, 64+, 80
Medicine Hat	6−, 8	49, 65+, 71+
Olds		81
Oyen	2− L[2]	
Pincher Creek		70
Pivot	4+ L[3]	
Provost		24−
Raymond		36+
Red Deer	6+, 8+	31−, 59, 65
Rocky Mountain House		37
Stettler		67
Taber		42+
Vulcan		25

L[1] Limitation to protect CBUAT-3 Crawford Bay, British Columbia.

L[2] Limitation to protect CKSA-TV Lloydminster, Saskatchewan and CHCT-TV Calgary, Alberta.

L[3] Limitation 18dBK and 500 feet EHAAT.

BRITISH COLUMBIA

City	VHF Channel No.	UHF Channel No.
Bonnington	13+ L[1]	
Campbell River	7−	49+
Canal Flats	12 L[2]	
Castlegar		81+
Chilliwack	3	14+, 36+
Clinton	9+ L[3]	
Courtenay	9− L[4], 13	79
Cranbrook	10	65−
Crawford Bay	5 L[5]	
Creston		42
Duncan		51
Enderby		72, 78
Fernie	8+ L[4]	21+
Golden	13 L[7]	64
Grand Forks		67
Hope		65
Kamloops	4+, 6+ L[8]	50+, 74+, 80
Kelowna	2, 5− L[9]	21, 43+
Kimberley		71−
Kinnaird		63+
Kitimat		21
Ladysmith		29
Merritt		20+
Mission City		81
Mount Timothy	3, 5−	
Nanaimo		23−, 68
Nelson	3+ L[10], 9 L[11]	14, 23
Newcastle Ridge	11−	
Oliver	8	41
Penticton	10 L[12] 13	73, 79+
Port Alberni	3+ L[13]	27+, 71+
Port Hardy	8	
Powell River		15−, 43
Prince Rupert	6+, 7	14, 20
Princeton		71
Radium		76
Revelstoke		66+
Rossland		19
Salmon Arm	9− L[14]	56+
Smithers		28
Spillimacheen		69
Squamish		35+
Summerland		49
Terrace	3	19
Trail	11	36, 52+
Vancouver-New Westminster	2+, 8+	26, 32, 45, 55, 61, 72+, 83
Vernon	7−, 12 L[15]	18, 27
Victoria	6, 10+	42, 53, 74, 80+
Warfield		25+
Williams Lake		21+

L[1] Limitation to protect CHBC-TV-1, Penticton, British Columbia.

L[2] Limitation to protect CFCN-TV-1, Drumheller, Alberta.

L[3] Limitation to protect CHBC-TV-4, Salmon Arm, British Columbia.

L[4] Limitation of 8.9 kW *ERP*, 433 feet EHAAT specified directional pattern, to protect KCTS, Seattle, Wash.

L[5] 1 kW ERP and 100 feet EHAAT.

L[6] Limitation of 1000 watts maximum ERP and −1,804 feet EHAAT.

L[7] Limitation to protect CBUDT, Bonnington, British Columbia, and CHBC-TV-1, Penticton, British Columbia.

L[8] Limitation to protect CHEK-TV, Victoria, British Columbia.

L[9] To protect CFCR-TV-6, Mount Timothy, British Columbia, and CBUAT-3, Crawford Bay, British Columbia.

L[10] Limitation to protect CJLH-TV-3, Burmis, Alberta.

L[11] Limitation 1.37 kW ERP, 1,400 feet EHAAT, to protect KCFW-TV, Kalispell, Mont.

L[12] Limitation to protect CBUBT, Cranbrook, British Columbia.

L[13] To protect CBUT-2, Chilliwack, British Columbia.

L[14] Limitation to protect CBUAT-1, Nelson, British Columbia.

L[15] Limitation to protect CBUBT-1, Canal Flats, British Columbia.

MANITOBA

City	VHF Channel No.	UHF Channel No.
Altona		79
Beausejour		65
Birch River	13+	
Boissevain		47+
Brandon	2− L[1], 4+, 5+	19, 25, 78
Carberry		70
Carman		61
Dauphin-(Baldy Mountain).	8, 12− L[2]	32, 60
Fisher Branch	10+ L[3]	34
Forwarren	11	
Gimli		14
Killarney		41+
Lac du Bonnet	4 L[4]	75
Melita	9+ L[5]	76+
Minnedosa		49
Morden-Winkler		33
Neepawa		27
Portage la Prairie		18, 58
Roblin		65+
Russel		63+
St. Boniface (see Winnipeg).		
Selkirk		54
Steinbach		17
Swan River		77
Virden		17+
Winnipeg-St. Boniface.	3−, 6−, 7+, 9+, 13+	29+, 22, 23, 42, 43, 71, 77+, 83

L[1] Site to be located no less than 120 miles from co-channel allocation at Grand Forks, N. Dak.

L[2] Limitation 200 kW ERP 500 feet EHAAT to protect Channel 12+ at Wynyard, Sask.

L[3] Limitation 200 kW ERP 600 feet EHAAT to protect CBWAT-5, Red Lake, Ontario.

L[4] Limitation to protect allocations at Dryden, Ontario and Brandon, Manitoba.

L[5] Limitations to protect Channel 9− at Regina Saskatchewan, and Channel 9+ at Winnipeg, Manitoba.

NEW BRUNSWICK

City	VHF Channel No.	UHF Channel No.
Bathurst		54+, 62
Buctouche		27
Bon Accord	6−	
Campbellton	7− L[1], 13	33, 73+
Caraquet		64
Chatham		62+
Chipman		67+
Dalhousie		69
Dorchester		18+
Edmundston	13	18, 68
Fredericton-Saint John.	6− L[2], 9+	15, 45+ 61
Grand Falls	4 L[3]	29
McAdam		71−, 77−
Milltown		33
Moncton	2, 7, 11	24+, 30, 70, 83
Neguac	3 L[4]	
Newcastle		25
Oromocto		21−, 51−
Perth		37+
Richibucto		49−
Sackville		63
St. Andrews		82+
Saint John	4+	17, 23, 30, 60, 78
St. Leonard		69+
St. Quentin		42−
St. Stephens		43−
Salisbury		14
Shediac		32
Shippegan		46
Sussex		43
Tracadie		52
Upsalquitch Lake (see Campbellton).		
Woodstock	3+ L[5]	19+

L[1] Limitation 18 dBK and 500 feet EHAAT and toward Channel 7, CKRT-TV, Riviere du Loup, Quebec.

L[2] Limitation to protect CJCH-TV, Halifax, Nova Scotia, CHAU-TV, Carleton (New Carlisle), Quebec, and WABI-TV, Bangor, Maine.

L[3] Limitation to protect CHSJ-TV, Saint John, New Brunswick, CFCM-TV, Quebec, Province of Quebec, and a co-channel allocation at Ste. Anne des Monts, Quebec.

L[4] Limitation to protect co-channel allocation at Woodstock, New Brunswick.

L[5] Limitation to protect Channel 5, CJBR-TV, Rimouski, Quebec.

NORTHWEST TERRITORIES

City	VHF Channel No.	UHF Channel No.
Inuvik	6	

NOVA SCOTIA

City	VHF Channel No.	UHF Channel No.
Amherst		47, 79
Annapolis Royal		42
Antigonish	9	23−
Bridgetown		29
Bridgewater	9− L[1]	54
Caledonia	6+	
Canning	10	
Digby		52−
Halifax	3, 5, 13 L[2]	22, 32, 33+, 44+, 63, 74
Kentville		76
Liverpool	12	62
Lunenburg		41
Middleton		60+
New Glasgow	4− L[3]	15−, 43, 65
Parrsboro		20+
Pictou		25
Sheet Harbour	11+ L[4]	35+
Shelburne	8	75
Springhill		26
Tatamagouche		49, 77
Truro		55, 71
Windsor		16+
Wolfville		50
Yarmouth	11−, 3− L[5]	40

L[1] Limitation 17.73 dBK and 500 feet EHAAT.

L[2] Limitation to protect co-channel stations CBCT, Charlottetown, Prince Edward Island and WMED-TV, Calais, Maine.

L[3] Limitation to protect CHSJ-TV, Saint John, New Brunswick, and CJCB-TV, Sydney, Nova Scotia.

L[4] Limitation to protect Channel 11, CBAFT, Moncton, New Brunswick.

L[5] Limitation to protect CBHT, Halifax, Nova Scotia.

ONTARIO

City	VHF Channel No.	UHF Channel No.
Arnprior		20
Atikokan	7−	30
Bancroft	2+ L[1]	
Barrie	3+	55+, 74, 83+
Belleville	6−	15−
Blind River		40+
Brantford		63
Brockville		27+, 75
Chapleau	7+ L[2]	33+
Chatham		43
Cobourg-Port Hope.		67+, 80
Collingwood		73+
Cornwall	8+ L[3]	36+, 77, 83
Deep River		25−
Dryden	4+, 9− L[4]	20
Elliot Lake	3, 7− L[5], 12+	13−
Espanola		77
Fort Frances	5	25
Fort William—Pt. Arthur.	2, 4−	20−, 25, 32, 33, 44
Gananoque		10+
Geraldton	13+	
Goderich		34−
Guelph		15+

City	VHF Channel No.	UHF Channel No.
Haliburton	5 L[6]	
Hamilton	11+ L[7]	41−, 47−, 83
Hearst	4−, 7	
Huntsville	8+ L[8]	
Kapuskasing	12, 2+ L[9]	77−, 83
Kenora	8	21, 32+
Kingston	11−	32−, 38−, 73
Kirkland Lake	2, 11	
Kitchener-Waterloo	13+	76, 82
Leamington		80+
London	10	40, 52−, 71
Manitouwadge	8+	
Marathon	11−	
Midland		58+
Niagara Falls		81
North Bay	10−, 4− L[10]	48+, 70, 76+
Oakville		73+
Orillia		24−, 46−
Oshawa		22+, 77−
Ottawa-Hull	4+, 6 L[11], 9+, 13+ L[12]	14, 24, 30+, 40, 46, 52−, 68
Owen Sound		26, 32
Paris	6+	
Parry Sound		62−
Pembroke	5+	41, 47, 53−
Peterborough	12+	33+, 44, 54
Picton		56
Port Arthur (see Ft. William).		
Prescott		48
Preston		23
Red Lake	10−	
Renfrew		69
St. Catherines		69+
St. Thomas		65
Sarnia		74+, 83
Sault Ste. Marie	2−, 5 L[13]	20, 26−, 48, 54, 83+
Smiths Falls		71, 81+
Stratford		36
Sturgeon Falls	7	82+
Sudbury	5, 9+ L[14], 13−	19, 25+, 41+, 47+, 69−
Thessalon		70+
Timmins	6, 9−, 3−, L[15], 7− L[16]	62, 68+, 78
Toronto	5 L[17], 9	19−, 25, 45, 51, 57, 79
Trenton		35
Wawa	9+ L[18]	
Welland		75+
White River	12− L[19]	
Wiarton	2−	
Windsor	9−	26−, 32+, 73
Wingham	8−	72
Woodstock		13

L[1] Limitation to protect co-channel assignment at Wiarton, Ontario. Limitation to protect WGR-TV, Buffalo, N.Y. Bancroft assignment to be located no less than 170 miles from WGR-TV.

L[2] Limitation to protect CBFOT-2, Hearst, Ontario.

L[3] The transmitter site of a television broadcast station authorized to operate pursuant to this allocation shall not be located less than 170 miles from the transmitter site of co-channel station WMTW-TV, Poland Springs, Maine. The effective radiated power from the Cornwall station over a sector encompassing the northern and southern limits of Lake Champlain will not exceed the equivalent of 50 kilowatts from an antenna 500 feet above average terrain.

L[4] Limitation 20 dBK and 1,000 feet EHAAT.

L[5] Limitation to protect CFCL-TV-6, Chapleau, Ontario; CBFST, Sturgeon Falls, Ontario and a co-channel limited allocation at Timmins, Ontario.

L[6] Limitation of 310 watts maximum radiated power and 100 watts equivalent nondirectional power, with specified directional antenna pattern at 149 feet EHAAT. Also limitation to protect WPTZ-TV, North Pole, N.Y., and WHEN-TV, Syracuse, N.Y.

L[7] Limitation to protect Channel 11−, CKWS-TV, Kingston, Ontario.

L[8] Limitation to protect Channel 8−, CKNX-TV, Wingham, Ontario, and Channel 8, WROC-TV, Rochester, N.Y.

L[9] Limitation to protect CFCL-TV-2, Kirkland Lake, Ontario.

L[10] Limitation to protect CKRN-TV, Rouyn, Quebec, and CBOT, Ottawa, Ontario.

L[11] Limitation to protect CBMT, Montreal, Quebec and Channel 6, Belleville, Ontario.

L[12] Limitation to protect Channel 13−, CKTM-TV, Three Rivers, Province of Quebec.

L[13] Limitation to protect CKSO-TV, Sudbury, Ontario.

L[14] Limitation to protect CBFOT, Timmins, Ontario.

L[15] Limitation to protect CKSO-TV-1, Elliot Lake, Ontario.

L[16] Limitation to protect CFCL-TV-6, Chapleau, CBFOT-2, Hearst and CBFST, Sturgeon Falls.

L[17] Limitation to protect WHEN-TV, Syracuse, N.Y.

L[18] Limitation to protect CBFOT, Timmins, Ontario.

L[19] Limitation to protect CBFOT-1, Kapuskasing, Ontario.

PRINCE EDWARD ISLAND

Charlottetown, Prince Edward Island	13+	31, 37, 81
Summerside	8+	57, 75+

QUEBEC

City	VHF Channel No.	UHF Channel No.
Alma		48+, 74+, 80−
Asbestos		53
Baie Comeau-Hauterive	5+ L[1]	23, 57+, 79+
Baie St. Paul		75
Buckingham		80+
Cabano		63+
Chapeau	11+ L[2]	
Chicoutimi-Arvida	2+, 6	36, 53, 70, 76−, 82−
Clermont-La Malbaie.		23+
Coaticook		75−
Cowansville		79
Dolbeau		78−
Donnacona		24+
Dorchester County	6 L[3]	
Drummondville		19−, 41+
Estcourt		43−
Forestville		77
Fox River	7 L[4]	
Granby		73−
Hull (see Ottawa, Ont.)		
Jolliette		65+
Jonquiere-Kenogami	12+	14, 20−, 30−, 42
Lac Etchemin		55+
Lac Megantic		42+
La Tuque	3− L[5]	34, 66
Magog		81
Manicouagan	10	
Marieville	4 L[6]	
Matane	6+ L[7], 9−	24, 49+
Mont Climont	11 L[8]	
Mont Joli		22
Mont Laurier	3+	68
Mont Tremblant	11 L[9]	
Montreal-Verdun	2, 6+, 10, 12	17, 23, 29, 35+, 60, 76, 82
Montmagny		49, 67
New Carlisle	5	17+
Normandin	10−	
Perce	2+ L[10]	15+
Plessisville		61+
Port Alfred-Bagotville.	9+	52+, 64+
Quebec-Levis	4, 5−, 11+	15−, 21, 27, 45, 51+, 77+, 83+
Rapides des Jouchims.	8− L[11]	
Rimouski	3−	10, 51
Riviere du Loup	7+	35−, 71
Roberval	8+	26+
Ste. Agathe-des-Monts.		56+
Ste. Anne des Monts.	4−	
Ste. Anne de la Pocatiere.		65
St. Felicien		72+
St. Georges de Beauce.		72
St. Hyacinthe		47+
St. Jean-Iberville		70−
St. Jerome		78
Ste. Marguerite-Marie.	2− L[12]	
Sept Iles	11−, 13+	14, 20+
Shawinigan Falls		16+, 43, 63
Sherbrooke	7, 9 L[13]	14−, 30, 50
Sorel-Tracy		25
Thetford Mines		32, 74, 80
Timiskaming	12− L[14]	
Trois Pistoles		73
Trois Rivieres	13−	37, 69+
Valleyfield		26, 66+
Verdun (see Montreal).		
Victoriaville		71+

L[1] Limitation to protect CHAU-TV, Carleton (New Carlisle).

L[2] Limitation to protect CKWS-TV, Kingston, Ont., and CBFT-1, Mt. Tremblant, Province of Quebec.

L[3] Limitation to protect CHSJ-TV-1, Bon Accord, New Brunswick, CJPM-TV, Chicoutimi, Province of Quebec, CBMT, Montreal, Province of Quebec, and WCSH-TV, Portland, Maine.

L[4] Limitation 63 watts, 850 feet EHAAT toward channel 7−, CKCD-TV, Campbellton, New Brunswick.

L[5] Limitation to protect CBFT-2, Mont Laurier, Quebec.

L[6] Limitation to protect CBOT, Ottawa, Ontario and CFCM-TV, Quebec, Province of Quebec.

L[7] Limitation to protect CHSJ-TV-1, Bon Accord, New Brunswick, and CJPM-TV, Chicoutimi, Province of Quebec.

L[8] Limitation ERP 1.25 dBK EHAAT 732 feet with specified antenna pattern.

L[9] Limitation toward CKWS-TV, Kingston, Ontario and CBVT, Quebec, Province of Quebec.

L[10] Limitation toward Channel 2−, CHAU-TV-1, Ste. Marguerite-Marie, Province of Quebec.

L[11] Limitation to protect CKVR-TV-2, Huntsville, Ont., CJSS-TV, Cornwall, Ont., and CJDG-TV, Lithium Mines, Province of Quebec.

L[12] Limitation toward Channel 2+, CKRS-TV-2, Chicoutimi, Province of Quebec.

L[13] Limitation to protect CBOFT, Ottawa, Ontario and WMUR-TV, Manchester, New Hampshire. Assignment to be located no less than 170 miles from WMUR-TV, Manchester, New Hampshire.

L[14] Limitation 18 dBK and 800 feet EHAAT and specified radiation pattern.

SASKATCHEWAN

City	VHF Channel No.	UHF Channel No.
Assiniboia		61
Biggar		41−
Broadview		63
Canora		61−
Carlyle Lake	7+L[1]	
Colgate	12	
Esterhazy		83+
Estevan		49
Eston		33
Fort Qu'Appelle		41
Gravelbourg		39−
Greenwater Lake	4 L[2]	
Humboldt		25
Indian Head		75+
Kamsack		42+
Kindersley		38+
Maple Creek		63+
Melville		46+
Moose Jaw	4−, 7−	16, 26, 66
Moosomin		54+
Oxbow		50+
Regina	2, 9−, 13−	18+, 24+, 47, 63, 71, 77−
Riverhurst	10−L[3]	
Rosetown		69
Saskatoon	8+, 11	17, 23, 33, 64, 70, 76
Shaunavon	7+L[4]	78
Strasmer	3−, 9	
Swift Current	5−, 12−	40+, 60
Unity		80−
Watrous		78+
Weyburn		48+
Wilkie		31
Willow Bunch	6−L[5], 10+L[6]	
Wynard	6, 12+L[7]	31+
Yorkton	3, 10	20, 33+

L[1] Limitation 20 dBK and 500 feet EHAAT and toward CKMJ-TV, Marquis (Moose Jaw) Saskatchewan.

L[2] Limitation to protect CHAB-TV, Moose Jaw, Saskatchewan.

L[3] Limitation to protect Channel 10+, CKBI-TV-1, Alticane, Saskatchewan.

L[4] Limitation to protect CKMJ-TV, Channel 7−, Marquis (Moose Jaw), Saskatchewan.

L[5] Limitation to protect Channel 6, CKOS-TV-3, Wynard, Saskatchewan.

L[6] Limitation to protect CJFB-TV-3, Riverhurst, Saskatchewan.

L[7] Limitation to protect Channel 12, CKCK-TV-1, Colgate, Saskatchewan.

YUKON TERRITORY

City	VHF Channel No	UHF Chan/el No
Dawson	3	14, 20
Keno Hill	13	
Watson Lake	8+	
Whitehorse	2+, 6	14, 20

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.73-6044 Filed 3-30-73;8:45 am]

[Dockets Nos. 19713, 19714; FCC 73-328]

NEO BROADCASTING CO. AND WILLIAM HAYDON PAYNE

Applications for Consolidated Hearing on Stated Issues

In regard applications of Charles R. Ingram and Robert R. Toon, doing business as NEO Broadcasting Co., Wagoner, Okla. Docket No. 19713, File No. BP-19253. Requests: 1530 kHz, 250 W., Day, and William Haydon Payne, Wagoner, Okla. Docket No. 19714, File No. BP-19289. Requests: 1530 kHz, 250 W., Day, for construction permits.

1. The Commission has before it the above-captioned and described applications, each requesting authority to operate, on a regular basis, the facilities of station KWLG, Wagoner, Okla., now being operated jointly by the applicants under an interim authorization. The applications are mutually exclusive, and therefore, a choice between the two must be determined after a comparative hearing.

2. The applicant, William Haydon Payne, proposes new construction which with the first year's operating expenses will cost approximately $76,300. This total includes lease payments on equipment, $7,734; land, $240; first-year payments on a building, $13,778; miscellaneous, $2,900; interest on a personal loan, $6,000; and working capital, $45,648. To meet these costs, the applicant proposes to use cash on hand and in banks in the amount of $6,000 and to secure a loan from the applicant's father in the amount of $60,000. The applicant's current liabilities exceed his current assets and therefore it cannot be determined with certainty that $6,000 in cash is available for the construction of the proposed station. In the financial statement of the proposed lender, substantial assets are claimed, but the liquid assets shown on the statement are not specifically described. Therefore, it cannot be determined if the proposed lender can meet his commitment to make the proposed loan. It appears that the applicant will require financing in addition to the amounts claimed in order to meet construction and operating costs. Therefore, an issue will be specified to permit the applicant to clarify his financial plan.

3. The Commission's "Primer on Ascertainment of Community Problems by Broadcast Applicants," 36 FR 4092, 27 FCC 2d 650, 21 RR 2d 1507 (1971), directs applicants to consult with community leaders and members of the general the problems of the community. The Primer also directs applicants to describe the programs intended to deal with community problems and to indicate the anticipated time segments, duration, and frequency of those programs. In the present instance, both applicants appear to have consulted with a number of individuals from which consultations the applicants appear to have become aware of area problems. However, the statements of both applicants on the manner in which they propose to contribute toward the solution of the problems that have been ascertained are too general to provide a clear indication of the description, anticipated time segments, duration and frequency. Accordingly, an issue will be specified to permit the applicants to clarify this aspect of their respective statements of program service.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

5. Accordingly, *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine with respect to the applicant, William Haydon Payne:

(a) Whether in light of the applicant's current financial position, he has available $6,000 in personal assets to apply to the construction and initial operation of the proposed station;

(b) Whether the proposed lender has sufficient current assets to meet his loan commitment;

(c) The source of additional funds as may be required; and

(d) In light of the evidence adduced pursuant to the above, whether William Haydon Payne is financially qualified.

2. To determine the anticipated time segment, duration and frequency of programs proposed by the applicants to meet community needs.

3. To determine which of the proposals would better serve the public interest.

4. To determine in light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

6. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

7. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: March 21, 1973.

Released: March 27, 1973.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-6260 Filed 3-30-73;8:45 am]

[Docket No. 19711; FCC 73-316]

UNITED TELEPHONE CO. OF PENNSYLVANIA

Application for Hearing on Stated Issues

In regard application of The United Telephone Co. of Pennsylvania for certificate of convenience and necessity to construct and operate cable facilities in Hanover, Pa.; Docket No. 19711, File No. P-C-7720.

1. The Commission has before it for consideration the above-captioned application of The United Telephone Co. of Pennsylvania (United Telephone), filed pursuant to section 214 of the Communications Act, for a certificate that the present and future public convenience and necessity require United Telephone to construct or acquire and to operate channels for, among other things, the retransmission of broadcast signals and the transmission of local cable-casting signals by CATV operators in United Telephone's Hanover, Pa., exchange area. The application was filed on November 26, 1969 (37 FR 28653).

2. Radio Hanover, Inc., a CATV company in the Hanover, Pa., area, filed a petition to reject United Telephone's application on January 20, 1970; United Telephone filed an opposition to the petition on February 2, 1970; and Radio Hanover, Inc. (Radio Hanover) filed its reply on February 10, 1970.

3. On April 30, 1970, United Telephone amended its application to show that Penn-Mar CATV, Inc. (Penn-Mar) on whose behalf the original application had been filed, was no longer affiliated with United. Radio Hanover, on June 1, 1970, filed a petition seeking denial of the amended application and for an investigation and hearing. On June 15, 1970, United Telephone filed a "Reply to Responsive Pleading"; and Penn-Mar filed its Opposition to the Petition to Deny on July 6, 1970. Radio Hanover filed a single Reply to both the United Telephone and Penn-Mar pleadings, on July 14, 1970.

4. On November 12, 1971, in response to a Commission staff letter, United Telephone filed an amendment to its application entitled "availability of Poles (Conduit) Rights to CATV Customers"; and by letter dated November 20, 1971, Radio Hanover commented on the amendment. United Telephone, on December 13, 1971, responded by letter to the Radio Hanover comments; and on January 14, 1972, Radio Hanover replied by letter. Finally, by cover letter dated March 3, 1972, and in response to a conference held at the Commission offices on February 10, 1972, United Utilities submitted a composite draft joint pole use agreement, purporting to be "representative of the kind which the telephone operating subsidiaries of United Utilities, Inc. would be willing to enter into any exchange area." [1] Radio Hanover, by letter dated March 17, 1972,

[1] On June 2, 1972, the name of United Utilities, Inc., was changed to United Telecommunications, Inc.; and it will be referred to hereinafter as "United Telecommunications."

objected to the composite draft submitted by United.

5. The voluminous pleadings and correspondence in this proceeding appear to present two basic issues involving, first, the reasonableness of the agreements under which CATV operators are permitted to use poles or conduits belonging to United Telephone; and, second, whether United Telephone has engaged in monopolistic or anticompetitive practices in dealing with cable television companies. Since we have concluded that the conduct of United Telephone in dealing with Radio Hanover and those agreements (particularly the composite Joint Use Agreement submitted by United Telecommunications) raise substantial public interest issues, we are designating the matter for hearing to determine whether that conduct and those agreements are in the public interest.

6. The facts appear to be that Radio Hanover, a Pennsylvania corporation, is the licensee of two radio stations in Pennsylvania: Station WHVR, an AM station in Hanover, and Station WYCR, an FM station in York.[2] United Telecommunications, Inc. is a Kansas corporation and a holding company which is the parent of the United Telephone Company of Pennsylvania (United Telephone) and United Transmission, Inc. (United Transmission), as well as other companies. United Telephone is a Pennsylvania corporation and is an operating telephone company authorized to provide telecommunication services in a number of exchange areas in Pennsylvania, including the community of Hanover. United Transmission was a Kansas corporation engaged in the business of building and operating Community Antenna Television (CATV) systems.[3] The following companies are or were also involved in this proceeding: The Susquehanna Broadcasting Co. (Susquehanna), a Delaware corporation, and the licensee of several radio and television stations, among them, Station WSBA-TV in York, Pa.; Brush-Moore Newspapers, Inc. (Brush-Moore) was an Ohio corporation which in 1967 owned and controlled a number of newspapers, including "The Evening Sun" of Hanover, of which it was a principal owner; Penn-Mar Publishing Co. (The Publishing Company), was the publisher and part-owner of "The Evening Sun."[4] Penn-Mar CATV, Inc. (Penn-Mar) is a Pennsylvania corporation created to provide CATV service in the Hanover area, and in 1967 it was equally owned by United Transmission, Susquehanna, and the Publishing Company.

7. During the year 1965, Radio Hanover, United Transmission, Susquehanna, and "The Evening Sun" expressed an interest in obtaining a CATV franchise from the Borough Council of Hanover; and all filed formal applications with the Borough prior to January 1, 1966, the cutoff date for the filing of applications. In mid-1965, however, the United Telephone Co. of Pennsylvania, whose poles could be utilized for the CATV distribution cable, had announced the adoption of a policy of not entering into agreements with CATV companies for the attachment of their cables to United Telephone Co. poles. (United Telephone application for section 214, certificate, filed Nov. 26, 1969, Affidavit of John G. Siemons.) Instead, United Telephone offered to provide distribution channel service, as a common carrier under published tariffs, to anyone for lawful purposes.

8. On June 8, 1966, the four applicants attended a meeting of the Borough Council when it was suggested by the Borough President that all the applicants join together and form one company for the purpose of seeking a franchise. After considering this suggestion, Radio Hanover rejected it, but United Transmission, Susquehanna, and "The Evening Sun" joined together and formed Penn-Mar CATV, Inc., which was formally incorporated on August 19, 1966. In the meantime, Radio Hanover had informed United Telephone that it was interested in leasing space on United Telephone poles[5] for the purpose of constructing Radio Hanover's CATV system thereon, if it were successful in obtaining a franchise. On August 30, 1966, United Telephone notified Radio Hanover that it would not enter into agreements with CATV companies for the leasing of space on the United Telephone poles for the attachment of CATV cable equipment, but that it would construct the necessary cable facilities itself and then lease them to the respective companies.

9. On October 19, 1966 the Hanover Borough Council by Ordinance No. 1331 granted franchises to both Radio Hanover and Penn-Mar, and extended to them the right to construct a CATV system in the Borough; but the Council specified that no poles could be erected within the Borough by those companies without the express authorization of the Council. Instead, both Radio Hanover and Penn-Mar were directed to arrange to use the poles of the public utilities companies (United Telephone and Metropolitan Edison). On December 13, 1966 Radio Hanover executed a CATV pole attachment agreement with Metropolitan Edison in which Radio Hanover was authorized to attach its CATV cables to Metropolitan Edison's poles at a rental of $4.50 per pole per year. United Telephone, however, persisted in its refusal to allow Radio Hanover to attach its cable system to United Telephone's poles; but, at the same time, it reiterated that it would construct the necessary cable facilities and lease them to Radio Hanover. Radio Hanover considered the proposal unacceptable, and filed a civil antitrust suit against United Utilities, Inc.; United Transmission; United Telephone; Susquehanna; Brush-Moore Newspapers, Inc.; Penn-Mar Publishing Co.; and Penn-Mar CATV, Inc., alleging a conspiracy to monopolize CATV and broadband coaxial cable services in violation of the Sherman Act, 26 Stat. 209; 15 U.S.C. section 1. While Radio Hanover's Motion for a Preliminary Injunction to restrain the defendants' construction or operation of a CATV system in the Hanover area, was denied on March 27, 1967 (273 F. Supp. 709) the suit itself is still pending in the Federal District Court for the Middle District of Pennsylvania.

10. After the Preliminary Injunction was denied construction was commenced on the Penn-Mar CATV system, and on May 15, 1967 Radio Hanover filed another suit in the Federal District Court for the Middle District of Pennsylvania, alleging a violation of section 214 of the Communications Act by Penn-Mar, and seeking an injunction against further construction or operation. A motion to dismiss this suit was denied on October 2, 1967 (1967 Trade Cases, paragraph 72.228; 11 RR 2d 2040 (1967)). Penn-Mar's CATV system became operational on September 1, 1967. Radio Hanover, however, elected not to go forward with construction of its system, because it considered the use of telephone company poles indispensable to its proposed system.

11. On November 26, 1969, United Telephone filed an application for a section 214 certificate to construct or acquire and operate channels for use, among other things, by CATV operators in its Hanover exchange area. The application was said to be in compliance with the Commission's Decision of June 25, 1968 in Docket 17333 (General Telephone Co. of California, 13 FCC 2d 448) which requires telephone companies to file applications for, and be issued, section 214 certificates prior to constructing or operating CATV facilities, either for themselves or for independent CATV operators. Radio Hanover, on January 20, 1970, filed a petition to deny the United Telephone application, and requested that it be required to cease and desist from operating a CATV system, because, first, United Telephone had been on notice as far back as April, 1967 that further construction of CATV facilities without a section 214 certificate would be at its own risk; and, second, United Telephone's application failed to comply with the Commission's decision of June 25, 1968. Specifically, Radio Hanover alleged that the United Telephone application did not state that no operator, other

[2] The 1971 populations of York and Hanover were 50,335 and 15,623, respectively. York is 18 miles northeast of Hanover.

[3] The factual recitations herein are drawn in part from the Findings of Fact in Judge Nealon's Memorandum denying a Preliminary Injunction in Radio Hanover, Inc. v. United Utilities, Inc., 273 F. Supp. 709 (M.D. Pa., 1967).

[4] It would appear that Thomson-Brush-Moore Newspapers, Inc., has succeeded Penn-Mar Publishing Co. as publisher of The Evening Sun (Ayer Directory of Publications, N. W. Ayer & Son, Inc., Philadelphia, Pa., 1972, p. 703).

[5] At the time there were 1,137 poles owned by United Telephone in Hanover Borough, and 1,317 poles owned by the electric utility, Metropolitan Edison Co.

than United Transmission, holds a franchise or is otherwise authorized to operate a CATV system in Hanover (Decision, paragraph 40(c), 13 FCC 2d at 467), and that prior to the time that distribution facilities were constructed no application by a competing operator or prospective operator for a pole line attachment arrangement was pending before the carrier (Decision, paragraph 40 (d), 13 FCC 2d at 467).

12. United Telephone filed its opposition to Radio Hanover's petition on February 2, 1970, alleging that the issuance of a cease and desist order would not be in the public interest because disruption of CATV service to the public would result because of the lack of alternate facilities. In addition, it was stated that the potential for abuse from affiliation between the CATV operator and the telephone company did not exist, because United Telephone did not have legal or de facto control over Penn-Mar. Radio Hanover's reply, filed February 10, 1970, maintained that United Telephone had failed to justify a stay of the Commission's decision and order of June 25, 1968, and that a cease and resist order ought to issue promptly.

13. On April 30, 1970, United Telephone amended its application for a section 214 certificate to show that the one-third stock interest in Penn-Mar which had been owned by United Transmission had been sold in equal parts to Penn-Mar Publishing Co. and Susquehanna Broadcasting Co., and that, therefore, no affiliation remained between Penn-Mar CATV, Inc., and either United Utilities, Inc., or United Telephone. Radio Hanover, on June 1, 1970, filed a petition to deny the amended application of United Telephone, contending, inter alia, that despite the transfer of stock, Penn-Mar remained an affiliated company to United Telephone; and, further, that United Telephone conspired wrongfully to monopolize cable television in Hanover and should not, therefore, be permitted to retain the fruits of that wrongdoing; but that the money obtained by the sale to Penn-Mar Publishing Co. and Susquehanna ought to be placed in escrow pending a determination of the legality of United Telephone's conduct. Radio Hanover also maintained that it had been ready to construct its facilities since 1967 and would have done so had it not been for United Telephone's unlawful conduct. Radio Hanover urged that the section 214 certificates be denied, and that United Telephone be required to divest itself completely of its cable facilities to others than Susquehanna and Penn-Mar Publishing Co.

14. Regarding the monopoly matter, Radio Hanover specifically alleged that at first United Telephone sought to monopolize cable television in Hanover; that it tried to imply to the Hanover Borough Council that the council had to award the franchise to United Telephone's affiliated company because pole attachment rights would not be granted to other applicants; that, thereafter, United Transmission combined with the newspaper and television interests in a competing application to Radio Hanover's; and that, despite warnings of illegality, a leaseback arrangement was made and uncertificated leaseback facilities were built for Penn-Mar, while United Telephone was still refusing pole attachments for Radio Hanover. After this was accomplished, Radio Hanover alleges that Penn-Mar proceeded promptly to try to sign up all of Hanover as its subscribers; and it was only when it was realized that the Commission would not permit CATV service to be provided by a telephone company or its affiliate that the United Transmission interest was sold.

15. We regard the anticompetitive charges as substantial and pertinent to the question of whether a section 214 certificate ought to issue to United Telephone. The inclusion of an issue regarding alleged anticompetitive and monopolistic practices by United Telephone will not impinge in any way upon the antitrust suit now pending in the Middle District of Pennsylvania. It is well established that this Commission has not only the right but the obligation to examine into such allegations in carrying out its statutory responsibilities whether or not an antitrust suit is pending. "Philco Corp." v. "FCC," 293 F. 2d 864 (D.C. Cir. 1961). We are, therefore, including an issue regarding United Telephone's alleged monopolistic and anticompetitive practices, and we are placing the burden of proof on Radio Hanover. We are also including provisions in this order regarding the antitrust suit, so that any decision in that suit adverse to United Telephone can be fully considered by this Commission in determining whether to grant a section 214 certificate to United Telephone.

16. United Telephone's reply, filed on June 15, 1970, reiterated that the issuance of a cease and desist order would cause the disruption of CATV service to the public in the Hanover area, and that Radio Hanover's charges of unlawful conduct are unsupported by specific factual allegations. Furthermore, the allegations of wrongdoing by United Telephone are at issue in two cases pending in the U.S. District Court for the Middle District of Pennsylvania.[6] United Telephone maintains that since Radio Hanover filed suit in the district court under the Sherman Act (Case No. 9345) and also sought an injunction there against United Telephone under section 214(c) of the Communications Act, it is barred by the Communications Act from complaining about the same acts to this Commission. Finally, United Telephone contended that Radio Hanover had no standing to oppose the grant of a section 214 certificate to a competitor, since both itself and Penn-Mar have nonexclusive franchises to provide CATV service in the Hanover area. United Telephone cites several cases in support, including L. Singer & Sons v. Union Pacific R. Co., 311 U.S. 209 (1940) and "Chesapeake and Potomac Telephone Company of West Virginia," 22 FCC 2d 577 (1970). Section 214(c) provides that a court of competent jurisdiction can enjoin violations of section 214 at the suit of, among others, "any party in interest." Clearly, Radio Hanover is a "party in interest" in this proceeding, and to contend that it can bring suit in a U.S. district court, but not before this Commission makes no sense; and so we unhesitatingly find Radio Hanover to have standing to oppose the issuance of a section 214 certificate to United Telephone. (See also, "Better TV, Inc. of Dutchess County, N.Y.," 17 FCC 2d 367 (1969).) Likewise, we do not find Radio Hanover barred from bringing this action here, simply because it has filed two suits in a Federal court. The first suit involves alleged violations of the Sherman Act; and, according to Radio Hanover's reply[7] filed July 14, 1970, the second is for injunctive relief under section 214. Besides an injunction, Radio Hanover's amended complaint sought treble damages and an order permitting Radio Hanover to attach its CATV cable to United Telephone's poles (or in United Telephone's conduits, if utilized in lieu of poles) "at rates reasonably comparable to those established in the industry, which rates will be the subject of good faith bargaining." While the issues in the lawsuit and in this proceeding are closely related, as we have already noted, nevertheless, under section 214(a) the responsibility and authority to issue section 214 certificates rests exclusively with this Commission. No issue of damages is involved here; and we find section 207 of the Communications Act, cited by both United Telephone and Penn-Mar in its opposition to petition to deny, to be inapposite.

17. The Penn-Mar opposition was filed on July 6, 1970, and denied all of the allegations raised in the Radio Hanover petition to deny. Penn-Mar asserted that United Transmission now has no interest in Penn-Mar CATV, Inc.; that there is currently no relationship, legal or beneficial, between Penn-Mar and United Transmission; that the fact that Penn-Mar leases cable facilities from United Telephone under filed tariffs has no bearing on the question of affiliation; and that all of the United Transmission stock was sold to the other two stockholders who also assumed the contingent obligations of United Transmission. Penn-Mar's arguments regarding the impropriety of Radio Hanover pursuing its cases in the district court and this proceeding have already been addressed above. The only additional point to be made is that if we should ultimately decide that it would be in the public interest to grant a section 214 certificate to United Telephone, and the court case involving Sherman Act violations (Civil Action No. 9875) is still pending, issuance of the certificate will be appropriately conditioned upon the outcome of the court case. Radio Hanover filed a reply to the Penn-Mar and United Telephone

[6] Radio Hanover Inc. v. United Utilities, Inc., Case No. 9345 and Radio Hanover, Inc. v. United Telephone Co. of Pennsylvania, Case No. 9934.

[7] Reply, p. 3, footnote.

pleadings on July 14, 1970. Radio Hanover argued that Penn-Mar, having built its cable facilities illegally, should not be heard to complain that the Commission cannot take remedial action for fear that innocent people would suffer.

18. On October 15, 1971, the Commission advised counsel for United Telephone by letter that the U.S. Court of Appeals for the Fifth Circuit had affirmed the policy and rules adopted by the Commission in "Section 214 Certificates," 22 FCC 2d 746 (1970), including § 63.57 of the rules. The letter stated, in part:

As you know, such rule (§ 63.57) requires Respondent (United Telephone) to show that the CATV system to be served has been afforded an opportunity to attach to Respondent's poles and that any other CATV system within Respondent's telephone service area also has been afforded a similar opportunity to attach to Respondent's poles on the same terms. It does not appear that such pole attachment option provided for in the Commission's rules has been made available either to Respondent's proposed customer, Penn-Mar CATV, Inc., or to Radio Hanover, Inc., both CATV companies with franchises to serve the Hanover, Pennsylvania area.

Commission policy is clear that a telephone company must, within the limitations of technical feasibility, make space on its poles available as an option to a proposed channel service customer and any other CATV operator in its telephone service area, at reasonable charges and without undue restrictions on the uses that may be made of its facilities by the CATV operator or operators.

Inasmuch as the subject application does not show compliance with the provisions of § 63.57 of the Commission's rules, Respondent is directed to file, within 30 days of the date of this letter, an amendment showing compliance with this rule.

19. In response to the Commission letter, United Telephone filed an amendment to its application on November 12, 1972, captioned "Availability of Poles (Conduit) Rights to CATV customers." The amendment states that while no CATV operator in the Hanover area had a right to occupy pole or conduit space on United Telephone poles in the years 1964–68, or at the time that the Penn-Mar CATV facilities were constructed, under modified policies adopted in 1969, and still in effect, the opportunity to occupy pole or conduit space has been available under a "Joint Use Agreement" at "reasonable charges and without undue restrictions on the uses that may be made of the channel by the customer." The amendment further states that Penn-Mar CATV, Inc., was orally offered the opportunity to place its own cable distribution facilities on United Telephone's poles, or in its conduits, on July 24, 1969, and February 12, 1970, and that specific written offers were made on December 24, 1969, and August 10, 1970. The amendment states, finally, that Radio Hanover was orally offered the opportunity to have its cable distribution facilities, when constructed, placed on United Telephone's poles or in its conduits on February 26, 1969; and that the offer exists today, not only in the Hanover Exchange Area, but throughout United Telephone's other territories in Pennsylvania.

20. Radio Hanover commented upon the United Telephone amendment by letter dated November 20, 1971, denying that attachment opportunities contemplated by the Commission's rules have ever been offered in Hanover either to Radio Hanover or Penn-Mar CATV, Inc. The "Attachment Rights" under the "Joint Use Agreement", Radio Hanover contends, cannot be considered a bona fide pole attachment offering, because, for example, those joint use agreements generally grant the telephone company the option to construct and maintain the CATV distribution system and also grant the telephone company options to acquire ownership in a major portion of the radio frequency spectrum of the cable, "completely negating the intention that the entrepreneur should be able to attach his own cable, which he can control, on the poles controlled by the telephone company. In addition, the telephone company proposals substantially prohibit the provision of common carrier services on the CATV facilities. Provisions also may be used to impede the offering of access channels."

21. In response to Radio Hanover's comments, United Telephone filed a letter on December 13, 1971, to which a sample joint use agreement was attached. United Telephone denied Radio Hanover's allegation that attachment opportunities contemplated by the Commission's rules have never been offered in Hanover. On the contrary, according to United Telephone, the CATV operator is permitted to carry, in addition to TV and FM radio program material, interstate and intrastate common carrier communication services, provided there shall first have been obtained from this Commission, or the appropriate State commission, a certificate of public convenience and necessity, and provided further, that there shall be an agreement between the CATV operator and the telephone company, or a determination by the appropriate commission, as to the appropriate division of revenue. United Telephone reserved the right to oppose the issuance of any such certificate to the CATV operator. This provision was said to be reasonable in light of the requirement that telephone companies obtain section 214 certificates prior to providing channel service to CATV customers. Regarding installation and maintenance of CATV distribution facilities by the telephone company, United Telephone contends that it is reasonable to maintain some control of the equipment placed on its poles; and in practice, however, United Telephone system companies have permitted CATV operators to construct and maintain their distribution facilities, as provided in the agreements. The grant in the agreement of an option to United Telephone to lease unused radio spectrum space in the cable is considered by United Telephone to be reasonable in that it goes only to unused radio spectrum outside the TV and FM broadcast bands, and is a suitable quid pro quo for the use of unused pole space by the CATV operator in which to attach his facilities.

22. Radio Hanover commented on the United Telephone filing by letter dated January 13, 1972. Once again, Radio Hanover maintained that no attachment opportunities as contemplated by the Commission's rules had ever been offered in Hanover, except in settlement negotiations among counsel, and then on a "take it or leave it" basis. While no specific mention had been made of the reasonableness of charges for pole attachments by CATV operators, Radio Hanover considers that matter to be very much in issue. Radio Hanover considers the following conditions of the joint use agreement to be undue restrictions in violation of § 63.57 of the rules:

(a) The inhibition against the CATV operator providing common carrier services;

(b) The grant of an option to the telephone company to construct and maintain the CATV system;

(c) The grant of an option to the telephone company to control radio spectrum space both within, and outside of, the "VHF" and FM broadcast bands; and

(d) The provision that the telephone company will perform installation and maintenance work for the CATV operator on a no-priority basis, while at the same time prohibiting the CATV operator from holding out that the telephone company has any responsibility for the service provided.

23. Finally, at a Commission staff conference held on February 10, 1972, United Telephone agreed to construct a single "most favored nation" joint use agreement which would be a composite draft of the best agreement available from the view point of the CATV operator. This agreement would be representative of the kind which the telephone operating subsidiaries would be willing to enter into within any exchange areas. This composite draft was filed on March 6, 1972, and commented upon by Radio Hanover by letter dated March 17, 1972. In its comments, Radio Hanover contended that the agreement continued to impose substantial and illegal impediments to the realization of CATV potential service offerings. Specific reference was made to slight modifications of previous agreements, such as one which related to the requirement that a CATV operator obtain a certificate from the FCC or an appropirate State commission prior to handling any common carrier services; to a clause which was added to state that the requirement was not necessary if not required by law; and to options reserved to United Telephone to acquire ownership of spectrum space in the CATV cable, now modified to provide for joint ownership or lease of facilities. It was noted that prior provisions relating to "No Priority" maintenance responsibilities and United Telephone's exclusive right to terminate the agreement raised substantial questions which were still unresolved.

24. As we noted earlier (paragraph 5, supra) we believe that agreements such as those existing between telephone companies in the United Telephone system and CATV operators utilizing pole space on United Telephone poles raise serious

and substantial questions as to whether they are in compliance with Commission policies pertaining to CATV service. We realize that there is a hearing now in progress to determine what the policies are throughout the cable television industry relating to pole attachment rights of CATV operators who must utilize telephone company poles ("California Water & Telephone Co.," Dockets 16948, 16943, and 17098, 22 FCC 2d 10 (1970)); but we believe that there is a need, not only for an adjudicatory proceeding to determine the general telephone company policies pertaining to pole attachments, but also the practical problems encountered in specific geographical areas. It might well be that the practical problems are of such a magnitude as to impede substantially the development of CATV service, as contemplated in our report released February 3, 1972, 37 F.R. 3252; Reconsideration Denied 37 F.R. 13848 July 14, 1972. We stated there our belief that cable television had come of age, and that the time had come for it to realize some of its great potential within a national communications structure (report, paragraph 117). We also concluded that cable television is an emerging technology that promises a communications revolution (report, paragraph 189), and while our regulatory pattern must evolve as cable evolves, nevertheless we considered the state of the art to be sufficiently well developed now to require that there be built into cable systems the capacity for return communications on at least a nonvoice basis. "Two-way communication, even rudimentary in nature, can be useful in a number of ways for surveys, marketing services, burglar alarm devices, educational feedback, to name a few." (report, paragraph 128). While we did not require return communication devices at each subscriber terminal, we considered it sufficient that each cable system be built with the potential of eventually providing return communication without having to engage in time-consuming and costly system rebuilding (report, paragraph 129).

25. In addition to our recent policy statements there is the matter of the pole attachment policy set out in § 63.57 of our rules, and whether United Telephone has complied with it. Section 63.57 provides, inter alia, that applications filed by telephone companies for section 214 certificates to construct or operate channel distribution facilities for CATV systems must contain a showing that the independent CATV system proposed to be served had available at its option, and within technical feasibility, pole attachment (or conduit) rights at reasonable charges and without undue restrictions on the uses that may be made of the channels by the CATV operator. The fact that United Telephone filed its application before May 1, 1970 is of no significance, because the note to the rule provides that applications filed before that date may be granted if the Commission is satisfied that the CATV system proposed to be served now has available such pole attachment or conduit rights, and still desires channel service. We are persuaded that there are substantial and material questions of fact pertaining to compliance with the rule, requiring the designation of the United Telephone application for hearing.

26. Accordingly, in view of the foregoing, *It is ordered*, Pursuant to sections 4j, 208, 214, 217, 218, 313, and 403 of the Communications Act, that the application of the United Telephone Company of Pennsylvania for a section 214 certificate of public convenience and necessity to construct or operate distribution facilities for channel service to CATV systems in its Hanover, Pa., exchange area is designated for hearing on the following issues:

(1) To determine whether Penn-Mar CATV, Inc., and Radio Hanover, Inc., have available, at their option, pole attachment, or conduit, rights, as contemplated by § 63.57 of the Commission's rules;

(2) If such rights are available, to determine the reasonableness of the charges imposed by United Telephone Company of Pennsylvania;

(3) To determine whether United Telephone Company of Pennsylvania has imposed restrictions on the uses that may be made of any CATV cable attached to its poles and whether such restrictions are "undue" within the meaning of § 63.57 of the Commission's rules; and

(4) To determine whether United Telephone Company of Pennsylvania, in connection with the provision of cable television service in the Hanover, Pa., area has engaged in any practices which are:

(a) Anticompetitive or monopolistic; or

(b) Contrary to the public interest standards of the Communications Act; or

(c) In violation of any rule, decision, or policy of the Federal Communications Commission.

(5) To determine in light of the facts adduced at the hearing (a) whether the public convenience and necessity require a grant of the application of the United Telephone Company of Pennsylvania; and (b) if so, whether any conditions should be imposed on such a grant; and

27. *It is further ordered*, That the burden of proceeding and the burden of proof on Issues (1), (2), (3), and (5) is upon United Telephone Company of Pennsylvania; and the burden of proceeding and the burden of proof on Issue (4) is upon Radio Hanover, Inc.

28. *It is further ordered*, That Radio Hanover, Inc.; Penn-Mar CATV, Inc.; and the Chiefs of the Common Carrier and Cable Television Bureaus are made parties to this proceeding; and

29. *It is further ordered*, That the hearing will be held at the Commission's offices in Washington, D.C., on a date, and before an Administrative Law Judge, to be specified in a subsequent Commission order; and

30. *It is further ordered*, That if Case No. 9875, "Radio Hanover, Inc." v. "United Utilities, Inc. et al.", is still pending in the United States District Court for the Middle District of Pennsylvania at the time that a final decision is rendered in this proceeding, and if such final decision grants the pending application of United Telephone, such grant will be conditional upon the outcome of that lawsuit; and

31. *It is further ordered*, That if a final adjudication or resolution, in the above-described Case No. 9875 is entered during the pendency of this proceeding, the parties to this proceeding shall promptly notify the Commission of this fact and file copies of such final adjudication or resolution with the Commission. Within 15 days after such notification and filing, any party to this proceeding may file a motion with the Commission requesting such further proceedings as may be thought necessary for Commission consideration of such final adjudication or resolution.

32. *It is further ordered*, That the Secretary of the Commission shall send copies of this order by certified mail, return receipt requested, to United Telephone Company of Pennsylvania; Radio Hanover, Inc.; and Penn-Mar CATV, Inc., and shall cause a copy to be published in the FEDERAL REGISTER; and

33. *It is further ordered*, That interested parties may avail themselves of an opportunity to be heard by filing with the Commission, pursuant to § 1.221(c) of the Commission's rules on or before April 18, 1973, a written notice stating an intention to appear on the date set for hearing and present evidence on the issues specified in this memorandum opinion and order.

Adopted: March 21, 1973.

Released: March 29, 1973.

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

[FR Doc.73-6253 Filed 3-30-73;8:45 am]

FEDERAL POWER COMMISSION

[Dockets Nos. RI71-691 and RI73-70]

AMOCO PRODUCTION CO.

Order Denying Motion for Deferral of Hearing

MARCH 23, 1973.

Amoco Production Co. (Amoco), moved at a prehearing conference on December 12, 1972, that the hearing in this consolidated proceeding be deferred until the U.S. Court of Appeals for the Tenth Circuit issues a decision in the litigation entitled Amoco Production Co. v. Federal Power Commission, Case No. 72-1680.[1] Amoco claimed, in substance, that the litigation involves the justness and reasonableness and consequent legality of a contractual provision, that this proceeding involves an interpretation of that provision, and, consequently, that this proceeding will become moot if Amoco prevails and the Court of Appeals holds the contractual provision to be unlawful. Presiding Administrative Law

[1] We take official notice: (1) Of the transcript of the prehearing conference; (2) that such litigation was docketed on Oct. 16, 1972; (3) that we have filed with the court the record upon which the Commission order complained of was entered; and (4) that the court, by order issued Jan. 3, 1973, set a briefing schedule running into June 1973.

Judge William C. Levy denied the motion without prejudice to Amoco's privilege to seek the same relief from the Commission.

On January 22, 1973, Amoco filed a motion seeking the same relief from us, subject to certain exceptions, and claiming that some of the issues before the Court of Appeals are the same as, or are related to, the issues in this proceeding. Amoco also claims that the court's jurisdiction has become exclusive under section 19(b) of the Natural Gas Act; that there is a substantial possibility that Amoco will be upheld by the Court of Appeals, thereby mooting this proceeding; that unless the hearing is held after the court issues its decision the hearing will be colored to the prejudice of Amoco; and that its corporate opponent, Phillips Petroleum Co. (Phillips), would not be prejudiced by a deferral.

Phillips responded on January 31, 1973, asking that Amoco's motion be denied and pointing out that it requests a stay for an indefinite period of time. Phillips claims that the Court of Appeals' decision may not be dispositive of this proceeding and, in addition, that it (Phillips) would be prejudiced because it would have to pay higher rates during the period of deferral, albeit subject to refund by Amoco.

In our opinion, Amoco has not carried its burden under §§ 1.13 (e) and (f) of our rules of practice and procedure of establishing good cause for an indefinite stay of this proceeding. And while Amoco's motion is deemed under § 1.12(e) to have been denied by the absence of formal action within 30 days, we prefer to set forth in this order the reasons for our denial.

Although the Administrative Law Judge admitted into evidence a copy of the docketing statement which Amoco had filed to commence the judicial review entitled Amoco Production Co. v. Federal Power Commission, Case No. 72-1680, we cannot find fault, as Amoco would have us do, with the fact that he did not consider Amoco's claims in such statement in connection with his decision upon its motion for a deferral. We believe that Judge Levy could hardly have acted fairly without also considering any responsive pleadings and, consequently, determining as a collateral matter in this proceeding the issues which are now before the Court of Appeals. Judge Levy acted properly in refraining from such a determination as he must continue to follow our order as precedent until such time as it may be modified or set aside by the Court of Appeals or higher authority.

While section 19(b) of the Natural Gas Act gives the court exclusive jurisdiction "to affirm, modify or set aside" "the order complained of," that provision does not, as Amoco apparently contends, deprive us or the Administrative Law Judge of jurisdiction to make decisions which may be affected directly or indirectly by judicial action upon an order which is being reviewed. Nor can we find in the statutory language a policy to refrain from going forward with administrative proceedings while related controversies involving the same parties are undergoing judicial review. Amoco would have us follow a course which would prevent our functioning effectively, for it would have us stay this and other possible proceedings not only for the indefinite period of time necessary for review by the Court of Appeals, but until all rights to further judicial review are exhausted.

Amoco concedes (Tr. 7) that this proceeding should go forward if it does not prevail in the Court of Appeals. And Phillips may be affected adversely, as a deferral could enable Amoco to collect, subject to refund, moneys which Phillips could otherwise use or refrain from borrowing.

The Commission orders:

The motion filed by Amoco Production Co., on January 22, 1973, to defer this consolidated proceeding until the U.S. Court of Appeals for the Tenth Circuit issues a decision in the litigation entitled Amoco Production Co. v. Federal Power Commission, Case No. 72-1680, is denied.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-6203 Filed 3-30-73;8:45 am]

[Docket No. E-7775]

APPALACHIAN POWER CO.

Notice of Further Extension of Procedural Dates and Postponement of Hearing

MARCH 26, 1973.

On March 19, 1973, the Commission Staff Counsel filed a motion for a further extension of the procedural dates established by order issued October 20, 1972, and modified by notices issued on January 16, 1973, and March 19, 1973.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Staff's evidence service date, April 27, 1973.
Prehearing conference, May 8, 1973, 10 a.m., e.d.t.
Interveners' service date, May 14, 1973.
Company rebuttal service date, May 29, 1973.
Hearing, June 12, 1973, 10 a.m., e.d.t.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-6199 Filed 3-30-73;8:45 am]

[Docket No. RP73-70]

CAROLINA PIPELINE CO. v. TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Deferring Hearing

MARCH 23, 1973.

On March 1, 1973, the Commission Staff filed a motion to dismiss the complaint in this proceeding. Answers to the motion were filed by Carolina Pipeline Co. (Carolina), on March 5, 1973, and by the Commissioners of Public Works of Greenwood, S.C., on March 12, 1973. The time for such answers expired March 16, 1973.

This proceeding is now scheduled for hearing on April 4, 1973. It is apparent that granting Staff's motion would render any hearing unnecessary, and other action taken by the Commission in response to the motion might affect the course of the hearing. Under these circumstances we find the hearing should be postponed for 3 weeks pending a determination by the Commission upon the motion. Since the relief sought by Carolina is for the purpose of alleviating gas shortages in cold weather, there will remain ample time for hearing before action must be taken.

We express no opinion at this time upon the merits of Staff's motion.

The Commission orders:

The hearing scheduled for April 4, 1973, in this proceeding is deferred until April 25, 1973, at the same time and place.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-6211 Filed 3-30-73;8:45 am]

[Docket No. RP71-17]

CENTRAL TELEPHONE & UTILITIES CORP. AND NORTHERN NATURAL GAS CO.

Notice of Filing of Complaint and Response Thereto

MARCH 26, 1973.

Take notice that on September 28, 1970, Central Telephone & Utilities Corp. (Central), filed a complaint against Northern Natural Gas Co. (Northern), alleging that Northern had violated its FPC Gas Tariff and the Commission's order issued November 25, 1969, in Docket No. CP68-193 (phase II), 42 FPC 1034, by tendering a Service Agreement for "CD" Rate Schedules with Central, which Central executed under protest. Central alleges that Northern's past practice was to execute a new service agreement each fall which contained the total contract demand and canceled previous contracts between the parties. However, in July 1970, Northern tendered a service agreement which did not modify the terms of the existing service agreement but merely provided for a separate service agreement which gave Central 2,253 Mcf contract demand per day for 15 years until October 29, 1985. The existing service agreement due to expire on October 27, 1984, which provided for 130,622 Mcf contract demand per day was not modified. Thus Central now has a "basic" agreement plus an additional agreement for incremental gas as opposed to a single agreement for all of its contract demand.

On October 19, 1970, Northern filed its response requesting dismissal of Central's complaint and alleging inter alia, that Northern's action was consistent with its FPC Gas Tariff and with the above mentioned Commission's order issued November 25, 1969.

Any person desiring to be heard or to protest said complaint should file a petition to intervene or protest with the Federal Power Commission, 441 G Street

NW., Washington, DC 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 April 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 complaint are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6201 Filed 3-30-73;8:45 am]

[Docket No. CP73-237]

COLORADO INTERSTATE CORP.

Notice of Application

MARCH 26, 1973.

Take notice that on March 16, 1973, Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (Applicant), Post Office Box 1087, Colorado Springs, CO 80944, filed in Docket No. CP73-237 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities necessary over a period of 4 years to develop, maintain, and operate the Boehm Field in Morton County, Kans., as an underground gas storage reservoir, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application sets forth the following proposals over a 4-year period beginning in 1973 to develop the subject storage field:

(1) Year 1973—Acquire the Boehm Field from Cities Service Oil Co.; convert three existing gas wells to storage use and drill three new storage wells; drill one water disposal well; construct a 9.1-mile, 16-inch pipeline; and construct a meter station and building, plus gathering and miscellaneous support facilities.

(2) Year 1974—Drill and connect nine new storage wells, convert five existing wells for storage observation use, drill one water disposal well, and construct a central dehydration plant.

(3) Year 1975—Drill and connect nine new storage wells and convert an existing 2,000 horsepower compressor unit at Applicant's Morton County Compressor Station to storage use.

(4) Year 1976—Drill and connect eight new storage wells.

Applicant states that development is to be completed by the 1976-77 heating season at which time peak day withdrawals of 120,000 Mcf are contemplated. Applicant requests authority to operate the field up to a maximum reservoir volume of 29,500,000 Mcf and a maximum reservoir pressure of 1,441 p.s.i.a., with ultimate annual withdrawals of 10,000,000 Mcf.

The application indicates that the operation of the proposed Boehm Storage Field will assist Applicant in meeting the peak day and winter season gas requirements of its existing customers.

The total estimated cost of the subject proposal is $6,236,690, which cost, Applicant states, will be financed from current working funds on hand, funds from operations, short-term borrowings, or long-term financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 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 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.73-6202 Filed 3-30-73;8:45 am]

[Docket No. RP72-157]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Changes in Rates and Charges

MARCH 26, 1973.

Take notice that Consolidated Gas Supply Corp. (Consolidated) tendered for filing on March 15, 1973, proposed changes in its FPC Gas Tariff, First Revised Volume No. 1. The filing consists of a proposed Seventeenth Revised Sheet No. 8 which contains a surcharge credit of $0.0374 per Mcf. The surcharge credit is proposed to be in effect for six months from May 1973 to October 1973, and will reduce Consolidated's jurisdictional revenues during that period by an estimated $8.5 million.

Consolidated states that the surcharge credit reflects the effect of amounts accumulated in its unrecovered purchase gas account for the period of August 1972 through January 1973, due to rate changes and the jurisdictional effect of the refunds received by Consolidated during that period. Further, Consolidated states that this filing is made in accordance with the provisions of § 12.7, Unrecovered Purchased Gas Cost Account, and § 12.10, Flow Through of Supplier Refunds, of its purchased gas adjustment clause.

Consolidated states that copies of this filing were served on each of its jurisdictional customers and interested State commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 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 April 4, 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.73-6200 Filed 3-30-73;8:45 am]

[Docket No. CI73-612]

McCORD-GOODRICH OIL CO.

Notice of Application

MARCH 23, 1973.

Take notice that on March 8, 1973, Chas. T. McCord, Jr., and Henry Goodrich, doing business as McCord-Goodrich Oil Co. (Applicant), 1705 Beck Building, Shreveport, La. 71101, filed in Docket No. CI73-612 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co. from the Bourg Field, Terrebonne Parish, La., 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 gas at $0.45 per Mcf at 15.025 p.s.i.a. within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70) for 1 year from May 9, 1973, the expiration date of Applicant's present authorization in Docket No. CI72-577. By order of May 2, 1972, Applicant was authorized to sell gas at $0.35 per Mcf at 15.025 p.s.i.a.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 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 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.73-6209 Filed 3-30-73;8:45 am]

[Docket No. RP72-129]

MID LOUISIANA GAS CO.

Notice of Proposed Change in Tariff:

MARCH 27, 1973.

Take notice that on March 12, 1973, Mid Louisiana Gas Co. (Mid Louisiana) tendered for filing as a part of First Revised Volume No. 1 of its FPC Gas Tariff, the tariff sheet listed below:

First Revised Sheet	*Superseded sheet*
No. 34	Original Sheet No. 34

The proposed tariff sheet is for the purpose of updating the Index of Purchasers and no change in rate level to Mid Louisiana's customers is proposed by this tariff filing.

Mid Louisiana requests that First Revised Sheet No. 34 be allowed to become effective April 16, 1973.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 10, 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.73-6275 Filed 3-30-73;8:45 am]

[Docket No. E-8079]

MISSISSIPPI POWER & LIGHT CO.

Proposed Changes in Rates and Charges

MARCH 26, 1973.

Take notice that Mississippi Power & Light Co. (MPL) on March 15, 1973, tendered for filing an agreement for purchase of power dated June 15, 1972, covering a delivery of power from MPL to Southern Pine Electric Power Association near Monticello, Miss., and a supplemental operating agreement dated July 12, 1962. MPL states that its Rate Schedule REA-11 incorporated in the agreement filed herewith was heretofore filed with this Commission on November 16, 1970, as MPL's service rate schedule applicable to all existing and new points of delivery and is the currently effective tariff for service to electric power associations. The proposed date of initial service in June 1, 1973. MPL requests the Commission to accept this filing as effective on the date on which service may be rendered initially. MPL states that it will advise the Commission of the date of initial service hereunder. MPL also states that it will have estimated sales of 6,448,000 kw.-hr. and estimated revenues of $58,560.39 for the first 12 months of operation. MPL further states that a copy of this transmittal letter has been mailed to Southern Pine Electric Power Association.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 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 April 12, 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.73-6198 Filed 3-30-73;8:45 am]

[Docket No. R-395]

MONTANA POWER CO.

Order Granting Rehearing for Purposes of Further Consideration

MARCH 23, 1973.

Revisions in Uniform Systems of Accounts, and Annual Report Forms No. 1 and No. 2 to adopt the equity method of accounting for long-term investments in subsidiaries.

The Montana Power Co. filed on March 2, 1973, a petition for rehearing of our Order No. 469 issued on February 1, 1973 (38 FR 4246), in the above-captioned proceedings.

The petition raises issues which require additional time for their full resolution. We will therefore grant the petition for rehearing solely for the purpose of allowing us to give full and adequate consideration to the matters set forth therein.

The Commission orders:

The petition for rehearing filed by Montana Power Co. is granted for purposes of further consideration.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6210 Filed 3-30-73;8:45 am]

[Docket No. E-7942]

NANTAHALA POWER & LIGHT CO.

Order Accepting for Filing

MARCH 23, 1973.

On December 29, 1972, as completed on February 26, 1973, Nantahala Power & Light Co. (Nantahala) tendered for filing proposed changes in its FPC Electric Tariff, Original Volume No. 1[1] to become effective on March 29, 1973. The proposed change would increase revenues from jurisdictional sales and service by $35,325 and would yield a rate of return on jurisdictional service of approximately 4.79 percent based upon sales for the 12-month period ending December 31, 1971, as adjusted.

Notice of the proposed change was issued on January 19, 1973. A protest was received from the town of Highlands, N.C. (Highlands), and a joint petition to intervene was received from the North Carolina Electric Membership Corp. and Haywood Electric Membership Corp. (EMC's) which requests rejection of the filing or, alternatively, suspension of the filing for 5 months and the setting of a hearing thereon. All parties cite the size of the increase as the basis for their pleadings. Since Highlands has alleged, in effect, that the proposed increase may be unjust and unreasonable, we shall construe its protest as a petition to intervene.

In order to determine the necessity of any evidentiary proceeding, the Commission requests that the Commission staff, Highlands, and the EMC's submit offers of proof within 30 days from the issuance of this order to support their position as to the lawfulness of the rates. Within 15 days from the service of such offers of proof, Nantahala may file its answer to such pleadings. Upon review of the pleadings, the Commission will determine if a full evidentiary hearing is justified and

[1] First Revised Sheets Nos. 4, 5, 6, 7, and 18 and Second Revised Sheet No. 19.

set such procedural dates as may be necessary.

The Commission finds:

(1) Consideration of the protest of Highlands as a petition to intervene may be in the public interest.

(2) Participation in this proceeding of Highlands and the EMC's may be in the public interest.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission request offers of proof from the above-named petitioners and the Commission staff concerning the lawfulness of Nantahala proposed changes in rates and charges contained in the proposed tariff sheets listed in footnote 1, and that the tendered changes therein be suspended and the use thereof deferred as hereinafter provided.

(4) The placing of the tariff changes applied for in this proceeding into effect, subject to refund with interest while pending Commission determination as to their justness and reasonableness, is consistent with the purpose of the Economic Stabilization Act of 1970, as amended.

The Commission orders:

(A) The proposed revised tariff sheets listed in footnote 1, tendered for filing on December 29, 1972, are accepted for filing subject to the terms and conditions of this order.

(B) EMC's motion to reject is hereby denied.

(C) The protest of the town of Highlands, N.C., filed in this proceeding constitutes a petition to intervene in this proceeding.

(D) The petitions to intervene are filed by Highlands and the EMC's are hereby granted subject to the Commission's rules of practice and procedure; *Provided, however,* The participation of such intervenors shall be limited to matters affecting asserted rights and interest specifically set forth in their petitions to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any orders entered in this proceeding.

(E) No more than thirty (30) days after the issuance of this order, the Commission Staff and the above-named intervenors shall submit offers of proof as to the lawfulness of the proposed rate increases from which the Commission can make a filing as to the necessity of an evidentiary hearing.

(F) Not more than fifteen (15) days after the service of such offers of proof, Nantahala may file its answer to such pleadings.

(G) Pending a final decision in this proceeding, Nantahala's proposed revised tariff sheets listed in footnote 1 are suspended and the use thereof deferred until March 30, 1973, subject to refund as provided by section 205(e) of the Federal Power Act and the regulations thereunder.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-6205 Filed 3-30-73;8:45 am]

[Docket No. E-7737]

ORANGE & ROCKLAND UTILITIES, INC.

Filing of Letter Agreements

MARCH 27, 1973.

Take notice that on March 20, 1973, Orange & Rockland Utilities, Inc. (O&R) tendered for filing a letter agreement between O&R and Rockland Electric Co. (Rockland), dated March 15, 1973, and Pike County Light & Power Co. (Pike). These letter agreements amend outstanding contracts between the parties providing for the sale of power by O&R to its wholly owned subsidiary, Rockland, and to Pike. The contracts are the subject of Docket No. E-7737.

On June 2, 1972, O&R tendered for filing a proposed amendment to the contract which would have increased the rate of return thereunder to 9 percent. On October 6, 1972, O&R tendered an additional amendment to the contracts which would have included in O&R's plant investment allocable to Rockland and Pike a portion of O&R's plant under construction. The effective date of these changes was postponed until April 6, 1973, by the Commission's order of November 3, 1972.

O&R states that it feels that a settlement can be achieved in this docket. O&R now proposes that such a settlement include reduction of the rate of return from 9 percent to 8.3 percent, and deletion of the provision for including plant under construction in plant investment.

Since the contract now on file will become effective on April 6, 1973, and since any settlement cannot be finalized and approved prior to April 6, 1973, the instant filing is being made in order to reduce the rate of return under the subject contract to 8.3 percent and to exclude plant under construction from plant investment, both effective as of April 6, 1973. If this filing is accepted by the Commission the effect will be to reduce the rates and charges to Rockland pending any settlement.

O&R states that a copy of the instant letter agreement has been supplied to Rockland Electric Co., the New Jersey Board of Public Utility Commissioners and the New York State Public Service Commission. With respect to Pike, O&R states that a copy of the letter agreement has been supplied to Pike, the Pennsylvania Public Utility Commission and the New York Public Service Commission. The filing includes a certificate of concurrence from Pike and from Rockland.

To enable O&R to reduce its charges for service to Rockland and Pike between April 6, 1973, and the effective date of any settlement or other disposition of the issues in this proceeding, O&R requests that these filings be given expedited treatment and that the notice requirements of § 35.3 of the Commission's regulations be waived pursuant to § 35.11.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street, NW., Washington, DC 20425, 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 April 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 filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-6278 Filed 3-30-73;8:45 am]

[Project 77]

PACIFIC GAS & ELECTRIC CO.

Notice of Issuance of Annual License

MARCH 27, 1973.

On May 1, 1970, Pacific Gas & Electric Co., Licensee for Potter Valley Project No. 77 located on the Eel and Russian Rivers in the Mendocino National Forest, Lake and Mendocino Counties, Calif., filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6).

The license for Project No. 77 was issued effective April 15, 1922, for a period ending April 14, 1972. 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 Pacific Gas & Electric Co. for continued operation and maintenance of Project No. 77.

Take notice that an annual license is issued to Pacific Gas & Electric Co. (Licensee) under section 15 of the Federal Power Act for the period April 15, 1973, to April 14, 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 Potter Valley Project No. 77 subject to the terms and conditions of its present license.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-6273 Filed 3-30-73;8:45 am]

[Docket No. E-7978]

PUBLIC SERVICE ELECTRIC & GAS CO.

Proposed Changes in Rates and Charges

MARCH 27, 1973.

Take notice that Public Service Electric & Gas Co. (PSEG) on January 15, 1973, tendered for filing a supplemental agreement dated December 1, 1972, between Philadelphia Electric Co. (PEC) and PSEG, supplementing an interconnection agreement between PEC and PSEG dated January 13, 1956, as supplemented (PSEG FPC Rate Schedule No. 22). PSEG states that the documents submitted herewith are enumerated as follows:

1. Supplemental agreement between PEC and PSEG dated December 1, 1972, supplementing the interconnection agreement dated January 13, 1956, as supplemented.
2. Schedule 1.01 describing the facilities provided by PEC.
3. Schedule 201 describing the facilities provided by PSEG.
4. Schedule 3.01, shows the determination of the revised monthly settlement under the terms and conditions of said supplemental agreement.

PSEG requests that the supplemental agreement and the schedules attached be allowed to become effective as of the date of regular service which occurred on April 3, 1971.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 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 April 12, 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.73-6277 Filed 3-30-73;8:45 am]

[Docket No. E-7839]

PUGET SOUND POWER & LIGHT CO.

Notice of Application

MARCH 23, 1973.

Take notice that on November 24, 1972, Puget Sound Power and Light Co. (Applicant) filed an application pursuant to section 203 of the Federal Power Act for authorization to purchase Bonneville Power Administration's Sedro Woolley Tap Line, a short section of 230 kv. transmission line for an aggregate total price of $300,000.

The facility to be transferred are located in Snohomish County in Western Washington which consist of one section of 230 kv. line, 4.43 miles in length, which extends southeasterly from the termination of Applicant's main Sedro Woolley 230 kv. line to Bonneville system approximately 1 mile northeast of Bonneville's Snohomish substation. The facility is designated Sedro Woolley Tap Line I-WASH-815.

The application states in part that on January 19, 1967, the Applicant and Bonneville entered into a letter agreement which outlined and coordinated the parties future 230 kv. transmission line construction plan and the Puget Sound area, including the subject line. Pursuant to that agreement a transfer agreement relating to the monthly rent to be paid by the Applicant for the use of the subject line was executed April 12, 1968. This agreement became effective December 16, 1967, and the subject line has been in continuous service by the Applicant at that time. During the period of the agreement Applicant has been making monthly payments for the use of the line.

In October 1972, the Company made the formal offer to purchase the line, which was accepted by the General Service Administration. In addition Bonneville has declared that the subject line to be in excess of its needs. Upon purchase of line by the Applicant there will be no change in its operation.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 2, 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 a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6207 Filed 3-30-73;8:45 am]

[Dockets Nos. RP72-125, RP72-128]

TRANSWESTERN PIPELINE CO.

Proposed Tariff Change

MARCH 27, 1973.

Take notice that on March 12, 1973, Transwestern Pipeline Co. submitted for filing as part of its FPC Gas Tariff, First Revised Volume No. 1, the following:

Fourth Revised Sheet No. 1-A.
Fifth Revised Sheet No. 3.

The company states that the purpose of this filing is to bring up to date the Table of Contents and System Map. The proposed effective date of these sheets is April 15, 1973.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 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 April 10, 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.73-6274 Filed 3-30-73;8:45 am]

[Dockets Nos. RP71-29, RP71-120]

UNITED GAS PIPE LINE CO.

Proposed Tariff Filing

MARCH 27, 1973.

Take notice that on March 13, 1973, United Gas Pipe Line Co. (United), pursuant to Opinion No. 647 issued in these dockets on January 12, 1973, filed revised tariff sheets[1] to its FPC Gas Tariff, First Revised Volume No. 1. The revised tariff sheets shall become effective upon Commission order accepting said filing. The changes contained in these tariff sheets embody United's amended curtailment plan, which is set forth in a new section 12 of the General Terms and Conditions.

United also submits a proposed interim curtailment program, which it intends to effectuate should the Commission order curtailment under the five priorities in FPC Opinion No. 647 prior to compilation of end use data.

The above describes, in part, United's instant filing. The complete proposal is on file with the Commission and is available for public inspection.

United states that copies of the filing have been mailed to State commissions and all customers and parties shown on its service list.

Any person desiring to be heard or to make any protest with reference to this filing should on or before April 10, 1973, file with the Federal Power Commission, 441 G Street NW., Washington, DC 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 protestants parties to the proceeding. Persons wishing to participate as parties in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6276 Filed 3-30-73;8:45 am]

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[1] Fourth Revised Sheet No. 71, Sixth Revised Sheet No. 72, Third Revised Sheet No. 72-A, Original Sheet No. 72-B, and Original Sheet No. 72-C.

[Project 400, etc.]

WESTERN COLORADO POWER CO. AND UTAH POWER & LIGHT CO.

Application for Transfer of Major License, Minor License, and Minor-Part Transmission Line License

MARCH 26, 1973.

Public notice is hereby given that application was filed on January 16, 1973, under the Federal Power Act (16 U.S.C. 791a–825r) by the Western Colorado Power Co. and Utah Power & Light Co. (Correspondence to: Sidney G. Baucom, Vice President and General Counsel, Utah Power & Light Co., P.O. Box 899, Salt Lake City, UT 84110 and Thomas W. Forsgren, Attorney, Utah Power & Light Co., P.O. Box 899, Salt Lake City, UT 84110) for transfer of major license, minor license, and minor part transmission line license for Project Nos. 400, 733, and 734.

Utah Power & Light Co. seeks Commission authorization to acquire all assets together with franchise, rights of way and certificates of public convenience and necessity held and owned by its wholly owned subsidiary. The Western Colorado Power Co. Therefore, transferor and transferee have jointly requested that transferor's licenses for Project Nos. 400, 733, and 734 be transferred to transferee.

The Tacoma-Ames Project No. 400 is located on the Animas River, Lake Fork and Howard's Fork of the San Miguel River in La Plata, San Juan and San Miguel Counties, Colo. The original major license for this project expired on June 30, 1970, and the project is currently operating under annual license.

The Tacoma Development consists of five dams, 32,000 feet of conduits, penstocks, and flumes diverting water from Cascade Creek and Cascade Reservoir to a powerhouse on the Animas River having a generating capacity of 8,000 kw. and two 46 kv. transmission lines.

The Ames Development consists of three dams, 23,000 feet of conduits, penstocks and a tunnel diverting water from Howard's Fork and Lake Fork of the San Miguel River to a powerhouse on the South Fork of the San Miguel River having a generating capacity of 3,600 kw., one 46 kv. transmission line and three 12.5 kv. transmission lines.

The Ouray Plant Project No. 733 is located on the Uncompahgre River in Ouray County, Colo. The original minor license expired on April 12, 1970, and the project is currently operating under annual license. The Ouray Plant Project consists of a diversion dam, 6,100 feet of pipeline and penstock and a powerhouse containing a 432 kw. generating unit.

Project No. 734 is located in Delta, Gunnison, La Plata, Montrose, Ouray, San Juan and San Miguel Counties, Colo. The original minor-part transmission line license expired on June 30, 1970, and no annual license has been issued.

This project consists of four 46 kv. transmission lines, eight 17 kv. transmission lines, five 12.5 kv. transmission lines and two telephone lines.

Any person desiring to be heard or to make protest with reference to said application should on or before April 30, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6272 Filed 3-30-73;8:45 am]

[Docket No. E-7979]

WISCONSIN MICHIGAN POWER CO. AND WISCONSIN ELECTRIC POWER CO.

Application for Change in Rate Schedule

MARCH 23, 1973.

Take notice that on January 15, 1973, Wisconsin Michigan Power Co. (Applicant), filed in Docket No. E-7979, pursuant to § 35.13 of the regulations issued under the Federal Power Act, an application for Commission approval of a power supply agreement, dated December 29, 1972, between Applicant and Wisconsin Electric Power Co. (Wisconsin Electric). The aforementioned agreement, a copy of which was filed as an exhibit to the application, supersedes the Interconnection and Electric Service Agreement, dated August 17, 1966, and the amendments thereto, designated in Wisconsin Michigan Power Co. Rate Schedule FPC No. 54 and Wisconsin Electric Power Co. Rate Schedule FPC No. 29. The subject agreement became effective on January 1, 1973. On January 16, 1973, Wisconsin Electric filed a certificate of concurrence in the application filed in Docket No. E-7979.

According to the application, the differences between the superseded and the new agreement are as follows:

(a) Elimination of all service schedules and their specific terms and conditions applicable to the interchange of power and energy.

(b) Adoption of a system of bulk power supply arrangement which would allocate equitably between the parties the fixed and variable expenses of the system.

(c) Elimination of annual fixed charges for special terminal facilities installed by Wisconsin Electric for the benefit of Applicant.

(d) Replacement of the activities of the Planning and Operating Committees by Wisconsin-Upper Michigan Systems (WUMS), an organization established to promote coordination of planning, design, construction and operation of generation and transmission facilities.

Furthermore, Applicant requests, pursuant to § 35.11 of the regulations issued under the Federal Power Act, that the Commission waive the 30-day notice requirement of section 205(d) of the Federal Power Act.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 30, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or 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. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6203 Filed 3-30-73;8:45 am]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR, Part 519), and Administrative Order No. 621 (36 FR 12819), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly rates lower than the minimum wage rates otherwise applicable under section 6 of the act. While effective and expiration dates are shown for those certificates issued for less than a year, only the expiration dates are shown for certificates issued for a year. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base year; or provide the same standards authorized in certificates previously issued to the establishment.

Arfsten's, variety-department store; 314 West 63d, Kansas City, MO; 12-22-73.

Art's Super Valu, foodstore; 116 Lindbergh Drive, Little Falls, MN; 1-31-74.

B & W Super Market, foodstore; Bethel, N.C.; 1-31-74.

Barbara Joyce Shoppes, restaurant; Fayette Plaza, Uniontown, Pa.; 1-10-74.

Basha's, foodstores, 12-31-73, except as otherwise indicated: No. 4, Casa Grande, Ariz.; No. 1, Chandler, Ariz.; Nos. 2, 10, and 17, Mesa, Ariz.; No. 18, Phoenix, Ariz.; Nos. 3, 5, 8, 9, 12, 13, and 15, Phoenix, Ariz. (1-15-73 to 12-31-73); Nos. 7 and 16, Scottsdale, Ariz.; No. 6, Tucson, Ariz.

Ben Franklin, variety-department stores, 2-9-74: No. 1025, Chicago, Ill.; No. 376, Flint, Mich.

Bernhardt Hardware Co., Inc., hardware store; 113-115 North Main Street, Salisbury, NC; 1-31-74.

Best Super Market, foodstore; 555 East Fifth Street, Tucson, AZ; 12-31-73.

Blackburn Jobbing Co., foodstore; Mountain City, Tenn.; 1-4-74.

Campbells Clothes 'N Things, Inc., variety-department store; 51 South Brown Street, Rhinelander, WI; 12-30-73.

Carlton's Foodland, foodstore; Highway 64 East, Somerville, TN; 1-11-74.

Carr's Cash & Carry, foodstore; 316 West Main, Lumberton, MS; 1-18-74.

Carson Pirie Scott and Co., variety-department store; 124 West Adams, Peoria, IL; 1-31-74.

Colonial Manor Nursing Home, Inc., nursing home; Glover, Vt.; 1-13-74.

Cooper & Ratcliff, Inc., foodstore; Brookdale Road, Martinsville, Va.; 1-1-74.

Coplon-Smith Co., apparel store; 232 Middle Street, New Bern, NC; 1-31-74.

Country School, restaurant; 4511 First Avenue, Evansville, IN; 1-14-74.

D & D Enterprises, Inc., restaurant; 324 Wesleyan Park Plaza, Owensboro, KY; 1-14-74.

Davis 5 & 10¢ Store, variety-department store; 4061 Barrancas Avenue, Warrington, FL; 1-31-74.

Deelene Corp., restaurant; 1423 Laurel Avenue, Bowling Green, KY; 1-8-74.

Denmark's Department Store & Furniture Mart, variety-department store; Brooklet, Ga.; 12-22-72 to 12-15-73.

Dick's Super Market, foodstores, 12-25-73; 1381 South Iowa, Dodgeville, WI; 255 McGregor Plaza, Platteville, WI.

Dyche Jones Food Store, foodstore; No. 4, Manchester, Ky.; 1-15-74.

Eagle Stores Co., Inc., variety-department stores: 217 East Main Street, Forest City, NC, 1-31-74; 624 McGregor Street, Pageland, SC, 2-9-74.

H. D. Eanes Grocery, foodstore; Bassett, Va.; 1-2-74.

Edward's, Inc., variety-department stores, 2-14-74: Highway 701 North, Georgetown, S.C.; 1244 Wilson Road, Newberry, SC.

Eigenrauch's Tom Boy, foodstore; 121 East St. Louis Street, Nashville, IL; 1-16-74.

Ernst Foods, foodstore; Nixon, Tex.; 1-12-74.

Flynn Super Market, foodstore; 116 North Main, Pocahontas, IA; 1-17-74.

Franz Store, foodstore; Mountain Lake, Minn.; 1-31-74.

Golden Arches, Inc., restaurant; 2010 Highway 41 North, Evansville, IN; 1-31-74.

Good Samaritan Home and Center, nursing home; 322 South Seventh Street, Wymore, NE; 12-28-73.

The Good Samaritan Village, nursing home; Hastings, Nebr.; 12-22-73.

W. T. Grant Co., variety-department stores: No. 933, Jacksonville, Fla., 1-26-74; No. 737, Kokomo, Ind., 1-2-74; No. 381, Elizabeth, N.J., 1-28-74; No. 3554, Bristol, Pa., 1-15-74; No. 460, Burnham, Pa., 12-31-73.

Hawkins Big Star, foodstore; Somerville, Tenn.; 1-18-74.

H. E. B. Food Store, foodstores: No. 94, Portland, Tex., 1-8-73 to 1-2-74; No. 67, San Antonio, Tex., 12-30-73.

Hoosier Drugs, drugstore; 1301 119th Street, Whiting, IN; 2-8-74.

Jack's Market, foodstore; 214 Main Street, Fowler, CO; 1-13-74.

Just Rite, Inc., restaurants, 1-29-74: 103 West South Boulevard, Crawfordsville, IN; 1999 Fort Harrison Road, Terre Haute, IN.

L. Kittner's Department Store, Inc., variety-department store; 217 Washington Avenue, Weldon, NC; 1-25-74.

Klaus Department Store, variety-department store; 2865 North Milwaukee Avenue, Chicago, IL; 1-18-74.

S. S. Kresge Co., variety-department stores: No. 4087, Florence, Ala., 12-31-73; No. 4312, Huntsville, Ala., 1-17-74; No. 4403, Bradenton, Fla., 1-31-74; No. 4390, Orlando, Fla., 1-14-74; No. 4072, Atlanta, Ga., 1-31-74; No. 4641, Canton, Ill., 12-28-73; No. 445, Chicago, Ill., 1-16-74; No. 4564, Chicago, Ill., 1-1-74; No. 4593, Chicago, Ill., 1-13-74; No. 4211, Chicago Heights, Ill., 1-17-74; No. 4221, Collensville, Ill., 1-2-74; No. 4262, Dolton, Ill., 1-5-74; No. 4324, Downers Grove, Ill., 2-14-74; No. 4228, Wheeling, Ill., 12-22-73; No. 4377, Bloomington, Ind., 1-1-74; No. 4073, Clarksville, Ind., 1-2-74; No. 4587, Hammond, Ind., 1-3-74; No. 4039, South Bend, Ind., 2-6-74; No. 117, Terre Haute, Ind., 2-5-74; No. 4379, Lafayette, La., 12-21-73; No. 560, Detroit, Mich., 1-16-74; No. 4027, Detroit, Mich., 1-10-74; No. 699, Drayton Plains, Mich., 1-16-74; No. 4040, Flint, Mich., 1-22-74; No. 4066, Jackson, Mich., 1-2-74; No. 4602, Marquette, Mich., 1-21-74; No. 4015, Port Huron, Mich., 1-7-74; No. 4038, Saginaw, Mich., 2-5-74; No. 4310, Fayetteville, N.C., 12-21-72 to 11-9-73; No. 4057, Fargo, N. Dak., 12-26-73; No. 495, Akron, Ohio, 1-2-74; No. 4529, Ashland, Ohio, 1-11-74; No. 604, Columbus, Ohio, 1-22-74; No. 541, Marietta, Ohio, 12-21-73; No. 4169, Massillon, Ohio, 1-18-74; No. 4317, Florence, S.C., 2-1-74; No. 4033, Knoxville, Tenn., 12-22-73; No. 4370, Arlington, Tex., 12-26-73; No. 4541, Racine, Wis., 1-13-74.

Lesman's Market, Inc., foodstore; 119 East Patterson Street, Kalamazoo, MI; 2-5-74.

Lord's Market, foodstore; Bangor, Maine; 12-27-73.

Louis Weiner Memorial Hospital & Nursing Home, hospital; Marshall, Minn.; 1-31-74.

Lydia Mills Store, variety-department store; Poplar Street, Clinton, S.C.; 1-31-74.

McCrory-McLellan-Green Store, variety-department stores: No. 304, El Dorado, Ark., 12-28-73; No. 221, Fort Lauderdale, Fla., 1-1-74; No. 211, Zephyr Hills, Fla., 1-31-74; No. 1031, Atlanta, Ga., 12-22-72 to 12-11-73; No. 1064, Des Moines, Iowa, 12-29-73; No. 237, Salisbury, Md., 1-10-74; No. 357, Trenton, N.J., 12-31-73; No. 566, Farmington, N. Mex., 1-8-74; No. 125, Hamilton, Ohio, 12-21-73; No. 1079, Ashland, Wis., 1-31-74.

McDonald's Hamburgers, restaurants: 4701 Lincoln Avenue, Evansville, IN, 1-14-74; 10302 East 40 Highway, Independence, MO, 1-12-74.

Mac's Store, foodstore; 202 Thomas Avenue, Chickamauga, GA; 1-31-74.

Mapes Nursing Home, nursing home; 609 18th Street, Hawarden, IA; 12-28-73.

Marjuran Corp., restaurant; 2500 South Kentucky Avenue, Evansville, IN; 12-27-73.

Mason Food Market, foodstore; 115 South Woodland, Riceville, IA; 1-9-74.

Meeker County Memorial Hospital, hospital; 612 South Sibley, Litchfield, MN; 1-28-74.

Mercy Hospital, hospital; East Seventh Street, Devils Lake, N. Dak.; 1-11-74.

Milaca Area Hospital, hospital; 150 10th Street NW., Milaca, MN; 1-31-74.

Morgan & Lindsey, Inc., variety-department stores: No. 3063, Thibodaux, La., 1-1-74; No. 3041, Kosciusko, Miss., 1-18-74.

G. C. Murphy Co., variety-department stores, 1-31-74, except as otherwise indicated: No. 322, Terre Haute, Ind. (2-4-74); No. 344, Minneapolis, Minn.; No. 333, Gastonia, N.C. (1-17-74); No. 69, Lebanon, Ohio; No. 804, Youngstown, Ohio; No. 346, Anderson, S.C. (1-14-74); No. 25, Vinton, Va. (1-14-74); No. 191, Sheboygan, Wis. (2-4-74).

New York Food Store, Inc., foodstore; 117 Nassau Street, Charleston, SC; 1-23-74.

Parks Food Center, Inc., foodstore; 4014 North Cherry Street, Winston-Salem, NC; 2-1-74.

Piggly Wiggly, foodstore; Hemingway, S.C.; 1-9-73 to 1-4-74.

Pleasure Ridge Super Market, foodstore; 4838 Maryman Road, Louisville, KY; 1-1-74.

Powell's Red & White, foodstore; St. Stephen, S.C.; 1-31-74.

Prenger's IGA Foodliner, foodstore; Centralia, Mo.; 12-28-73.

Quinn Bros. Supermarket, foodstore; 610 Southwest Third Street, Alesо, IL; 1-12-74.

R & C Distributors, Inc., variety-department store; 2101 North Topeka Boulevard, Topeka, KS; 1-2-73 to 11-30-73.

Rayless Department Store, variety-department stores, 1-31-74: Cedartown Shopping Center, Cedartown, Ga.; 438 North Commerce Street, Summerville, GA; Corner Main and Second Avenue, Lexington, N.C.

Rose's Stores, Inc., variety-department store; No. 19, Scotland Neck, N.C.; 1-1-74.

St. Paul Hermitage, nursing home; 501 North 17th Avenue, Beech Grove, IN; 1-31-74.

Sanitary Bakery, foodstore; 121 East Broadway, Little Falls, MN; 1-31-74.

Savitz Drug Store, Inc., drugstore; 139 Court Square, Abbeville, SC; 1-6-74.

Schensul's Cafeteria, Inc., restaurants, 1-31-74: 3635 28th Street, Grand Rapids, MI; 1036 28th Street SW., Wyoming, MI.

Serv-All Thriftway Food Market, foodstore; 310 East Austin Street, Kermit, TX; 12-23-73.

Shines Thriftway, foodstore; 105 South Michigan Avenue, Manton, MI; 1-31-74.

Smathers Market, foodstore; 118 Main Street, Canton, NC; 1-22-74.

Spurgeon's, variety-department stores: 804 North Side Square, Clinton, IL, 1-23-74; 250 East Lincoln Highway, De Kalb, IL, 1-24-74; 713 Story Street, Boone, IA, 12-26-73; 117 North Maple, Creston, IA, 12-29-73; 814 Avenue G, Fort Madison, IA, 12-29-73; 911 Main Street, Grinnell, IA, 1-9-74; 620 West Sheridan, Shenandoah, IA, 1-15-74.

T. G. & Y. Stores Co., variety-department stores, 1-14-74, except as otherwise indicated: No. 254, Fort Smith, Ark.; No. 756, Cocoa Beach, Fla. (1-31-74); No. 296, Kansas City, Mo. (12-22-73); No. 458, Anadarko, Okla.

Taylor Drug Store, drugstore; G-5543 Richfield Road, Flint, MI; 2-27-74.

Templeton-Kimbrough Pharmacy, drugstore; 1718 Campus Court, Abilene, TX; 12-6-73.

Town 'N Country Restaurant, restaurant; 2104 West 12th Street, Sioux Falls, SD; 1-15-74.

Tranquility Nursing Home, nursing home; 50 Randolph Avenue, Randolph, VT; 1-7-74.

T. A. Turner & Co., Inc., variety-department store; Pink Hill, N.C.; 1-31-74.

V & S Foodtown, foodstore; Sam Smith and Leo Victory, Obion, Tenn.; 12-27-73.

Wabasha Super Valu, foodstore; Wabasha, Minn.; 1-21-74.

Wagner's Supermarket, Inc., variety-department store; 523 Nebraska Avenue, Arapahoe, NE; 1-13-74.

Washington Nursing Center, Inc., nursing home; 1110 New Castle Road, Washington, IL; 1-31-74.

Westoaks, Inc., restaurant; No. 1, Oklahoma City, Okla.; 1-7-74.

Westside Grocery, foodstore; 1020 West First Street, Abilene, KS; 1-9-74.

Westside Market, foodstore; Marion, Ky.; 1-18-74.

Whittaker, Inc., foodstore; Oklahoma City, Okla.; 1-18-74.

Wil-Mar Convalescent Home, nursing home; 45305 Cass Avenue, Utica, MI; 2-10-74.

Wolter's, variety-department store; Gibbon, Minn.; 1-19-74.

Wood's 5 & 10¢ Stores, Inc., variety-department store; Tri City Shopping Center, Rockingham, N.C.; 1-2-73 to 12-31-73.

Younker Brothers, Inc., variety-department store; 150 Central Park, Omaha, NE; 1-1-74.

Zumbrota Super Valu, foodstore; Zumbrota, Minn.; 1-21-74.

The following certificates issued to establishments permitted to rely on the base-year employment experience of others were either the first full-time student certificates issued to the establishment, or provide standards different from those previously authorized. The certificates permit the employment of full-time students at rates of not less than 85 percent of the applicable statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

Bashas', foodstores, for the occupations of cleanup, carryout, janitorial, 15 percent; 2-14-74: No. 20, Glendale, Ariz.; No. 19, Tempe, Ariz.

Burger King, restaurant; 1326 LaPorte Road, Waterloo, IA; general restaurant worker; 27 to 61 percent; 1-14-74.

Dairy Queen, restaurant; 239 West Mill, Liberty, MO; general restaurant worker; 27 to 61 percent; 1-31-74.

Daniel Bestway Super Market, foodstore; Collinwood, Tenn.; stock clerk carryout; 19 to 20 percent; 1-14-74.

Dan's Free Car Wash, car wash; Westerville Square Shopping Center, Westerville, Ohio; service station attendant; 46 to 50 percent; 1-7-74.

Elwood Care Center, nursing home; Elwood, Nebr.; kitchen aide, dining room aide, housekeeping aide; 5 to 8 percent; 1-14-74.

Grandview Drug Co., drugstore; 486 North Grandview Avenue, Dubuque, IA; cashier; 21 to 30 percent; 1-14-74.

H. E. B. Food Store, foodstores, for the occupations of sacker, bottle clerk, package clerk, 10 percent, 1-31-74; No. 32, Austin, Tex.; Nos. 133 and 134, San Antonio, Tex.

Hoffman's Professional Pharmacy, drugstore; 1500 Seventh Avenue, Beaver Falls, PA; salesclerk, stock clerk, fountain clerk; 12 percent; 1-14-74.

IGA Market, foodstore; Highway 33, Maynardville, Tenn.; bagger, stock clerk; 15 percent; 1-31-74.

J.A.D.S., Inc., restaurant; 501 42d Avenue, East Moline, IL; general restaurant worker; 27 to 61 percent; 1-31-74.

JustRite, Inc., restaurant; 350 East Broadway, Shelbyville, IN; general restaurant worker; 39 to 70 percent; 1-31-74.

Kinsman Pharmacy, drugstore; Public Square, Kinsman, Ohio; cleanup, fountain clerk, cigarette counter clerk; 12 to 20 percent; 1-7-74.

S. S. Kresge Co., variety-department stores: No. 3007, North Little Rock, Ark., salesclerk, stock clerk, checker-cashier, office clerk, maintenance, 2 to 15 percent, 1-14-74; No. 3078, Boca Raton, Fla., salesclerk, 7 to 21 percent, 2-14-74; No. 3059, St. Paul, Minn., salesclerk, stock clerk, office clerk, checker-cashier, 22 to 32 percent, 1-31-74; No. 4473, Tulsa, Okla., salesclerk, 7 to 27 percent, 1-14-74.

Larry McClains—The Campsite, Inc., trailer sales; 7100 West Reno, Oklahoma City, OK; stock clerk, lot attendant, service helper; 5 to 10 percent; 12-31-73.

Master Mart, variety-department stores, for the occupations of stock clerk, wrapper, errand clerk, price marking clerk, customer courtesy clerk, 12 to 22 percent: 519 North First, Hiawatha, KS, 12-31-73; 439 East 29th, Topeka, KS, 1-31-74.

McCrory-McLellan-Green Stores, variety-department stores, for the occupations of salesclerk, stock clerk, office clerk, 2-14-74, except as otherwise indicated: No. 65, Fort Lauderdale, Fla., 13 to 27 percent; No. 60, Lyndhurst, N.J., 19 to 29 percent (12-31-73); No. 22, Uniontown, Pa., 0 to 20 percent (salesclerk, stock clerk); No. 4, Springfield, Va., 7 to 21 percent (salesclerk, stock clerk).

McDonald's Hamburgers, restaurant; 10815 West 63d Street, Shawnee, KS; general restaurant worker; 4 to 31 percent; 12-31-73.

Minyard Food Stores, Inc., foodstore; 4202 Pioneer Road, Balch Springs; TX; bagger, carryout, salesclerk; 11 to 16 percent; 2-28-74.

Morgan & Lindsey, variety-department store; 432 North Church Street, Louisville, MS; salesclerk, stock clerk, office clerk; 8 to 31 percent; 2-14-74.

M. E. Moses Co., variety-department store; No. 16, Lewisville, Tex.; salesclerk, stock clerk, checkout register operator; 22 to 30 percent; 2-14-74.

Mr. H's Food & Beverage Center, foodstore; 7620 West Burleigh, Milwaukee, WI; bagger, cleanup, carryout, stock clerk; 17 to 23 percent; 1-14-74.

Mr. Quick, restaurant; 3924 North Division, Davenport, IA; general restaurant worker; 27 to 61 percent; 1-14-74.

G. C. Murphy Co., variety-department stores, salesclerk, stock clerk, office clerk, janitorial, 1-14-74: No. 810, Pekin, Ill.; No. 812, Butler, Pa.

New Haven Super Market, Inc., foodstore; New Haven, W. Va.; cashier, carryout, stock clerk; 15 to 25 percent; 1-14-74.

Roses's Stores, Inc., variety-department stores, for the occupations of salesclerk, stock clerk, checker, order writer, window trimmer, merchandise marker, 13 to 32 percent, 2-8-74, except as otherwise indicated: No. 236, Athens, Ga.; No. 231, Macon, Ga. (1-31-74); No. 233, Corbin, Ky. (salesclerk, stock clerk, 3 to 13 percent); No. 230, Slidell, La. (2-14-74).

Schensul's Cafeteria, restaurants, for the occupation of general restaurant worker, 49 to 77 percent, 1-31-74: 139 West Main Mall, Kalamazoo, MI; 28th Street SE., Kentwood, MI; 1036 28th Street SW., Wyoming, MI.

St. Anthony's Hospital, hospital; Second and Adams Street, O'Neill, Nebr.; dietary aide, nurses' aide, housekeeping aide; 3 to 11 percent; 1-31-74.

T. G. & Y. Stores Co., variety-department stores, for the occupations of salesclerk, stock clerk, office clerk, 1-14-74, except as otherwise indicated: No. 1614, Pell City, Ala., 15 to 30 percent; No. 1410, Great Bend, Kans., 19 to 30 percent; No. 1409, Winfield, Kans., 14 to 30 percent; No. 1023, Tulsa, Okla., 24 to 30 percent (1-31-74).

Terrace Gardens Skilled Nursing Center, Inc., nursing home; 1301-15 North West Street, Wichita, KS; junior nurse's aide; 7 to 28 percent; 1-31-74.

Wall Lake Super Valu, foodstore; Wall Lake, Iowa; cashier, sacker, carryout, stock clerk; 32 to 46 percent; 1-14-74.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificate may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before May 2, 1973.

Signed at Washington, D.C., this 22d day of March 1973.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[FR Doc.73-6234 Filed 3-30-73;8:45 am]

FEDERAL MARITIME COMMISSION

CITY OF LONG BEACH AND SEA-LAND SERVICE, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 23, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Leonard Putnam, City Attorney, City of Long Beach, Suite 600, City Hall, Long Beach, CA 90802.

Agreement No. T-2401-2, between the City of Long Beach (City) and Sea-Land Service, Inc. (Sea-Land), modifies the basic agreement which provides for the

preferential assignment covering the lease to Sea-Land of premises located at Berths 227 to 230 inclusive, Pier G, for use as a marine terminal. The purpose of the modification is to provide for the prorationing of the monthly compensation in the event that less than the total area of Parcel I is delivered to Sea-Land.

Dated: March 27, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-6294 Filed 3-30-73;8:45 am]

PRUDENTIAL-GRACE LINES, INC., AND COMPANIA PERUANA DE VAPORES

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 23, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Harold T. Quinn, Esq., Barrett Smith Schapiro & Simon, 26 Broadway, New York, N.Y. 10004.

Agreement No. 9939-1, between Prudential-Grace Lines, Inc., and Compania Peruana De Vapores, modifies the approved basic pooling, sailing, and equal access to government-controlled cargo agreement, covering southbound cargo carried under local bills of lading from west coast U.S. ports to ports in Peru, by amending (1) Article 3 to provide that cargo destined for Bolivia but discharged at Peru is not deemed to be pool cargo; (2) Article 5 to reduce the minimum number of sailings of each party from 12 to 10 per year, and to provide that the parties will endeavor to coordinate sailings and terminal facilities so that sailings will be at equal intervals and from the same terminals so far as feasible; (3) Article 7 to provide that a party earning in excess of its pool share shall pay such excess to the other party in lieu of the present provision for payment to the other party of 20 percent of the gross revenue obtained in excess of its pool share, and to further provide that there shall be deducted from gross revenue of a party 40 percent thereof for direct costs relating to the cargo; (4) Article 8c. to provide for the appointment of an independent Pool Auditor, and to provide for the preparation of monthly and annual pool statements to be filed with the appropriate agencies of Peru and the United States; (5) Article 8f. to eliminate the deduction of $50,000 from the overcarrier's payment, and to provide that payment shall be made within 30 days after delivery of the annual pool statement, and if not made within such time the payment shall bear interest at the rate of 8 percent per annum thereafter; and (6) Article 17 to extend the term of the agreement until April 1, 1975, and also to provide that any further extension shall be subject to any required governmental approvals.

Dated: March 27, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-6295 Filed 3-30-73;8:45 am]

FEDERAL RESERVE SYSTEM

NEW JERSEY NATIONAL CORP.

Order Approving Acquisition of Underwood Mortgage & Title Co.

New Jersey National Corp., Trenton, N.J., 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 Underwood Mortgage & Title Co., Irvington, N.J. (Company), and to indirectly acquire through that acquisition: G. B. Underwood & Associates, Inc. (Underwood), and Bombast Corp. (Bombast), both of Irvington, N.J. Company engages in the origination and servicing of real estate mortgage loans for its own account and others. 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)). Underwood acts as a mortgage broker, arranging the sale and purchase of mortgages on a national basis. Bombast acquires for resale foreclosed properties under mortgages made by its parent company. Such activities are permissible as incidental to activities determined by the Board to be closely related to banking.

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (37 FR 24136). Subsequently, applicant withdrew its request to acquire an insurance agency subsidiary of Company, so that only the mortgage banking activities of Company and its subsidiaries, Underwood and Bombast, are dealt with herein. The time for filing comments and views has expired, and none relating to the mortgage banking activities of Company has been received.

Applicant controls two banks with aggregate deposits of $601 million, representing 3.4 percent of the total deposits in commercial banks in New Jersey. Applicant's lead bank, New Jersey National Bank, Trenton, N.J. (Bank), with deposits of $600.6 million, is the largest bank in the Trenton banking market, controlling 47 percent of commercial bank deposits in that market.[1] Bank is engaged in extending credit secured by real property through permanent mortgage loans on one-four family residential properties. It does not service loans for others nor at present own any nonbanking subsidiaries.

Company engages in extending credit secured by real property through (1) permanent mortgage loans on one-four family residential properties, and (2) permanent mortgage loans on income producing properties. Company also engages in mortgage servicing. Based upon a 1971 mortgage servicing portfolio of approximately $160 million, Company ranks as the fifth largest mortgage banking firm with offices in New Jersey and the 150th largest mortgage firm in the country.

Company's activity is principally confined to the Greater Newark market, while Bank operates in the Trenton and Asbury Park markets. Of Company's total mortgage originations of $60 million in 1971, only $2.4 million were derived from Bank's market areas. During the same period, Bank's mortgage originations approximated $30 million, of which only $213,000 were derived from the market served by Company. In view of the relatively large number of other mortgage lenders in these markets, elimination of this small amount of local competition would, in the Board's opinion, have no significantly adverse effect on mortgage lending in the area. Moreover, no significant potential competition would be foreclosed upon approval of the proposed transaction since it appears Company would have difficulty expanding into other markets without the infusion of additional capital and greater access to financial markets.

[1] Applicant's second bank, New Jersey National Bank of Princeton, Princeton Borough, N.J., is a new bank opened in Jan. 1973.

It appears that consummation of this proposed transaction would not result in any undue concentration of resources, conflicts of interests, unsound banking practices, or any other adverse effects on the public interest. However, approval of this proposal would make available to Company the financial resources and expertise of Bank and enable both to expand their services to the public and increase competition in their respective market areas.

Based upon the foregoing and applicant's commitment that Company will not acquire for investment equity participations in real estate through its subsidiary, Bombast, the Board has determined that the balance of the public interest factors it is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act, and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[2] effective March 23, 1973.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.73-6222 Filed 3-30-73;8:45 am]

SOUTHWEST BANCSHARES, INC.

Order Approving Acquisition of Bank

Southwest Bancshares, Inc., Houston, Tex., 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 by merger to Arlington Bank of Commerce, Arlington, Tex. (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 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, the fourth largest multibank holding company in Texas, controls 12 banks with aggregate deposits of $1,113 million, representing 3.7 percent of total deposits of commercial banks in the State. (All banking data are as of June 30, 1972, and reflect holding company formations and acquisitions approved by the Board through January 29, 1973.) Acquisition of Bank ($7.6 million of deposits) would increase applicant's share of deposits in the State insignificantly and its ranking among banking organizations in the State would be unchanged.

Bank, the fourth largest of five banking organizations in Arlington, Tex., controls approximately 5 percent of aggregate deposits of commercial banks in that community, which is located approximately halfway between Dallas and Fort Worth. Applicant has two subsidiaries in the Dallas-Fort Worth area, the First Denton County National Bank, Denton, Tex. ($36 million of deposits) located approximately 35 miles from Bank; and Continental National Bank ($194 million of deposits) located in downtown Fort Worth approximately 12 miles from Bank. No significant competition exists between Bank and either of applicant's nearest subsidiary banks. In view of Bank's small size, its primarily suburban-retail character and the presence of a large number of banks located in the intervening area, it does not appear that any significant competition would develop in the future between Bank and applicant's subsidiary banks.

On the basis of the record before it, the Board concludes that consummation of the proposed acquisition would not adversely affect present or potential competition in any relevant area.

Considerations relating to the financial and managerial resources and future prospects of applicant, its subsidiaries and Bank are regarded as satisfactory and consistent with approval. The Arlington area is the site of a new regional airport serving the Dallas-Fort Worth area. The additional economic development resulting from establishment of this facility can be expected to increase demands upon Bank and other banks in the area for banking services not presently available through these institutions. As a subsidiary of applicant, Bank would be able to draw upon applicant's pool of financial, managerial, and technical resources to provide additional banking services for residents of this area as demand develops. Convenience and needs considerations are therefore consistent with approval. 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 April 23, 1973, (b) later than June 25, 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 March 23, 1973.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.73-6223 Filed 3-30-73;8:45 am]

[2] Voting for this action: Vice Chairman Robertson, and Governors Mitchell, Brimmer, Sheehan, and Bucher. Absent and not voting: Chairman Burns and Governor Daane.

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Brimmer, Sheehan, and Bucher. Absent and not voting: Chairman Burns and Governor Daane.

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

ROCHESTER & PITTSBURGH COAL CO. ET AL.

Opportunity for Public Hearing

Applications for renewal permits for noncompliance with the Interim Mandatory Dust Standard (2.0 mg/m^3) have been received as follows:

(1) ICP Docket No. 20229, Rochester & Pittsburgh Coal Co., Margaret No. 7 Mine, USBM ID NO. 36 00322 0, Indiana, Pennsylvania.
Section ID No. 019-0 ("0" West, 3 South, 11 Right).
Section ID No. 020-0 ("0" West Rooms).
Section ID No. 021-0 (4 Butt 11 Left).
Section ID No. 023-0 (5 Butt 11 Left).

(2) ICP Docket No. 20259, Christopher Coal Co., Arkwright No. 1 Mine, USBM ID NO. 46 01452 0, Osage, W. Va.
Section ID No. 004-0 (8 East).
Section ID No. 009-0 (Main West).
Section ID No. 010-0 (7 North).
Section ID No. 011-0 (1 Left).
Section ID No. 012-0 (5 West).
Section ID No. 016-0 (8 North).
Section ID No. 017-0 (6 South).
Section ID No. 018-0 (1 West).

(3) ICP Docket No. 20278, Christopher Coal Co., Purglove No. 15 Mine, USBM ID NO. 46 01454 0, Osage, W. Va.
Section ID No. 007-0 (2 North).
Section ID No. 009-0 (11 North).
Section ID No. 010-0 (1 Right).
Section ID No. 011-0 (1A).
Section ID No. 012-0 (2 Right).

(4) ICP Docket No. 20279, Christopher Coal Co., Osage No. 3 Mine, USBM ID NO. 46 01455 0, Osage, W. Va.
Section ID No. 001-0 (Main West).
Section ID No. 002-0 (13 South).
Section ID No. 007-0 (3B).
Section ID No. 008-0 (10 North).
Section ID No. 012-0 (2B).
Section ID No. 014-0 (11 North).
Section ID No. 017-0 (19A).
Section ID No. 018-0 (1C).

(5) ICP Docket No. 20355, Smith & Baker Coal Co., Mine No. 11, USBM ID NO. 44 00347 0, Hurley, Va.
Section ID No. 001 (2 Left off 1 Main).

(6) ICP Docket No. 20385, Youghiogheny & Ohio Coal Co., Allison Mine, USBM ID NO. 33 01070 0, Beallsville, Ohio.

Section ID No. 004 (Main East).
Section ID No. 002 (North Returns).
Section ID No. 012 (4 East).
Section ID No. 013 (1 North).
Section ID No. 014 (5 East).
Section ID No. 015 (2 North).
Section ID No. 016 (3 North off 4 West).
Section ID No. 017 (3 North off Main East (Left Side)).
Section ID No. 018 (3 North off Main East (Right Side)).
(7) ICP Docket No. 20587, Youghiogheny & Ohio Coal Co., Nelms No. 2 Mine, USBM ID NO. 33 00968 0, Hopedale, Ohio.
Section ID No. 018 (Main East).
Section ID No. 013 (No. 4 South Pillars).
Section ID No. 012 (No. 1 West off No. 5 South).
Section ID No. 015 (No. 2 West off No. 5 South).
Section ID No. 017 (No. 3 West off No. 5 South).
Section ID No. 020 (No. 1 East off No. 5 South).
Section ID No. 014 (Main West).
Section ID No. 022 (Right Side Main East).
Section ID No. 023 (No. 1 South off No. 1 East).

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed on or before April 17, 1973. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, DC 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

MARCH 28, 1973.

[FR Doc.73-6227 Filed 3-30-73;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 73-27]

Notice of Meeting
NASA POST VIKING MARS SCIENCE ADVISORY COMMITTEE

will be admitted to the meeting beginning at 8:30 a.m. on both days, the agenda for which is noted below, on a

The NASA Post Viking Mars Science Advisory Committee serves in an advisory bers, plus a recording secretary, Brian on the continued exploration of the atmosphere, surface, and interior of Mars, and the search for evidence of life, following the Viking 1975 mission. The Committee is chaired by Dr. George Wetherill. Currently, there are 13 mem- Pritchard, who can be contacted for further information at 703-827-3431.

The following is the approved agenda and schedule for the April 12-13, 1973, meeting of the Post Viking Mars Science Advisory Committee:

The NASA Post Viking Mars Science capacity only. It serves to advise NASA first-come first-served basis up to the seating capacity of the room, which can accommodate about 60 persons.

Advisory Committee will meet on April 12-13, 1973, at the Headquarters of the National Aeronautics and Space Administration. The meeting will be held in Room 5026 of Federal Office Building 6, 400 Maryland Avenue SW., Washington, DC 20546. Members of the public

APRIL 12, 1973

Time	*Topic*
8:30 a.m.	Opening remarks—(Action: To preview the agenda and define objectives for this Committee meeting.)
8:45 a.m.	Working Session I—(Action: To review previous Committee discussions on the scientific objectives of Mars atmosphere, geology, and biology investigations, and proposed instrumentation to meet these objectives. The Committee will ultimately develop an integrated program for post Viking Mars exploration which will assist NASA in its planning for future planetary missions.)
1:00 p.m.	Planetary Biology Post Viking Instrumentation—(Action: To review current NASA research efforts directed toward the development of life detection and characterization instruments and to obtain the Committee's advice on its relevance to the scientific objectives for post Viking biological exploration of Mars.)
2:00 p.m.	Combined Pioneer-CSAD Mission—(Action: To seek the Committee's advice on the feasibility of using a pioneer-Capsule System Advanced Development type combined orbiter small hard lander as an alternative to a Viking spacecraft for a follow-on Mars mission.)
3:00 p.m.	Working Session II—(Action: To continue discussions toward the development of an integrated program for post Viking Mars exploration which will assist NASA in its planning for future planetary missions.)

APRIL 13, 1973

Time	*Topic*
8:30 a.m.	Working Session III—(Action: To continue discussion toward the development of an integrated program for post Viking Mars exploration which will assist NASA in its planning for future planetary missions.)
10:30 a.m.	Mars Sample Return Systems Study—(Action: To present to the Committee the results of a study describing and defining the systems requirements for a Mars sample return mission and to seek the Committee's recommendation as to the role such a mission might play in Mars exploration.)
12:30 p.m.	Working Session IV—(Action: To continue discussion toward the development of an integrated program for post Viking Mars exploration which will assist NASA in its planning for future planetary missions.)

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

MARCH 27, 1973.

[FR Doc.73-6265 Filed 3-30-73;8:45 am]

OFFICE OF EMERGENCY PREPAREDNESS

ALABAMA

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744); notice is hereby given that on March 27, 1973, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Alabama resulting from severe flooding and tornadoes beginning on or about March 14, 1973, are 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.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606) I hereby appoint Mr. William C. McMillen, Regional Director, OEP Region 4, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of Alabama to have been adversely affected by this declared major disaster.

THE COUNTIES OF:

Colbert	Limestone
Franklin	Madison
Jackson	Marion
Lauderdale	Morgan
Lawrence	Winston

Dated: March 27, 1973.

DARRELL M. TRENT,
Acting Director,
Office of Emergency Preparedness.

[FR Doc.73-6281 Filed 3-30-73;8:45 am]

MISSISSIPPI

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970, and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), notice is hereby given that on March 27, 1973, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Mississippi resulting from heavy rains and flooding beginning on or about March 14, 1973, are 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 Mississippi. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606) I hereby appoint Mr. William C. McMillen, Regional Director, OEP Region 4, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of Mississippi to have been adversely affected by this declared major disaster.

THE COUNTIES OF

Alcorn.	Lowndes.
Bolivar.	Monroe.
Clay.	Sunflower.
Grenada.	Tallahatchie.
Humphreys.	Tippah.
Itawamba.	Union.
Lauderdale.	Warren.
Lee.	Washington.
Leflore.	Yazoo.

Dated: March 27, 1973.

DARRELL M. TRENT,
Acting Director,
Office of Emergency Preparedness.

[FR Doc.73-6280 Filed 3-30-73;8:45 am]

TARIFF COMMISSION

WATCHES AND WATCH MOVEMENTS FROM INSULAR POSSESSIONS

Determination of Apparent 1972 Consumption and of 1973 Quotas for Duty-Free Entry

In accordance with headnote 6(c) of Schedule 7, Part 2, Subpart E, of the Tariff Schedules of the United States (TSUS), the Tariff Commission has determined that the apparent U.S. consumption of watch movements for the calendar year 1972 was 50,535 thousand units, and that the number of watches and watch movements, the product of the Virgin Islands, Guam, and American Samoa, which may be entered free of duty during the calendar year 1973 under headnote 6(b) of said Subpart E of the TSUS is as follows:

	Thousand units
Virgin Islands	4,913
Guam	468
American Samoa	234

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

MARCH 28, 1973.

[FR Doc.73-6238 Filed 3-30-73;8:45 am]

VETERANS ADMINISTRATION

CAREER DEVELOPMENT COMMITTEE

Continuation

Pursuant to the Federal Advisory Committee Act (Public Law 92-463), the Veterans Administration has determined that the continuation of the Veterans Administration Career Development Committee is in the public interest in connection with the performance of duties imposed on the Veterans Administration by law.

Signed at Washington, D.C., this 26th day of March 1973.

DONALD E. JOHNSON,
Administrator.

[FR Doc.73-6232 Filed 3-30-73;8:45 am]

COOPERATIVE STUDIES EVALUATION COMMITTEE

Continuation

Pursuant to the Federal Advisory Committee Act (Public Law 92-463), the Veterans Administration has determined that the continuation of the Veterans Administration Cooperative Studies Evaluation Committee is in the public interest in connection with the performance of duties imposed on the Veterans Administration by law.

Signed at Washington, D.C., this 26th day of March 1973.

[SEAL] DONALD E. JOHNSON,
Administrator.

[FR Doc.73-6233 Filed 3-30-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 210]

ASSIGNMENT OF HEARINGS

MARCH 28, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 15897 Sub 8, O. K. Transfer and Storage Co., now assigned May 9, 1973, MC 31462 Sub 18, Paramount Movers, Inc., now assigned May 14, 1973, MC 121281 Sub 5, Big Mac Trucking Co., a corporation, now assigned May 7, 1973, will be held in Room 5A15-17, New Federal Building, 1100 Commerce Street, Dallas, TX.

Ex Parte 287, In the Matter of Fred H. Mackenzen—Disbarment, now assigned April 26, 1973, at Los Angeles, Calif., is postponed indefinitely.

MC-29642 Sub 5, Five Transportation Co., now being assigned hearing June 4, 1973 (1 week), at Savannah, Ga., at the Ramada Inn, Route 17A, foot of Talmadge Bridge.

MC 117940 Sub 80, Nationwide Carriers, Inc., now being assigned June 11, 1973 (2 days), at St. Paul, Minn., in a hearing room to be later designated.

MC 61396 Sub 234, Herman Bros., Inc., MC 107496 Sub 839, Ruan Transport Corp., MC 103449 Sub 337, Indianhead Truck Line, Inc., MC 124078 Sub 518, Schwerman Trucking Co., now being assigned June 13, 1973 (3 days), at St. Paul, Minn., in a hearing room to be later designated.

MC 114211 Sub 185, Warren Transport, Inc., now being assigned June 18, 1973 (1 day), at St. Paul, Minn., in a hearing room to be later designated.

MC 114457 Sub 127, Dart Transit Co., now being assigned June 19, 1973 (1 day), St. Paul, Minn., in a hearing room to be later designated.

AB 7 Sub 6, Chicago, Milwaukee, St. Paul, and Pacific Railroad Co. abandonment between Isinours Junction and Caledonia, Fillmore, and Houston Counties, Minn., now being assigned June 21, 1973 (2 days), at Caledonia, Minn., in a hearing room to be later designated.

MC 136693, Robert A. Doty, doing business as D. & D. Delivery Service, now assigned June 4, 1973, at Dallas, Tex., will be held in the Tax Courtroom, U.S. Post Office and Courthouse Building, Bryan and Ervay Streets, Dallas, Tex.

MC 108207 Sub 363, Frozen Food Express, Inc., now assigned June 6, 1973, MC 136972, Midwest Contract Carriers, Inc., now assigned June 11, 1973, will be held at the Tax Courtroom, U.S. Post Office and Courthouse Building, Bryan and Ervay Streets, Dallas, Tex.

MC 136468 Sub 1, Virginia Air Freight Inc., now being assigned continued hearing April 25, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 138141, Louis Sanitora, Jr., doing business as AAA United Limousine Service, now assigned April 24, 1973, will be held at the Tax Courtroom, Federal Office Building, 970 Broad Street, Newark, N.J.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-6292 Filed 3-30-73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 28, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed on or before April 17, 1973.

FSA No. 42651—Rice mill feed from Stuttgart, Ark. Filed by Southwestern Freight Bureau, agent (No. B-395), for interested rail carriers. Rates on rice mill feed, pelletized, in bulk, in covered hopper cars, as described in the application, from Stuttgart, Ark., to specified points in Kansas, Oklahoma, and Texas, when destined beyond via truck.

Grounds for relief—Motortruck competition.

Tariff—Supplement 98 to Southwestern Freight Bureau, agent, tariff ICC 4803. Rates are published to become effective on May 5, 1973.

By the Commission.

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

[FR Doc.73-6293 Filed 3-30-73;8:45 am]

[Notice 243]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before April 23, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73907. By order of March 9, 1973, the Motor Carrier Board approved the transfer to Jordan Bus Co., Inc., Hugo, Okla., of certificate No. MC-9873, issued September 14, 1949, to Denco Bus Lines, Inc., Hugo, Okla., authorizing the transportation of passengers and their baggage, and express, mail, and newspapers, in the same vehicle with passengers, over regular routes, between Oklahoma points. L. C. Major, Jr., Major, Sage, and King, 301 Tavern Square, 421 King Street, Alexandria, VA 22314, attorney for applicants.

No. MC-FC-74052. By order of March 9, 1973, the Motor Carrier Board, on reconsideration, approved transfer of the remaining portion of the operating rights contained in certificate No. MC-129449 (Sub No. 7) to Flatt's Lumber Transport, Inc., Condon, Oreg., said certificate issued to Lumber Transport, Inc., Canyon City, Oreg., and the portion transferred herein covering the transportation of sawdust, wood chips, and wood shavings, from points in Wheeler and Morrow Counties, Oreg., to points in Idaho and Washington. Roy Kilpatrick, attorney, P.O. Box 385, John Day, Oreg. 97845.

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

[FR Doc.73-6291 Filed 3-30-73;8:45 am]

FEDERAL REGISTER PAGES AND DATES—APRIL

Pages	*Date*
8419-8499	Apr. 2

federal register

MONDAY, APRIL 2, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 62

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

■

RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES

Title 45—Public Welfare

SUBTITLE A—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, GENERAL ADMINISTRATION

PART 15—RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES

On December 13, 1972, there were published in the FEDERAL REGISTER (37 FR 26523–26530) a notice and text of proposed revised rulemaking regarding relocation and real property acquisition policies. Interested persons were given until January 22, 1973, to submit comments or suggestions thereon. No affirmative comments or suggestions were received other than those referred to below.

The descriptive heading of the regulations has been amended by deleting the word "Act" as being superfluous and to conform to the heading of the initial regulations.

In § 15.4(k), the definition of "financial means" has been amended to include, rather than to exclude, from the gross income of a displaced person the amount of supplemental payments made to him by public agencies. That change conforms the regulation in that regard to paragraph 11.3e of OMB Circular No. A–103.

Section 15.37(b) has been amended to make it clear that finance charges, which are specifically excluded from § 15.36, are in fact included in § 15.37. Also, § 15.37 has been clarified to insure that the displaced person is entitled to the actual cost of mortgage points and finance charges paid in connection with the purchase of a replacement dwelling, rather than to the present value of such charges discounted over the term of the mortgage.

Section 15.39(f) has been amended to specify that the installment payments referred to are in fact semiannual installments. The last sentence thereof has been amended to require, at the time of the payment of the initial installment, a determination that the displaced person is in fact occupying a decent, safe, and sanitary dwelling. There has been eliminated the requirement of a certification to that effect from the occupant at the time of each installment. That change conforms to the determination of the Relocation Assistance Implementation Committee established by OMB that such a determination is not legally required at the time of each installment payment. That change is particularly appropriate in view of the other change therein noted below.

In addition, the following changes were made to reflect the suggestions received from the Institute for Public Interest Representation, Georgetown University Law Center:

In § 15.4(1), in the definition of "initiation of negotiations" the phrase "and furnishes him with a written offer to purchase the real property" has been substituted for "at which the price of the real property is discussed" as being more in conformity with paragraph 5.7a(1) of OMB Circular No. A–103.

The original text of § 15.22 has been designated as paragraph (a) and a new paragraph (b) has been added to insure prompt payment of entitlements, and to provide for prepayment when justified in hardship cases, which prepayment may be made prior to the filing of supporting documentation.

In § 15.39(f) a new sentence has been added, in conformity with paragraph 6.2a(5) of OMB Circular No. A–103, to accommodate reasonable requests of displaced persons concerning the manner of making rental payments.

Section 15.50(a)(2) has been rewritten to make it clear that tenants will be provided prompt written notice of the initiation of negotiations and that relocation advisory programs will be provided to both owners and tenants, who will be provided information in that regard upon request.

In § 15.54(b) after "fair hearing" the phrase "with the right to be represented by counsel" has been added. The suggested specificity as to time in lieu of merely "promptly" and provisions concerning the availability of free legal service organizations and of recourse to the courts are not deemed practicable in view of the wide diversity of grantees and of their local laws and conditions.

Effective date. This revision is effective on April 2, 1973.

Dated: March 26, 1973.

Approved: March 26, 1973.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Part 15 of Title 45, Subtitle A, of the Code of Federal Regulations is revised to read as follows:

Subpart A—General

Sec.
15.1 Purpose.
15.2 Background.
15.3 Effective date.
15.4 Definitions.
15.5 Applicability.
15.6 Categorical exceptions.

Subpart B—Assurances from State Agencies a Condition Precedent to Participation in Federally Assisted Programs

15.10 State agency program assurances.

Subpart C—Assurance of Adequate Replacement Housing Prior to Displacement by a Project

15.15 Project assurance of housing availability.
15.16 Housing provided as a last resort.
15.17 Loans for planning and preliminary expenses.

Subpart D—Actual Moving and Related Expenses and Losses

15.21 Eligibility.
15.22 Application.
15.23 Allowable moving and related expenses.
15.24 Direct losses incurred in moving or discontinuing a business or farm operation.
15.25 Allowable expenses in connection with searching for a replacement location for a business or farm operation.
15.26 Nonallowable moving expenses and losses.

Subpart E—Payments in lieu of Actual Moving and Related Expenses

Sec.
15.30 Use of schedules in connection with displacement from dwelling.
15.31 Fixed payment for person displaced from his place of business or farm operation.

Subpart F—Replacement Housing Payments

15.35 Payments for replacement housing costs to homeowners.
15.36 Limitation on payments for replacement housing costs.
15.37 Payments for additional interest costs incurred.
15.38 Mortgage insurance.
15.39 Payments to tenants and others for the rental of replacement dwellings.
15.40 Payments to tenants and others for the purchase of replacement dwelling.
15.41 Notice to tenants of initiation of negotiations for the property.

Subpart G—Relocation Assistance Advisory Services

15.45 Relocation assistance advisory services.

Subpart H—Federally Assisted Programs

15.50 Assurances from State agencies.
15.51 Unsatisfactory assurances.
15.52 Records.
15.53 State agency contracts for relocation assistance.
15.54 Appeals.
15.55 Funding of the cost of payments and assistance.
15.56 Advance payments.

Subpart I—Real Property Acquisition Policies

15.60 Just compensation.
15.61 Negotiations for the acquisition of real property.
15.62 Notices to tenants and owners.

Subpart J—Relocation Assistance Payments as Income

15.67 Relocation payments and assistance as income or resources for purpose of other laws.

AUTHORITY: Sec. 213, 84 Stat. 1900, 42 U.S.C. 4633.

Subpart A—General

§ 15.1 Purpose.

The purpose of the regulations in this part is to implement the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91–646) and the guidelines therefor in OMB Circular No. A–103, of May 1, 1972.

§ 15.2 Background

The Act provides a uniform policy for the fair and equitable treatment of owners and tenants of real property who are displaced by Federal or federally assisted programs or projects or whose real property or interests in real property is taken for or as a direct result of such programs or projects. The need for such a uniform policy arises from the growing impact on such persons of such programs and projects as they evolve to meet the public needs of a growing, and increasingly urban, population. Title II of the Act provides for a program of relocation payments, of relocation assistance (including advisory services), of assurances that prior to the displacement of persons comparable quality

decent, safe, and sanitary replacement housing will be available for them, and of economic adjustments and other assistance to owners and tenants displaced from their homes, businesses, or farm operations. Title III of the Act provides a uniform policy with respect to real property acquisitions for or as a direct result of Federal or federally assisted programs or projects.

§ 15.3 Effective date.

Relocation payments and assistance provided for by title II of the Act are to be made to all persons otherwise eligible who are displaced on or after January 2, 1971; the real property acquisition policies provided by title III of the Act apply to real property acquisitions on or after January 2, 1971. Until July 1, 1972, the provisions of both those titles of the Act applied to State programs and projects receiving Federal financial assistance, to the extent that the State was under its laws able to comply with those titles. On July 2, 1972, the provisions of title II and the provisions of sections 303 and 304 of title III, relating to incidental expenses and litigation expenses in connection with real property acquisitions, became fully applicable to State programs and projects receiving Federal financial assistance; and the provisions of sections 301 and 302 of the Act, relating to real property acquisition policies and to practices relating to the acquisition of buildings, structures, and improvements, continue to guide State programs and projects receiving Federal financial assistance, but only to the greatest extent practicable under State law.

§ 15.4 Definitions.

(a) The "Act" means the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646), approved January 2, 1971 (42 U.S.C. 4601-4655).

(b) "Actually occupied" means openly and visibly occupied by the owner or tenant or his immediate family more than temporarily or casually, but does not call for constant personal presence nor foreclose temporary absence occasioned by some casualty or for business or pleasure.

(c) "Business" means any lawful activity, except a farm operation, including an activity by a nonprofit organization, conducted primarily: (1) For the purchase, sale, lease, or rental of personal or real property or for the manufacturing, processing, or marketing of products, commodities, or other items of personal property, (2) for the sale of services to the public, or (3) but solely for purposes of entitlement to the cost of actual moving and related expenses, for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, other personal property, or services by the erection and maintenance of outdoor advertising displays, whether or not such displays are located on the premises on which any of such activities are conducted. The term includes only those activities which are conducted regularly on a bona fide basis, and does not include activities conducted as avocations.

(d) "The Department" means the U.S. Department of Health, Education, and Welfare or one of its constituent agencies.

(e) "Displaced person" means any person who moves from real property, or moves his personal property from real property, as a result of the acquisition, in whole or in part, of such real property, or as a result of the written order of the acquiring agency to vacate such real property for a program or project undertaken by the Department, or by a State agency for or as a direct result of a program or project for which it receives Federal financial assistance from the Department. It also means, but solely for purposes of entitlement to the actual cost of moving and related expenses or to a sum in lieu thereof or of entitlement to relocation assistance advisory services, such a person who so moves from other real property, or so moves his personal property from other real property, as a result of the acquisition for or as a direct result of such a program or project of, or the written order of the acquiring agency to vacate, such other real property on which such person conducts a business or farm operation.

(f) "Displacing agency" means the Department when it acquires real property or gives a written notice to a person to vacate real property for a program or project undertaken by the Department, or a State agency so acting for or as a direct result of a program or project for which financial assistance is provided by the Department and which results in the displacement of a person.

(g) "Dwelling" means the structure constituting the place of permanent, or customary and usual, abode of a person. It includes a single-family dwelling; a multifamily building; a condominium or cooperative housing project; or a mobile home or other residential unit.

(h) "Family" means two or more individuals who are related by blood, adoption, marriage, or guardianship, or one of whom stands in loco parentis to another, and who live together as a family unit. However, individuals who live together as a family unit as if they were so related may be regarded as a single family.

(i) "Farm operation" means any activity conducted solely or primarily for the production of one or more raw agricultural products or commodities, including timber, for sale or home use, and customarily producing such agricultural products or commodities in quantities sufficient to be capable of contributing materially to the operator's support.

(j) "Federal financial assistance" means a grant, loan, or contribution provided by the Department, whether in the form of a grant, contract, or agreement and without regard to whether the financial assistance applies to the acquisition of real property required for, or as a direct result of, the project being assisted, but does not mean any annual payment or capital loan to the District of Columbia or any Federal guarantee or insurance.

(k) "Financial means" means the ability of a displaced person to afford the rental or price of a replacement dwelling determined to be available for rent or sale to such a displaced person. For this purpose, the rental or housing cost (e.g., mortgage payments, insurance for the dwelling unit, property taxes, and other related recurring expenses) which the displaced person will be required to pay for the replacement dwelling should not normally exceed the fair rental or value of the acquired dwelling by more than 20 percent and, for purposes of housing referrals, the rental value should not, except in unusual circumstances, exceed 25 percent of the gross income of the displaced persion including supplemental payments made by public agencies.

(l) "Initiation of negotiations" means the first personal contact by or on behalf of the displacing agency with the owner of real property or with his representative at which the price of the real property is discussed.

(m) "Mortgage" means a deed of trust or lien commonly used in the State in which the real property is located to secure advances on, or the unpaid purchase price of, real property, together with the credit instruments, if any, secured thereby.

(n) "Nonprofit organization" means a partnership, corporation, or association no part of the profits of which inures, or is intended to inure, to the benefit of any private shareholder or individual.

(o) "Owner" means a person who holds a fee simple title, a life estate, or a 99-year lease in real property, or an interest in a cooperative project which includes the right of occupancy, or who is possessed of such other proprietary interest in real property as, in the judgment of the Secretary, warrants being treated as ownership. In the case of a person who has succeeded to any of the foregoing interests in real property by devise, bequest, inheritance, or operation of law, the tenure of the succeeding owner includes the tenure of the preceding owner in relation to ownership but not in relation to occupancy.

(p) "Person" means any individual, partnership, corporation, or association.

(q) "Secretary" means the U.S. Secretary of Health, Education, and Welfare.

(r) "State" means any of the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, the Trust Territory of the Pacific Islands, or any political subdivision thereof.

(s) "State agency" means any department, agency, or instrumentality of a State or any department, agency, or instrumentality of two or more States, and includes a State itself.

§ 15.5 Applicability.

(a) This part applies, in relation to title II of the Act, to all direct projects of the Department which have resulted in or will result in the displacement of

persons or, in relation to title III of the Act, which have resulted in or will result in the acquisition of real property.

(b) This part applies, in relation to title II of the Act, to all projects of State agencies receiving financial assistance in whole or in part from the Department which projects have resulted in or will result in the displacement of persons or, in relation to title III of the Act, which have resulted in or will result in the acquisition of real property. For this purpose, it is immaterial whether Federal funds are used by the State agency for the acquisition of such real property as is required for, or as a direct result of, the project.

§ 15.6 Categorical exceptions.

This part does not apply to federally assisted projects of those entities, such as private entities, that do not meet the definition of a State agency in § 15.4(s), except when such an entity is acting as an agent or contractor of a State agency, or of the Department, in the discharge of its responsibilities.

Subpart B—Assurances From State Agencies as a Condition Precedent to Participation in Federally Assisted Programs

§ 15.10 State agency program assurances.

(a) The Department will not approve any grant to, or contract or agreement with, a State agency under a program for which financial assistance will be available from the Department to pay all or part of the cost and which will result in the acquisition of real property or an interest therein and in the displacement on or after January 2, 1971, of any person, until satisfactory assurances are received from that State agency that fair and reasonable relocation payments and assistance will be provided by the displacing agency under title II of the Act and this part; that relocation assistance programs offering the advisory services described in section 205 of the Act and this part will be provided to such displaced persons; and in connection with individual projects that, within a reasonable period of time prior to the displacement of persons, decent, safe, and sanitary dwellings will be available, as provided for in § 15.15 to persons so displaced by that project.

(b) In connection with programs which result in the acquisition of real property, whether or not involving the displacement of persons, the Department will also require, as a condition precedent to providing financial assistance, assurances that expenses incidental to the transfer of title, and litigation expenses in the event the real property is not in fact so acquired, will be paid as provided for in sections 303 and 304 of the Act, and that the State agency will be guided, to the greatest extent practicable under State law, by the real property acquisition policies prescribed by section 301 of the Act and by the practices relating to the acquisition of buildings, structures, and improvements prescribed by section 302 of the Act.

(c) The assurances required by this section will be required even though the financial assistance by the Department does not extend to the acquisition of the real property, whether or not such real property is furnished by the State agency as a required contribution incident to a project receiving financial assistance from the Department.

Subpart C—Assurance of Adequate Replacement Housing Prior to Displacement By a Project

§ 15.15 Project assurance of housing availability.

(a) The Department will not proceed with any phase of a project, or authorize a State agency to proceed with any phase of a project, which will result in the displacement of any person until the Department has determined, or received from the displacing State agency (in addition to the assurances called for by § 15.10) a relocation plan containing satisfactory assurances that within a reasonable period of time prior to the displacement of such persons by that project there will be, on a basis consistent with the requirements of title VIII, Fair Housing, of Public Law 90-284 (42 U.S.C. Ch. 45), available in areas not generally less desirable in regard to public utilities and public and commercial facilities, such as schools, stores, and public transportation, and at rents or prices within the financial means of the families and individuals displaced, decent, safe, and sanitary dwellings (as described in paragraph (d) of this section) equal to the number of, and available to, those of such displaced persons who are expected to require replacement dwellings and reasonably accessible to their places of employment. A State agency that is not required to obtain an authorization from the Department with respect to individual projects must nevertheless submit a relocation plan to the Department for approval unless the State agency determines before the project is carried out that the project will not cause the dislocation of persons.

(b) An assurance or determination called for by paragraph (a) of this section must be based upon a current survey and analysis of available replacement housing made by or on behalf of the displacing agency. Such a survey and analysis must take into account competing demands for such housing.

(c) In certain extraordinary situations, such as where immediate possession of real property is of crucial importance, the Secretary may waive or modify the requirements of paragraph (a) of this section. A request for such a waiver or modification must be supported by a documentation sufficiently substantial to show the need for such a waiver or modification.

(d) A decent, safe, and sanitary dwelling is one which is in sound, clean, and weathertight condition and which meets the applicable requirements of State and local building, plumbing, electrical, housing and occupancy codes or regulations. The following criteria, subject to adjustment for unusual circumstances or for unique geographical areas, will be applied in determining whether a dwelling is decent, safe, and sanitary:

(1) If it is a housekeeping unit it must include a kitchen with a fully usable sink; a cooking stove, or connections for one; a separate and complete bathroom; hot and cold running water in both the kitchen and bathroom; an adequate and safe wiring system for lighting and other electrical services; and such heating facilities as are required by local housing codes or are called for by climatic conditions.

(2) If it is a nonhousekeeping unit it must meet local code standards for boarding houses, hotels, or other congregate living quarters. If local codes do not include requirements relating to space and sanitary facilities, standards to be applied in that regard are subject to the approval of the Secretary.

(3) Occupancy standards must comply with local housing codes or, in the absence of such local housing codes, the requirements of the Secretary in that regard.

(e) Where local housing codes do not exist or do not contain adequate minimum standards, the Secretary will prescribe the minimum standards to be applied.

§ 15.16 Housing provided as a last resort.

The Secretary will provide for replacement housing for Federal projects, or take or approve action by a State agency to develop replacement housing for projects financially assisted by the Department. In taking or approving such action, the Secretary will be guided by the criteria and procedures prescribed by the Secretary of Housing and Urban Development and published at 37 F.R. 3633 on February 18, 1972 (24 CFR Part 43, Subpart A).

§ 15.17 Loans for planning and preliminary expenses.

Section 215 of the Act authorizes the making of loans, in the nature of seed money loans, for planning and obtaining federally insured mortgage financing to stimulate the construction or rehabilitation of sale and rental housing to meet the needs of displaced persons. Such loans may be made to nonprofit, limited dividend, or cooperative organizations, or to public bodies, for not more than 80 percent of the reasonable expenses, prior to construction, for activities such as preliminary surveys and analyses of market needs, preliminary site engineering and architectural fees, site title searches and appraisals, application and mortgage commitment fees and charges, legal fees, and construction loan fees and discounts. Loans to nonprofit organizations will be interest free. The making of such loans is subject to the criteria and procedures prescribed by the Secretary of Housing and Urban Development and

published at 37 F.R. 14768 on July 25, 1972 (24 CFR Part 43, Subpart B).

Subpart D—Actual Moving and Related Expenses and Losses

§ 15.21 Eligibility.

Any displaced person (including one who conducted a business or farm operation on acquired property) is eligible for payment for his moving and related expenses in moving from real property acquired by or on behalf of a displacing agency. A person who conducts a business or farm operation on acquired property on which he lives or on other acquired property may be eligible for the moving and related expenses of himself and his family, and for his personal property, including personal property used in such a business or farm operation.

§ 15.22 Application.

(a) A displaced person eligible for payments under title II of the Act shall be entitled to payments or assistance under this subpart only upon application therefor, with necessary supporting documentation, within 18 months from the date of his displacement or from the date on which the displacing agency makes final payment for the real property, whichever is later. The head of the displacing agency may extend that period upon a proper showing of good cause.

(b) Payments to a displaced person under title II of the Act shall be made promptly after he moves. Such payments may be made in advance of such a move in a hardship case justifying such an advance payment even though full documentation supporting the application has not been filed.

§ 15.23 Allowable moving and related expenses.

(a) Subject to the limitations in paragraph (b) of this section, the following expenses are allowable as moving and related expenses:

(1) The cost of transportation of individuals, families, and personal property to a replacement site not more than 50 miles distant except when the Secretary determines that relocation beyond 50 miles is justified under the circumstances.

(2) The cost of packing and crating, and of unpacking and uncrating, personal property.

(3) The cost of advertising for packing and crating, unpacking and uncrating, and transportation services when the Secretary determines that such advertising is necessary or desirable.

(4) The cost of storage of personal property for a period of time when the Secretary determines that storage for such a period, generally not in excess of 12 months, is necessary or desirable in connection with the relocation.

(5) The cost of premiums on insurance covering the loss of or damage to personal property while in transit or in storage authorized pursuant to subparagraph (4) of this paragraph.

(6) The value of personal property lost, stolen, or damaged (other than through the fault or negligence of the displaced person or his agent or employee) in the process of moving or in storage authorized pursuant to subparagraph (4) of this paragraph, if insurance to cover such a loss was not reasonably available.

(7) The cost of removal, installation, and reestablishment of, and the reconnection of utilities for, machinery, equipment, appliances, and other items not acquired as real property, including such modifications thereof as is deemed necessary by the Secretary. Prior to the payment for any such costs in relation to such property, the displaced person must agree in writing that such property is personalty and that the displacing agency is released from any liability for payment for the value of such property.

(8) Such other related expenses as the Secretary determines to be reasonable under the circumstances.

(b) When the displaced person accomplishes the move by himself or by the use of his family or employees, the amount of allowable expenses will not exceed the estimated commercial cost of such a move.

§ 15.24 Direct losses incurred in moving or discontinuing a business or farm operation.

(a) If a displaced person does not move personal property used in a business or farm operation but has made a bona fide effort to sell such personal property, he is entitled to payment for the loss of such personal property, and he may be reimbursed for expenses reasonably incurred in such a selling effort.

(b) If a business or farm operation is discontinued, a displaced person is entitled, with respect to personal property which was used in connection therewith, to a payment for what would have been its fair market value for its continued use at its location prior to displacement minus the net proceeds from its sale or, if abandoned after a bona fide effort to sell, to the estimated cost of moving it 50 miles, whichever is less. Payments to a displaced person shall not be offset by the cost to the displacing agency of removing such abandoned property.

(c) If a business or farm operation is reestablished, a displaced person is entitled, with respect to personal property which was used in connection therewith but which is not moved but rather is sold and promptly replaced by a comparable item, to a payment for its replacement cost minus the net proceeds from its sale or the estimated cost of moving it 50 miles, whichever is less.

(d) If personal property used in a business or farm operation to be moved is of high bulk and low value and the cost of moving it would, in the judgment of the Secretary, be disproportionate to its value, the allowable expense of moving such personal property will not exceed the cost of replacing it at the relocated premises with comparable personal property available on the market minus the estimated net amount that would have been received for such personal property on liquidation. This provision is applicable to junkyard items and to stockpiled sand, gravel, minerals, metals, or similar items of personal property.

(e) If the cost of moving or relocating an outdoor advertising display is determined by the displacing agency to be equal to or in excess of the in-place value of the display, consideration should be given to acquiring such a display as a part of the real property except when such an acquisition is prohibited by law.

§ 15.25 Allowable expenses in connection with searching for a replacement location for a business or farm operation.

(a) The following expenses are allowable under this subpart in connection with the searching for a replacement location for a business or farm operation:

(1) Actual travel costs but not in excess of 10 cents a mile.

(2) Cost of meals and lodging away from home.

(3) The value of time spent in searching for a replacement location for a business or farm operation, at the rate of the displaced person's salary or earnings but not in excess of $10 an hour.

(4) In the discretion of the displacing agency, such brokerage, realtor, or other professional fees in connection with relocating a business or farm operation in the area as is customary under the circumstances.

(b) The total amount allowable to a displaced person under this section will not exceed $500 unless the Secretary determines that a larger amount is justified under the circumstances.

§ 15.26 Nonallowable moving expenses and losses.

The following expenses are not allowable under this subpart in connection with the relocation of a business or farm operation:

(a) Additional expenses incurred because of living at a new location.

(b) The cost of moving structures or other improvements to real property as to which the displaced person reserved ownership, except as otherwise provided for by the Act.

(c) The cost of improvements to the replacement site, except as provided for in § 15.23.

(d) Interest on loans to cover moving and related expenses.

(e) Loss of goodwill.

(f) Loss of profits.

(g) Added expenses incurred because of a loss of trained employees.

(h) Expenses or losses resulting from personal injury.

(i) The cost of preparing applications for moving and related expenses and of preparing supporting documentation.

(j) The cost of the modification of personal property to adapt it to the replacement site, except when required by law.

(k) The cost of searching for a replacement dwelling.

(l) The cost of establishing a different or larger business or farm operation to the extent that such a cost exceeds the estimated cost of reestablishing the business or farm operation being discontinued.

Subpart E—Payments in Lieu of Actual Moving and Related Expenses

§ 15.30 Use of schedules in connection with displacement from dwelling.

A person displaced from a dwelling may at his option receive, in lieu of actual moving and related expenses for himself and his family under Subpart D of this part, a moving expense allowance, not in excess of $300, determined according to schedules established by the highway department of the State in which the acquired dwelling is located and approved by the Federal Highway Administrator or, in the absence of such a highway department schedule, according to schedules established by the Federal Highway Administrator, plus a dislocation allowance of $200.

§ 15.31 Fixed payment for person displaced from his place of business or farm operation.

(a) A person displaced from his place of business or farm operation may, at his option, receive, in lieu of actual moving and related expenses in that regard under Subpart D of this part but in addition to such payments as he may be entitled to for himself and his family under Subpart D of this part or § 15.30, a fixed payment in the amount of the average annual net earning before Federal, State, and local income taxes of his bona fide business or farm operation during the 2 taxable years immediately preceding the taxable year in which the business or farm operation is moved from the acquired real property or during such other period as the head of the displacing agency determines to be more equitable for establishing such average annual net earnings, including any compensation paid by the business or farm operation to the owner or his spouse or dependents during such a base period, but not less than $2,500 nor more than $10,000 in respect of any bona fide business or farm operation, except that no payment will be made under this section with respect to a business conducted primarily for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, other personal property, or services by the erection and maintenance of outdoor advertising displays.

(b) No payment may be made pursuant to this section in respect of a business unless the Secretary determines (1) that the business cannot be relocated without a substantial loss of existing patronage and (2) that the business is not a part of an enterprise with at least one other establishment which is engaged in the same or a similar business and which is not being acquired.

(c) The determination of whether there will be a substantial loss of existing patronage is to be made, except as provided for in paragraph (d) of this section, by the displacing agency after considering all pertinent circumstances, including but not limited to the following factors:

(1) The type of business conducted by the displaced person.

(2) The nature of the clientele of the displaced person.

(3) The availability of property suitable for use as a new location on which to conduct the business.

(4) The relative importance to the business of the present location and such new locations as are available.

(d) The determinations of whether there will be a substantial loss of existing patronage of an activity conducted by a nonprofit organization and of whether the activity is a part of an enterprise with at least one other establishment which is engaged in the same or a similar activity and which is not being acquired will be made by the Secretary. For this purpose, the term "existing patronage" includes the persons, community, or clientele served or affected by the activities of the nonprofit organization.

(e) A payment will be made under this section with respect to the acquisition of a part of the property used by a person for a farm operation only when the displacing agency determines that the acquired property was in fact used for a farm operation before the taking and that the remaining property cannot be expected to be so used for a farm operation and continue to contribute substantially to the operator's support.

Subpart F—Replacement Housing Payments

§ 15.35 Payments for replacement housing costs to homeowners.

(a) A person displaced from a dwelling actually owned and occupied by him for at least 180 days prior to the initiation of negotiations for the acquisition of that dwelling is entitled, in addition to entitlement to other payments under this part, to payment for the additional cost, if reasonable, of acquiring a comparable replacement dwelling which is decent, safe, and sanitary and which he purchases and occupies within 1 year from the date he received final payment for the dwelling from which he was displaced or from the date on which he moved therefrom, whichever is later, as well as payment for additional interest costs as provided for in § 15.37.

(b) A comparable replacement dwelling is a dwelling that is functionally equivalent to, and substantially the same as, the acquired dwelling, not excluding for this purpose newly constructed housing. Each aspect of the dwellings need not be individually compard as long as all the requirements of paragraph (c) of this section are met.

(c) The additional cost of a replacement dwelling will not be regarded as unreasonable if that additional cost results from the need for acquiring a dwelling which is decent, safe, and sanitary, which is adequate to accommodate the displaced person and his family, which is located in an area not generally less desirable in respect of neighborhood conditions such as municipal services and other environmental factors, public utilities, and public and commercial facilities, which is reasonably accessible to the displaced person's place of employment or potential place of employment, which is within the financial means of the displaced person, and which is available on the private market. If such housing is not available, the displacing agency may, for purposes of this subpart and for making housing referrals, consider housing exceeding the other basic criteria.

§ 15.36 Limitation on payments for replacement housing costs.

(a) The amount of a payment for the additional cost of a replacement dwelling to a displaced dwelling owner will not exceed the difference between the amount paid by the displacing agency for the acquired dwelling and the amount paid by the displaced dwelling owner for a comparable dwelling not in excess of a reasonable amount as determined by the schedule method described in paragraph (b) of this section, or by the comparative method described in paragraph (c) of this section, or by another method approved pursuant to paragraph (d) of this section, whichever is the least, and in no event will exceed $15,000.

(b) *Schedule method.* The Secretary may establish a schedule of reasonable acquisition costs of comparable replacement dwellings for the various types of dwellings to be acquired in the community or area involved and meeting the conditions prescribed in § 15.15(d) as well as being open to all persons regardless of race, color, religion, or national origin consistent with the requirements of title VIII, Fair Housing, of Public Law 90-284 (42 U.S.C. ch. 45).

(c) *Comparative method.* The Secretary may determine the cost of a comparable replacement dwelling on the basis of the asking price, adjusted to reflect market experiences, of a dwelling or dwellings most representative of the dwelling acquired by the displacing agency and meeting the conditions prescribed in § 15.15(d) and paragraph (b) of this section. A single dwelling unit will be used for comparison purposes only when additional comparable dwellings are not available.

(d) *Alternative method.* The head of the displacing agency may develop criteria for computing the cost of replacement housing when the use of neither of the methods described in paragraph (b) or (c) of this section is feasible. Such an alternative method will be subject to the approval of the Secretary.

(e) For purposes of this section, the cost of a replacement dwelling includes legal, closing, and related costs such as: (1) The cost of a title search, the preparation of conveyance instruments, notarial fees, surveys, the preparation of plats, and charges incident to recordation, (2) lender's, FHA, or VA appraisal fees, (3) FHA application fee, (4) the cost of a certification of structural soundness when required by the lender, FHA, or VA, (5) the cost of a credit report, (6) the cost of a title policy or abstract of title, (7) an escrow agent's fee, and (8) the cost of revenue stamps and of sale or transfer taxes.

(f) For purposes of this section, the cost of a replacement dwelling does not include a fee, cost, charge, or expense determined to be a part of the finance

charge under title I, the Truth in Lending Act, of Public Law 90-321, and Regulation "Z" (12 CFR Part 226) issued pursuant thereto by the Board of Governors of the Federal Reserve System.

§ 15.37 Payments for additional interest costs incurred.

(a) In addition to entitlement to the payments provided for by § 15.35, a person displaced from a dwelling actually owned and occupied by him shall be entitled to compensation for any increased interest costs with respect to the amount that is refinanced if the dwelling acquired by the displacing agency was encumbered by a bona fide mortgage for not less than 180 days prior to the initiation of negotiations for the acquisition of that dwelling.

(b) A payment under this section shall be equal to the difference between the discounted present value of the remaining interest payments that were called for by the mortgage on the acquired dwelling and the discounted present value of the interest payments, called for with respect to that amount of principal of the mortgage on the replacement dwelling that is equal to the unpaid principal of the mortgage on the acquired dwelling for the length of its remaining term. Such a payment shall also cover the cost of points paid with respect to the mortgage on the replacement dwelling and the cost of those finance charges that are referred to in § 15.36(f).

(c) For purposes of paragraph (b) of this section, discounted present value shall be calculated on the basis of the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located.

§ 15.38 Mortgage insurance.

Section 203(b) of the Act authorizes the head of any Federal agency administering a Federal mortgage insurance program, upon application by a mortgagee, to insure any mortgage (including advances during construction) executed by a person assisted under that section on a comparable replacement dwelling, which mortgage is eligible for such insurance without regard to any eligibility requirements otherwise applicable with respect to age, physical condition, or other personal characteristics of mortgagors, and to make commitments for the insurance of such a mortgage prior to the date of execution of the mortgage.

§ 15.39 Payments to tenants and others for the rental of replacement dwellings.

(a) A displaced tenant of a dwelling which he actually and lawfully occupied for a period of not less than 90 days prior to the initiation of negotiations for the acquisition of that dwelling by the Department or by a State agency as a direct result of a program financially assisted by the Department may be eligible for a payment under this section if he rents rather than purchases a decent, safe, and sanitary replacement dwelling.

(b) A displaced owner of a dwelling which he actually owned and occupied for a period of not less than 90 days prior to the initiation of negotiations for the acquisition of that dwelling by the Department or by a State agency as a direct result of a program financially assisted by the Department or which he so owned and occupied for a period of more than 180 days but as to which he has not purchased and occupied a decent, safe, and sanitary replacement dwelling may be eligible for a rental payment under this section.

(c) The amount of the rental payment under this section, which will not exceed $4,000 for a displaced person, will be based on the rental agreed to by the displaced person subject to a limitation determined either by the schedule method described in paragraph (d) of this section or by the comparative method described in paragraph (e) of this section.

(d) The Secretary will establish a rental schedule for renting comparable replacement dwellings (or one or more dwellings most representative of the dwelling acquired) which are available in the private market for the various types of dwellings to be acquired, based upon a current survey and analysis of the market for each type of dwelling required. Payment pursuant to such a schedule will be computed by determining the amount necessary to rent a comparable replacement dwelling for 4 years (based on the average monthly rental from the schedule) and by subtracting from that amount an amount equal to 48 times the average monthly rental, if reasonable, paid by the displaced person for the acquired dwelling over the 3 months (or more if necessary to determine a representative figure) immediately preceding the initiation of negotiations for the acquisition of that dwelling. If the average rental was unreasonably high or if the displaced person was the owner, the subtraction will be based on a rental charge that is determined would have been reasonable for the acquired dwelling. The amount subtracted will include any rent supplements supplied by others except when such a supplement is to be discontinued upon vacation of the property.

(e) When the method described in paragraph (d) of this section cannot be feasibly applied, the Secretary will apply such criteria as are reasonable and appropriate for computing the rental payment.

(f) A payment of $500 or less for rental will be made in a lump sum. All such payments aggregating in excess of $500 will be paid in semi-annual installments of $500 each except that the final installment shall be for that amount, not in excess of $500, necessary to complete the payments. Prior to making the initial payment, the displacing agency must have determined that the displaced person is occupying a decent, safe, and sanitary dwelling. The manner of making such payments may be modified to accommodate a reasonable request of the displaced person reflecting his wishes in that regard.

§ 15.40 Payments to tenants and others for the purchase of replacement dwellings.

(a) A displaced tenant of a dwelling which he actually and lawfully occupied for a period of not less than 90 days prior to the initiation of negotiations for the acquisition of that dwelling by the Department or by a State agency as a direct result of a program financially assisted by the Department may be eligible for a payment sufficient for him to make a downpayment on the purchase of a decent, safe, and sanitary dwelling if he elects to purchase rather than to rent such a dwelling.

(b) A displaced owner of a dwelling which he actually owned and occupied for a period of not less than 90 days, but not more than 180 days, prior to the initiation of negotiations for the acquisition of that dwelling by the Department or by a State agency as a direct result of a program financially assisted by the Department may be eligible for a payment sufficient for him to make a downpayment on the purchase of a decent, safe, and sanitary dwelling if he elects to purchase rather than to rent such a dwelling.

(c) The amount of a payment under this section is the amount, not in excess of $4,000, necessary to enable the displaced person to make the downpayment required under a conventional loan arrangement for the purchase of a comparable replacement dwelling plus expenses incident to such a purchase, except that such a payment must be applied to the downpayment or incidental expenses as shown on the closing statement and shall be matched by the displaced person for the same purpose to the extent that such a payment exceeds $2,000.

§ 15.41 Notice to tenants of initiation of negotiations for the property.

When a dwelling is being acquired by the Department or by a State agency as a direct result of a program financially assisted by the Department, tenants actually and lawfully occupying such a dwelling shall promptly be advised that negotiations have been initiated for the acquisition of that property and of the date of the initiation of such negotiations.

Subpart G—Relocation Assistance Advisory Services

§ 15.45 Relocation assistance advisory services.

(a) All programs of the Department or of State agencies receiving financial assistance from the Department shall provide for relocation assistance advisory services for persons displaced as a result of such programs, and for persons occupying property immediately adjacent to the real property so acquired who

suffer substantial economic injury because of such an acquisition.

(b) The program of the Department for providing relocation assistance advisory services, which will be administered by the Facilities Engineering and Construction Agency of the Department, and the programs for that purpose of State agencies receiving financial assistance for such programs from the Department will:

(1) Determine with respect to persons displaced from their dwellings, their places of business, or their farm operations their needs for relocation assistance arising from such a displacement;

(2) Provide current, complete, and continuing information on the availability, prices, and rentals, of comparable decent, safe, and sanitary dwellings for sale or rent, and of comparable commercial properties and locations for displaced businesses;

(3) Assure that suitable replacement dwellings will be available to displaced persons prior to their displacement except to the extent that that requirement is waived or modified in extraordinary situations as provided for in § 15.15(d);

(4) Assist persons displaced from a place of business or farm operation in obtaining and becoming reestablished in a suitable replacement location;

(5) Supply information to displaced persons concerning Federal and State housing programs, disaster loan programs, and other Federal and State programs offering assistance to displaced persons, business concerns, or farm operations; and

(6) Provide such other advisory services to displaced persons as are appropriate to minimize the hardships to such persons in adjusting to the place of relocation.

(c) In order to assure maximum coordination of relocation activities in a community or area, the displacing agency should consult with appropriate local officials, consistent with the procedures contained in the Office of Management and Budget Circular No. A-95 (Revised), before approving any proposed project in that community or area.

(d) A displacing agency should consider whether to contract for providing the required relocation services with the central relocation agency in such a community or area or, if necessary, with another public agency or a private organization with the capability of providing such relocation services.

Subpart H—Federally Assisted Programs

§ 15.50 Assurances from State agencies.

(a) The Secretary will, through the cognizant agencies of the Department, obtain from State agencies applying to the Department for financial assistance, or entitled by statute to an allotment or apportionment of funds from the Department for financial assistance, with respect to programs or projects which will cause the displacement of any owner or tenant of real property the following assurances:

(1) That fair and reasonable relocation payments and assistance will be provided to or for displaced persons as provided for in this part;

(2) That tenants who will be dislocated will be promptly advised in writing of the initiation of negotiations with the owner of the property occupied by them (generally not in excess of 30 days from the date of initiation of negotiations), that relocation assistance advisory programs will be available to owners and tenants displaced or to be displaced, and that information concerning applicable beenfits, policies, and procedures shall be provided them upon request; and

(3) That, within a reasonable period of time prior to displacement, decent, safe, and sanitary housing will be available to persons to be displaced.

(b) In the case of each program or project involving the acquisition of real property regardless of whether it results in the dislocation of a person, the assurance shall also provide that the State agency will be guided, to the greatest extent practicable under State law, by the real property acquisition policies prescribed in Subpart I of this part and will, in any event, pay to the owner of the real property expenses incidental to the transfer of title as prescribed in said Subpart I and, in the event the real property is not finally acquired, the litigation expenses of the owner as prescribed in said Subpart I.

(c) A State agency assurance called for by paragraph (a) or (b) of this section, shall, if appropriate, be accompanied by a statement specifying those provisions of such an assurance that the State agency is unable to give, or that it is not practicable for it to give, in whole, or in part, under its State law. Such an assurance shall also be accompanied by a statement specifying that part, if any, of the payments required under the State law of eminent domain to be made to the owner of real property to be acquired which has substantially the same purpose and effect as a relocation payment called for by this part but which, without regard to this part, is chargeable to the Federal financial assistance for the program or project involved or that no part of such payments is so chargeable. Each such statement shall be supported by an opinion of the chief or other appropriate legal officer of the State, containing an adequate discussion of any asserted legal inability or impracticability of the State agency to provide any part of the required assurances and the extent of any asserted inability of the State agency to pay for a part of the expenses called for by this part.

§ 15.51 Unsatisfactory assurances.

(a) If a State agency is unable to provide an assurance pursuant to § 15.50 that is satisfactory to the Secretary, the project involved shall not be financially assisted by the Department until such time as a satisfactory assurance is so provided unless other means of making the required payments and of providing the required assistance are provided for in a manner satisfactory to the Secretary.

(b) If no such assurance is provided only those projects in that State under the program involved will be financially assisted by the Department that do not involve the displacement of persons or the acquisition of land, as the case may be.

(c) If a State agency does not provide an assurance pursuant to § 15.50 because of a belief that no real property is to be acquired for or as a direct result of the project involved or that the project involved will not directly result in the dislocation of any person and if subsequently real property is in fact so acquired or a person is in fact so dislocated, the financial assistance for that project by the Department will forthwith be terminated until such time as the requisite payment or assistance is provided for to the satisfaction of the Secretary.

§ 15.52 Records.

Each displacing agency receiving financial assistance from the Department shall keep such records, and submit to the Secretary such reports, regarding relocation payments and assistance as may be prescribed by the Secretary. Such records shall include records of notifications to tenants to be displaced of the initiation of negotiation for the acquisition of the properties involved. Such records shall be retained for the period prescribed by the regulations for the affected program for the retention of records but in no event less than 3 years following the completion of the project involved, and shall be available for inspection by representatives of the Federal Government.

§ 15.53 State agency contracts for relocation assistance.

(a) A State agency whose programs or projects cause the dislocation of persons may enter into contracts with any person for providing the relocation assistance called for by this part, or may carry out its responsibilities in that regard through any Federal or State governmental agency or instrumentality having an established organization for conducting relocation assistance programs.

(b) A copy of any such contract or other agreement pursuant to this section shall be provided to the Secretary. Such a contract or other agreement shall contain such provisions as are consistent with this part, including the following provisions:

(1) Services will be provided consistent with the requirements of this part;

(2) Records will be kept and maintained as required by this part;

(3) The clauses required by Part 80 of this title implementing title VI of the Civil Rights Act of 1964 (Public Law 88-352);

(4) Such other provisions as may from time to time be called for by the Secretary.

§ 15.54 Appeals.

(a) Any person aggrieved by a determination as to eligibility for, or the

amount of, a payment or assistance under the regulations in this part may appeal that determination in accordance with such procedures as may be established by the agency concerned.

(b) Each agency concerned shall establish procedures for such appeals, which shall assure that the appellant be accorded a fair hearing with the right to be represented by counsel, including the opportunity for making an oral presentation, that each appeal will be decided promptly, that each appeal decision will include a statement of the basis for the decision, that the agency will for a period of 3 years retain all documents associated with an appeal, that each appellant will have a right of final appeal to the head of the agency concerned, and that any amounts determined to be due the appellant will be promptly paid.

(c) A copy of each appeal decision by a State agency shall be promptly sent to the Department.

§ 15.55 Funding of the cost of payments and assistance.

(a) The cost to a State agency of providing the relocation payments and assistance to a person displaced by a State agency, and of providing payments to owners for the acquisition of real property by a State agency, as a direct result of a program or project for which that State agency receives financial assistance from the Department shall be a cost chargeable in accordance with that program or project unless the Secretary determines that a payment required by a State law of eminent domain has substantially the same purpose and effect as, and would duplicate, a payment otherwise chargeable as a program or project cost by virtue of this section.

(b) Except to the extent that the costs of such payments and assistance are, by section 207 and 211(a) of the Act, made fully chargeable up to $25,000 to the financial assistance provided by the Department, such costs shall be eligible for reimbursement in the same manner and to the same extent as other costs under the program or project involved. It should be noted that the provisions of those sections authorizing the first $25,000 to be fully chargeable to Federal financial assistance expired as of July 1, 1972.

(c) To the extent that Federal funds are available for the purpose, existing grants to, or contracts or agreements with, State agencies will be amended to reflect the additional cost, if any, of providing relocation payments and services to persons displaced on or after January 2, 1971, or the date on which the Act is fully effective in the particular State, and of providing the additional payments, if any, to the owner of property acquired on or after such a date, called for by this part within the limitations provided for by the Act.

(d) Reimbursement or other participation by the Department in payments made by State agencies for relocation will be limited, except in hardship cases, to those payments which are made to persons who move, or move their personal property, as a result of the receipt of written notice to vacate (which notice may have been given before or after negotiations for the acquisition of the real property involved).

(e) State agencies receiving financial assistance from the Department for programs or projects should carefully review such programs or projects for the purpose of eliminating or lessening the extent of the dislocation of persons in order to minimize the financial and social impact of such programs and projects and to avoid significant adverse effects on the quality of the human environment.

§ 15.56 Advance payments.

The Secretary may advance Federal funds to a State agency for relocation payments and assistance pursuant to this part if he determines that such an advance is necessary for the expeditious completion of the program or project.

Subpart I—Real Property Acquisition Policies

§ 15.60 Just compensation.

When real property is acquired by the Department or by a State agency as a direct result of a program or project receiving financial assistance from the Department, the owner of such real property shall be paid as just compensation therefor by the Department, or, to the greatest extent practicable under State law, by such a State agency, not less than the approved appraisal of its fair market value in accordance with § 15.61, even if the property is not acquired by eminent domain proceeding.

§ 15.61 Negotiations for the acquisition of real property.

(a) Before negotiations are initiated for the acquisition of real property, the acquiring agency shall have the real property appraised in terms of its fair market value, and the owner thereof or his designated representative shall be given an opportunity to accompany the appraiser during his inspection of the property.

(b) When negotiations are initiated for the acquisition of real property, the owner thereof shall be furnished a written statement concerning the proposed acquisition. Such a statement shall contain, as a minimum, the following:

(1) An identification of the real property, including the buildings, structures, and other improvements on the land, as well as fixtures, considered to be a part of the real property, and the estate or interest therein to be acquired.

(2) The amount of the estimated just compensation for the property to be acquired, which shall not be less than the agency's approved appraisal of the fair market value of the property to be acquired, and a summary of the basis for determining the amount of such just compensation. Any decrease or increase in the fair market value of the real property prior to the date of its valuation caused by the public improvement for which the real property is being acquired, or by the likelihood that the real property would be acquired for such an improvement, other than a decrease due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the compensation for the property. In the case of a partial taking, the damages, if any, to the remaining real property shall be separately stated.

(3) Appraisals shall be conducted as nearly as practicable pursuant to the Uniform Appraisal Standards for Federal Land Acquisition published in 1972 by the Interagency Land Acquisition Conference (G.P.O. 1972).

(c) The acquiring agency shall promptly either make an offer to purchase the property at the full amount of the just compensation therefor as so determined or initiate eminent domain or other proceeding that may be required to avoid a cloud on title to the property.

§ 15.62 Notices to tenants and owners.

(a) Tenants of real property to be acquired shall be promptly notified of the initiation of negotiations for the acquisition of that real property.

(b) To the greatest extent practicable, an owner or tenant lawfully occupying real property shall not be required to move from a dwelling, or to move his business or farm operation, without at least 90 days' written notice of the date by which such a move is required. Such a notice shall be served personally or by certified (or registered) first-class mail.

§ 15.63 Payment of certain expenses.

(a) The owner of real property acquired shall be reimbursed for expenses incidental to the transfer of title to the real property, and litigation expenses incurred when real property is not acquired, as provided for in sections 303 and 304 of the Act.

(b) State agencies receiving financial assistance from the Department for a program or project involving the acquisition of real property shall otherwise be guided by the land acquisition policies enunciated in sections 301 and 302 of the Act to the greatest extent practicable under State law.

Subpart J—Relocation Assistance Payments as Income

§ 15.67 Relocation payments and assistance as income or resources for purpose of other laws.

Section 216 of the Act provides that payments received under title II of the Act in relation to relocation assistance shall not be considered as income for the purposes of the Internal Revenue Code of 1954 or for the purposes of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal law. For the treatment of such payments, particularly in relation to resources, in connection with assistance under the Social Security Act, see § 233.20 of this title (37 F.R. 19371, September 20, 1972).

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