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.

MEDICARE—HEW eliminates current financing payments; effective 5-29-73

HAZARDOUS MATERIALS—DOT proposes new safety regulations for transporting corrosive liquids (2 documents); comments by 9-28 and 9-4-73

COLLEGES—HEW regulations on assistance for construction

RURAL LOANS—USDA extends disaster loan benefits and specifies refinancing conditions (2 documents)

NUCLEAR POWER—AEC Issues new regulatory guides for power reactor and occupational health categories (2 documents)

RADIO—FCC to study subscription agreements between broadcast licensees and musical format service companies; comments by 6-28-73

SECURITIES EXCHANGES—SEC receives amendments to plan on price and volume reporting on completed transactions; comments by 6-22-73

FEDERAL RESERVE DISCOUNT RATE—FRS announces increase

AERONAUTICAL RADIONAVIGATION AIDS—FCC provides additional channels; effective 6-28-73

ANTIDUMPING—Tariff Commission to investigate aluminum ingots from Canada

POTATOES—USDA announces budget and assessment rate for 1973-1974 research and promotion plan; effective 7-1-73

RICE—USDA loan rates and program provisions for 1973 crop; effective 5-29-73

(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

AMS—U.S. standards for inspection by variables.................. 10446; 4-27-73
—U.S. standards for determination of fill weights.............. 10449; 4-27-73
Contents

AGRICULTURAL MARKETING SERVICE
Rules and Regulations

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE
Rules and Regulations

AIRCRAFT DEPARTMENT

ATOMIC ENERGY COMMISSION

AERONAUTICS BOARD
Proposed Rules

COMMERCE DEPARTMENT

COMMERCY CREDIT CORPORATION
Rules and Regulations

DEFENSE DEPARTMENT

EDUCATION OFFICE
Rules and Regulations

EMERGENCY PREPAREDNESS OFFICE

FARMERS HOME ADMINISTRATION
Rules and Regulations

HIGHLIGHTS—Continued

MEETINGS—
Commerce Department; Economic Advisory Board
6-1–73

Defense Department; Secretary of Defense Natural Resources Conservation Advisory Committee, 6-11, 6-13, 6-14 and 6-15-73

Department of Defense Wage Committee, 6-5, 6-12, 6-19 and 6-25-73

USAF Scientific Advisory Board Science and Technology Advisory Group, 5-31-73

FCC: Answering Services Advisory Subcommittee, 6-15 to 6-20-73

HEW: Health Services Research Training Committee, 6-5-73

Workshop on High Blood Pressure Resources, 6-1–73

National Advisory Council on Regional Medical Programs, 6-6 and 6-7-73

FDA: Advisory committees, June meetings

U.S. Commission on Civil Rights: Connecticut, Delaware, New York, and Vermont State Advisory Committee meetings

ASC: Advisory Committee on Reactor Safeguards, 6-6-73

FCC: Answering Services Advisory Subcommittee, 6-14, 6-18, and 6-24-73

6-20-73

Answering Services Advisory Subcommittee, 6-19

6-26-73

Answering Services Advisory Subcommittee, 6-19

6-30-73

Answering Services Advisory Subcommittee, 6-20

DOMESTIC TRADE DEPARTMENT

FEDERAL REGISTER, VOL. 38, NO. 102—TUESDAY, MAY 29, 1973

14083
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.

<table>
<thead>
<tr>
<th>CFR</th>
<th>Proposed Rules:</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 CFR 213</td>
<td>14087</td>
</tr>
<tr>
<td>7 CFR 730</td>
<td>14087</td>
</tr>
<tr>
<td>800</td>
<td>14087</td>
</tr>
<tr>
<td>918</td>
<td>14088</td>
</tr>
<tr>
<td>1207</td>
<td>14088</td>
</tr>
<tr>
<td>1421</td>
<td>14088</td>
</tr>
<tr>
<td>1832</td>
<td>14089</td>
</tr>
<tr>
<td>1865</td>
<td>14091</td>
</tr>
<tr>
<td>Proposed Rules:</td>
<td></td>
</tr>
<tr>
<td>917</td>
<td>14110</td>
</tr>
<tr>
<td>987</td>
<td>14110</td>
</tr>
<tr>
<td>12 CFR 201</td>
<td>14092</td>
</tr>
<tr>
<td>545</td>
<td>14092</td>
</tr>
<tr>
<td>14 CFR</td>
<td></td>
</tr>
<tr>
<td>PROPOSED RULES:</td>
<td></td>
</tr>
<tr>
<td>207</td>
<td>14112</td>
</tr>
<tr>
<td>208</td>
<td>14112</td>
</tr>
<tr>
<td>212</td>
<td>14112</td>
</tr>
<tr>
<td>214</td>
<td>14112</td>
</tr>
<tr>
<td>378</td>
<td>14112</td>
</tr>
<tr>
<td>378</td>
<td>14112</td>
</tr>
<tr>
<td>20 CFR 405</td>
<td>14092</td>
</tr>
<tr>
<td>21 CFR 130 (2 documents)</td>
<td>14111</td>
</tr>
<tr>
<td>24 CFR 1914 (2 documents)</td>
<td>14094</td>
</tr>
<tr>
<td>29 CFR 100</td>
<td>14095</td>
</tr>
<tr>
<td>33 CFR 117</td>
<td>14095</td>
</tr>
<tr>
<td>Proposed Rules:</td>
<td></td>
</tr>
<tr>
<td>117</td>
<td>14111</td>
</tr>
<tr>
<td>45 CFR</td>
<td>14095</td>
</tr>
<tr>
<td>170</td>
<td>14095</td>
</tr>
<tr>
<td>46 CFR</td>
<td>14106</td>
</tr>
<tr>
<td>310</td>
<td>14106</td>
</tr>
<tr>
<td>47 CFR</td>
<td>14106</td>
</tr>
<tr>
<td>2</td>
<td>14106</td>
</tr>
<tr>
<td>Proposed Rules:</td>
<td></td>
</tr>
<tr>
<td>73</td>
<td>14113</td>
</tr>
<tr>
<td>49 CFR</td>
<td>14109</td>
</tr>
<tr>
<td>1 (2 documents)</td>
<td>14109</td>
</tr>
<tr>
<td>Proposed Rules:</td>
<td></td>
</tr>
<tr>
<td>173</td>
<td>14111</td>
</tr>
<tr>
<td>179 (2 documents)</td>
<td>14111, 14112</td>
</tr>
</tbody>
</table>

FEDERAL REGISTER, VOL. 35, NO. 102—TUESDAY, MAY 29, 1973
This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are key 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 5—Administrative Personnel
 CHAPTER I—CIVIL SERVICE COMMISSION
 PART 213—EXCEPTED SERVICE
 Department of Housing and Urban Development

Section 213.3384 is amended to show that one additional position of Public Information Officer, one additional position of Public Information Specialist in the office of the Assistant to the Secretary for Public Affairs, and two additional positions of Staff Assistant to the Assistant Secretary for Housing Management are excepted under Schedule C.

Effective on May 29, 1973, §§ 213.3384
(a) (46), (47), and (c) (5) are amended as set out below,

§ 213.3384 Department of Housing and Urban Development.

(a) Office of the Secretary,...
(b) Three Public Information Specialists, Office of the Assistant to the Secretary for Public Affairs.
(c) Office of the Assistant Secretary for Housing Management,...

(5) Three Staff Assistants to the Assistant Secretary.

(5 U.S.C. secs. 3301, 3302; 5 CFR 195-58 (38 FR 12232), the Office of the Assistant to the Secretary for Public Affairs, and two additional positions of Staff Assistant to the Assistant Secretary for Housing Management are excepted under Schedule C.

Effective on May 29, 1973, §§ 213.3384
(a) (46), (47), and (c) (5) are amended as set out below,

§ 213.3384 Department of Housing and Urban Development.

(a) Office of the Secretary,...
(b) Three Public Information Specialists, Office of the Assistant to the Secretary for Public Affairs.
(c) Office of the Assistant Secretary for Housing Management,...

(5) Three Staff Assistants to the Assistant Secretary.


Title 7—Agriculture
 CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE
 SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 730—RICE

Subpart—Regulations for Determination of Acreage Allotments for 1969 and Subsequent Crops of Rice

Closing Dates for Release and Reapportionment and for Allocation of Producer Allotments

Basis and purpose.—(a) As a result of continued rains and flooding conditions in certain areas, the planting of rice has been considerably delayed this year. In order to give farmers additional time to make arrangements for planting as much of the acreage allotted as possible it is considered necessary to*

1. Change the present closing date of May 15 (38 FR 10706), for allocation of producer rice allotment acreage to farms to June 1 for California for the 1973 crop year.

2. Change the present closing date of May 15 (38 FR 10706), for releasing rice allotment acreage to the county ASC committees for reapportionment and for filing an application for reapportioned acreage to May 29 in “farm” States for the 1973 crop year.

3. Change the present date of May 18 (38 FR 10706), for the reapportionment of released acreage by the county ASC committee to June 1 in “farm” States for the 1973 crop year.

(b) Since the crop in certain areas is rapidly approaching in many counties, it is imperative that farmers be notified as quickly as possible of these changes. Therefore, it is determined that compliance with the notice, public procedure, and 30-day effective date provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, this amendment shall become effective on May 25, 1973.

(c) The subpart, "Regulations for Determination of Acreage Allotments for 1969 and Subsequent Crops of Rice," is amended as follows:

1. Paragraph (b) of § 720.72 is amended by changing the last sentence to read May 29, 1973.

2. Paragraph (a) of § 730.84 is amended by changing the date in the last sentence to read May 18, 1973.

3. Paragraph (c) of § 730.84 is amended by changing the date in the last sentence to read June 1, 1973.


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

[FR Doc. 73-10784 Filed 5-25-73; 8:45 am]

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

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Expenses and Rate of Assessment

This document increases to $892,500, the amount of money which the Texas Valley Citrus Committee may expend for its maintenance and functioning under order No. 906, during the period August 1, 1972, through July 31, 1973.

On May 10, 1973, notice of rulemaking was published in the Federal Register (38 FR 12232) regarding a proposed increase in expenses for the period August 1, 1972, through July 31, 1973, pursuant to the marketing agreement, as amended, and order No. 906, as amended (7 CFR pt. 906, regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. The amendment increases the committee’s total spending authorization for the 1972-73 fiscal period to $892,500, an increase of $75,500. The Committee plans to use the additional funds to expand its market development project, during the current marketing season. This notice allowed interested persons 12 days during which they could submit written data, views, or arguments pertaining to these proposals. None were submitted. This regulatory program is effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Texas Valley Citrus Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that the provisions of § 906.212 (37 FR 23346) are hereby amended reading as follows:

§ 906.212 Expenses and rate of assessment.

(a) Expenses.—Expenses that are reasonable and likely to be incurred by the Texas Valley Citrus Committee during the period August 1, 1972, through July 31, 1973, will amount to $892,500.

(b) Rate of assessment.—The rate of assessment for said period, payable by each handler in accordance with § 906.24, is fixed at $0.045 per seven-tenths bushel carton, or an equivalent quantity of oranges and grapefruit.

[FEDERAL REGISTER, VOL. 38, NO. 102—TUESDAY, MAY 29, 1973]
It is hereby found that good cause exists for not postponing the effective time hereof until 30 days after publication in the Federal Register (5 U.S.C. 553) in that (1) the increase in the budget set forth does not involve an increase in the rate of assessment hereafter established by the Secretary (37 FR 23546); (2) the said committee has incurred expenses in excess of that previously thought likely to be incurred; and (3) it is essential that the specification of expenses herein provided be issued immediately so that said committee can meet its obligations and perform its duties and functions within the fiscal period in accordance with the said amended marketing agreement and order.

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


PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-10569 Filed 5-22-73; 8:45 am]

PART 918—FRESH PEACHES GROWN IN GEORGIA

Expenses and Rate of Assessment

This document authorizes the industry committee to spend up to $10,125 for its maintenance and functioning under order No. 918, and fixes the rate of assessment to be paid by each first handler at 1 cent per bushel of peaches, during the period March 1, 1973, through February 28, 1974.

On May 10, 1973, notice of proposed rulemaking was published in the Federal Register (38 FR 12332) regarding proposed expenses and the related rate of assessment for the period March 1, 1973, through February 28, 1974, pursuant to the marketing agreement and order No. 918 (7 CFR part 918) regulating the handling of fresh peaches grown in the state. Interested persons 12 days during which they could submit written data, views, or arguments pertaining to the proposal. None were submitted. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the industry committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 918.211 Expenses and rate of assessment.

(a) Expenses.—Expenses that are reasonable and necessary to be incurred by the industry committee during the period March 1, 1973, through February 28, 1974, will amount to $10,125.

(b) Rate of assessment.—The rate of assessment for said period, payable by each handler, in accordance with § 918.41, is fixed at $0.01 per basket of peaches (net weight of 48 lbs), or an equivalent of peaches in other containers or in bulk.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the Federal Register (7 U.S.C. 553) in that (1) shipments of fresh peaches have already begun; (2) the relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable peaches from the beginning of such period; and (3) the current fiscal period began March 1, 1973, and the rate of assessment herein fixed will automatically apply to all assessable peaches beginning with such date.

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


PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-10569 Filed 5-22-73; 8:45 am]

CHAPTER XI—AGRICULTURAL MARKETING SERVICE (MARKETINGS AND ORDERS; MISCELLANEOUS COMMODITIES), DEPARTMENT OF AGRICULTURE

PART 1207—POTATO RESEARCH AND PROMOTION PLAN

Expenses and Rate of Assessment

Notice was published in the May 1, 1973, issue of the Federal Register (38 FR 7303), regarding proposed expenses and rate of assessment of the National Potato Promotion Board for the 1973-74 fiscal period. The budget of $2,168,000 and assessment rate of $1207,402 Expenses and Rate of Assessment are as follows:

Expenses and rate of assessment are as follows:

$1207.402 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning July 1, 1973, and ending June 30, 1974, by the National Potato Promotion Board for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate will amount to $2,168,000.

(b) The rate of assessment to be paid by each designated handler in accordance with the provisions of the plan shall be 1c/cwt of assessable potatoes handled by him as the designated handler thereof during said fiscal period.

(c) Terms used in this section have the same meaning as when used in the Potato Research and Promotion Plan, published at 38 FR 5008, July 1, 1973.


JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.73-10569 Filed 5-22-73; 8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER E—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Loan and Purchase Regs., 1973-Crop Rice Sup.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1973-Crop Rice Loan and Purchase Program

On January 8, 1973, notice of proposed rulemaking regarding determinations to be made in carrying out the 1973-crop rice program was published in the Federal Register (38 FR 1054). One response was received suggesting that the loan ceiling be at 75 percent of parity. After due consideration the proposed amendment to the regulations remains unchanged. The general regulations governing price support for the 1970 and subsequent crops, published at 35 FR 7933 and 7781 and any amendments thereto, and the 1970 and subsequent crops rice loan and purchase program regulations, published at 35 FR 8443 and 8679, and any amendments to such regulations, are further supplemented for the 1973 crop of rice. The material previously appearing in this subpart in 1421.328 remains in full force and effect as to the crop to which it was applicable.

Sec. 1421.325 Purpose.

1421.327 Maturity of loans.

1421.329 Loan and purchase rates.


§ 1421.325 Purpose.

This subpart contains additional program provisions which, together with the applicable provisions of the regulations specified in § 1421.300 of the 1970 and subsequent crop rice loan and purchase program regulations and any amendments thereto, apply to loans and purchases for the 1973-crop rice.

§ 1421.326 Availability.

(a) Loans.—Producers must request a loan on 1973-crop eligible rice on or before March 31, 1974.
(b) Purchases.—Producers desiring to offer eligible rice not under loan for purchase through a local FSA Loan Committee and deliver to the county office prior to April 30, 1974, a purchase agreement (form CCC-614) indicating the approximate quantity of rice they will sell to CCC.

§ 1421.327 Maturity of loans.

Unless demand is made earlier, loans on rice will mature on April 30, 1974.

§ 1421.328 Loan and purchase rates.

The loan rate for rice placed under a loan other than a loan on rice stored commingled in an approved warehouse shall be the applicable basic rate specified in paragraphs (a) of this section and shall be in addition to any adjustment under paragraphs (b) and (c) of this section.

(d) Location differentials.—For rice produced in the areas specified below discounts for location shall be applied to the basic rate determined under paragraph (a) of this section and shall be in addition to any adjustment under paragraphs (b) and (c) of this section. The rate for rice on stored commingled in an approved warehouse and for settlement of all loans and purchases shall be the applicable basic rate specified in paragraph (a) of this section, adjusted in accordance with the provisions of this section and §§ 1421.310 and 1421.23.

(a) Basic rates.—The basic rate per 100 pounds of rice shall be computed as follows: Multiply the yield (in pounds per hundredweight) of head rice by the applicable value factor for head rice (as shown in the table below according to class) and round the result to the nearest hundredth. Similarly, multiply the difference between the total yield and the head rice yield (in pounds per hundredweight) by the applicable value factor for broken rice and round the result to the nearest hundredth. Add the results (as rounded) of these two computations to obtain the basic loan or purchase rate per 100 pounds of rice and express such rate in dollars and cents.

### Value Factors for Head and Broken Rice

<table>
<thead>
<tr>
<th>Rice Class</th>
<th>Head Rice</th>
<th>Broken Rice</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grade</td>
<td>Cents per pound</td>
<td></td>
</tr>
<tr>
<td>Long grain</td>
<td>96.9</td>
<td>4.05</td>
</tr>
<tr>
<td>Medium grain</td>
<td>88.77</td>
<td>4.87</td>
</tr>
<tr>
<td>Short grain</td>
<td>88.77</td>
<td>4.87</td>
</tr>
</tbody>
</table>

The value factors may be changed. Such changes, if any, will be made by an amendment to this section issued shortly after Aug. 1, 1970.

(b) Premium. The basic rate determined under paragraph (a) of this section shall be adjusted by the following premium:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Cents per 100 lbs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>U.S. No. 1</td>
<td>10</td>
</tr>
</tbody>
</table>

(c) Discounts.—(1) Grade.—The basic rate determined under paragraph (a) of this section shall be adjusted for grades below U.S. No. 2 by the following discounts:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Cents per 100 lbs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>U.S. No. 2</td>
<td>15</td>
</tr>
<tr>
<td>U.S. No. 3</td>
<td>30</td>
</tr>
<tr>
<td>U.S. No. 4</td>
<td>50</td>
</tr>
</tbody>
</table>

(2) Smut damage.—The rate for rice evidencing smut damage shall be further adjusted by the following discounts:

<table>
<thead>
<tr>
<th>Percent smut damage</th>
<th>Cents per 100 lbs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trace</td>
<td>0</td>
</tr>
<tr>
<td>0.1 to 1.0</td>
<td>5</td>
</tr>
<tr>
<td>1.1 to 2.0</td>
<td>10</td>
</tr>
<tr>
<td>2.1 to 3.0</td>
<td>15</td>
</tr>
<tr>
<td>3.1 and over</td>
<td>25</td>
</tr>
</tbody>
</table>

### Differential Table

<table>
<thead>
<tr>
<th>Area</th>
<th>Discount per 100 lbs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Imperial County, Calif.</td>
<td>0.10</td>
</tr>
<tr>
<td>State of Florida</td>
<td>0.10</td>
</tr>
<tr>
<td>North Carolina and South Carolina</td>
<td>0.10</td>
</tr>
<tr>
<td>States of North Carolina and South Carolina</td>
<td>0.10</td>
</tr>
<tr>
<td>Counties of Maricopa, Pima, and St. Charles, Ariz.</td>
<td>0.88</td>
</tr>
<tr>
<td>Counties of Lafayette, Little River, and Miller, Ark.; Boro, Tex.; McCurtain, Okla.; Paria, Ariz.</td>
<td>0.19</td>
</tr>
</tbody>
</table>

Effective date.—May 29, 1973.


KENNETH E. FRIED, Executive Vice President, Commodity Credit Corporation.

###CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

###SUBCHAPTER C—LOANS PRIMARILY FOR PRODUCTION PURPOSES

####PART 1832—EMERGENCY LOANS

Subpart D—Additional Benefits for Certain Indebted and Paid-up Emergency and Rural Housing Disaster Loan Borrowers

An amendment to subchapter C, "Loans Primarily for Production Purposes," by adding new subpart D, "Additional Benefits for Certain Indebted and Paid-up Emergency and Rural Housing Disaster Loan Borrowers," of part 1832, Title 7, Code of Federal Regulations, provides the policies and procedures for extending additional benefits to eligible Farmers Home Administration (FmHA) borrowers who received emergency (EM) and disaster (RD) loans because of qualifying losses caused by natural disasters, including major disasters, occurring on or after June 30, 1971.

The Finance Office is responsible for making principal cancellations and refunds and for adjusting interest as of August 16, 1972, to a reduced rate of either 1 or 3 percent. The County Supervisor will furnish information for each active and paid-up EM and RD loan that qualified for such benefits to the Finance Office.

(a) The benefits are:

(1) Reduced rate of interest.—The Finance Office will:

(i) Adjust the principal balance remaining as of August 16, 1972, on EM and RD loans made as the result of qualifying losses caused by a natural or major disaster occurring on or after July 1, 1971, and through December 31, 1971, to 3 percent interest.

(ii) Adjust the principal balance remaining as of August 16, 1972, on EM and RD loans made as the result of qualifying losses caused by a natural or major disaster occurring on or after January 1, 1972, to 1 percent interest.

(iii) Not adjust interest payments received from a borrower prior to August 16, 1972, or refund such interest payments to a borrower.
(iv) Not change the repayment period set forth in the promissory note because of adjustments in a loan account.

2. Principal cancellation or refund on current loans. To determine the amount of principal cancellation or refund, the Finance Office will:
   (a) Consider EM and RHD loans already made as the result of qualifying losses caused by a natural or major disaster occurring on or after July 1, 1971, and through December 31, 1971, for principal cancellations or refunds to the extent of loss, damage, or injury not compensated for by insurance or otherwise: 50 percent of the original principal amount of the loan, or $2,500, whichever is greater, but in any case the cancellation or refund cannot exceed 50 percent of the original principal amount of any EM or RHD loan made on or after January 1, 1972, for principal cancellations or refunds to the extent of loss, damage, or injury not compensated for by insurance or otherwise, up to the first $5,000 of the principal amount of any RHD loan.
   (b) Consider EM and RHD loans already made as a result of qualifying losses caused by a natural or major disaster occurring on or after January 1, 1972, for principal cancellations or refunds to the extent of loss, damage, or injury not compensated for by insurance or otherwise: 50 percent of the original principal amount of the loan, or $2,500, whichever is greater, but in any case the cancellation or refund cannot exceed 50 percent of the original principal amount of any EM or RHD loan made on or after January 1, 1972, for principal cancellations or refunds to the extent of loss, damage, or injury not compensated for by insurance or otherwise, up to the first $5,000 of the principal amount of any RHD loan.
   (c) Consider EM and RHD loans already made as a result of qualifying losses caused by a natural or major disaster occurring on or after January 1, 1972, for principal cancellations or refunds to the extent of loss, damage, or injury not compensated for by insurance or otherwise: 50 percent of the original principal amount of the loan, or $2,500, whichever is greater, but in any case the cancellation or refund cannot exceed 50 percent of the original principal amount of any EM or RHD loan made on or after January 1, 1972, for principal cancellations or refunds to the extent of loss, damage, or injury not compensated for by insurance or otherwise, up to the first $5,000 of the principal amount of any RHD loan.
   (d) Consider EM and RHD loans already made as a result of qualifying losses caused by a natural or major disaster occurring on or after January 1, 1972, for principal cancellations or refunds to the extent of loss, damage, or injury not compensated for by insurance or otherwise: 50 percent of the original principal amount of the loan, or $2,500, whichever is greater, but in any case the cancellation or refund cannot exceed 50 percent of the original principal amount of any EM or RHD loan made on or after January 1, 1972, for principal cancellations or refunds to the extent of loss, damage, or injury not compensated for by insurance or otherwise, up to the first $5,000 of the principal amount of any RHD loan.

3. Refunds of principal on paid loans. Make principals refundable when applicable when EM or RHD loans have been paid in full.

4. Recalculation of interest payments. Recalculated payments due on paid EM or RHD loans, in accordance with FHA requirements in effect prior to August 23, 1972, are eligible for these additional benefits.

5. Processing lists 1 and 2.

   a. List 1 borrowers. Complete Form FHA 440-20 for borrowers on list 1 using information available in the county office management system and in each individual borrower's file. Use the loss information that was documented on Form FHA 441-23, "Certification of Losses Caused by Major Disaster" (re-numbered to Form FHA 440-49) when the loans were made to determine the amount of additional benefits that these borrowers are eligible to receive making it unnecessary to contact them about their losses. Since the information for each borrower in this category is already available, document it on Form FHA 440-20 as soon as possible. Forward the original of this form to the Finance Office and retain a copy in the borrower's county office file.

   b. List 2 borrowers. Complete Form FHA 440-20 for each borrower on list 2 from information available in the county office management system and in each individual borrower's file. Use the loss information that was documented on Form FHA 441-23, "Certification of Losses Caused by Major Disaster" (re-numbered to Form FHA 440-49) when the loan was made to determine the amount of additional benefits that these borrowers are eligible to receive making it unnecessary to contact them about their losses. Since the information for each borrower in this category is already available, document it on Form FHA 440-20 as soon as possible. Forward the original of this form to the Finance Office and retain a copy in the borrower's county office file.

§ 1832.74 Notifying borrowers on list two.

The County Supervisor will mail Form FHA 440-18, "Form Letter (Possible Eligibility for Cancellation)," to borrowers on list two advising them to come to the FHA county office and complete Form FHA 440-49, "Certification of Losses Caused by Major or Natural Disaster," to determine the amount of principal cancellation or refund they are eligible to receive. He will retain a copy of each letter in the county office. He will mail additional copies to borrowers who have not responded to the first mailing within 60 days. The County Supervisor will repeat mailing until he is assured that they have received notice of the additional benefits. The County Supervisor will maintain a record of each mailing.

§ 1832.75 Processing lists 1 and 2.

The County Supervisor will use Form FHA 440-20, "Additional Benefits Due EM and RHD Borrower Under Public Law 92-384," to document the necessary information for each borrower shown on lists 1 and 2. He will copy Form FHA 440-20 and forward these completed forms to the Finance Office at the end of each working day. When a borrower is eligible to receive more than one cancellation or refund benefit, the loans based on separate disasters, the County Supervisor will complete a separate Form FHA 440-20 reflecting all loans resulting from each separate disaster.

(a) List 1 borrowers. Complete Form FHA 440-20 for borrowers on list 1 using information available in the county office management system and in each individual borrower's file. Use the loss information that was documented on Form FHA 441-23, "Certification of Losses Caused by Major Disaster" (re-numbered to Form FHA 440-49) when the loans were made to determine the amount of additional benefits that these borrowers are eligible to receive making it unnecessary to contact them about their losses. Since the information for each borrower in this category is already available, document it on Form FHA 440-20 as soon as possible. Forward the original of this form to the Finance Office and retain a copy in the borrower's county office file.

(b) List 2 borrowers. Complete Form FHA 440-20 for each borrower on list 2 from information available in the county office management system and in each individual borrower's file. Use the loss information that was documented on Form FHA 441-23, "Certification of Losses Caused by Major Disaster" (re-numbered to Form FHA 440-49) when the loan was made to determine the amount of additional benefits that these borrowers are eligible to receive making it unnecessary to contact them about their losses. Since the information for each borrower in this category is already available, document it on Form FHA 440-20 as soon as possible. Forward the original of this form to the Finance Office and retain a copy in the borrower's county office file.

(c) Certification of losses. Each EM loan borrower either active or paid in full, must have on file in the county office a docket a duly executed Form FHA 440-49.
(1) A borrower’s estimated losses as indicated on Form FHA 440-49 may be canceled as originally submitted and the retroactive benefits based on those figures.

(2) Borrowers on list two who have not yet filed Form FHA 440-49 (formerly Form FHA 440-20) will be required to do so prior to determining their retroactive benefits. Where Form FHA 441-22, “Statement of Production Losses and Certain Damages,” is obtained, the losses shown on this form may be accepted and used to complete Form FHA 440-49.

(3) County Supervisors should verify any losses which appear to be excessive.

(4) No upward revision of Form FHA 441-22, Form FHA 441-23, or Form FHA 440-49 already on file will be permitted.

(5) Additional supporting information is required to verify the borrower’s stated losses in order to qualify him for retroactive benefits that additional information will be in the form of one or more of the following:

(a) A written statement from the County Agricultural Stabilization and Conservation Service Office showing his production record for the year of the disaster and also for each of the 2 previous years.

(b) Signed statements from three neighbors describing in detail the property crop or livestock losses which made the EM loan necessary.

(c) Signed statements from professional bookkeepers and accountants who are familiar with the borrower’s operations supported by their records.

(d) Computer records from farm financial management systems.


(6) Conversion to dollar amounts shall be accomplished by using prices in effect at the year’s normal marketing time as evidenced by the State crop reporting service reports. Such a list will be prepared by the State Director and distributed to affected County Supervisors.

(7) Prepare a separate Form FHA 440-49 for each disaster loss where borrowers are eligible to receive more than one benefit in connection with loans based on separate disasters.

(d) Approval authorization.—The FHA County Supervisor is authorized to approve these retroactive benefits for eligible borrowers without recommendation by the county committee, regardless of the level of the loan approval official who approved the loan. To do this he will sign Form FHA 440-20.

§ 1832.76 Processing additional benefits.

(a) Emergency loans.—Effective August 16, 1972, the Finance Office will first process principal cancellations and apply the amount canceled first to any installment due through January 1, 1973, and second to the final note installment. Then it will adjust the interest rate on any unpaid balance after cancellation and reapply payments received after August 16, 1972, at the reduced interest rate, make any required refunds, and notify the County Supervisor of the actions taken on each loan account. “Borrower Transaction Record.” The Finance Office will do this by using information provided by the County Supervisors on Form FHA 440-20 for each active and paid-up FHA loan that qualifies for such benefits. However, the maturities as scheduled in the promissory note will not be changed.

(b) Emergency loans.—Effective August 16, 1972, the Finance Office will first process principal cancellations and apply the amount canceled on the final note installment. Then it will adjust the interest rate on any unpaid balance after cancellation, and reapply payments received after August 16, 1972, at the reduced interest rate, make any required refunds, and notify the County Supervisor of the actions taken on each loan account by Form FHA 451-31, “Borrower Transaction Record.” The Finance Office will do this by using information provided by the County Supervisor or on Form FHA 440-20 for each active and paid-up FHA loan that qualifies for such benefits. The loan will not be renumbered because of adjustments in the account. Although the interest rate is reduced, the borrower will continue to make payments in the amount shown on the promissory note. [441-23, or Form FHA 440-20 for each active and paid-up FHA loan that qualifies for such benefits. However, the maturities as scheduled in the promissory note will not be changed.

(c) Conforming county office records and informing borrower.—The Finance Office will provide the county office and the borrower with Form FHA 451-31 showing its action and the status of each borrower’s account after the additional benefits have been applied. If a refund check is involved, it will be sent to the county office at the same time as the Forms FHA 451-31. The County Supervisor will use this information to conform county office records. When a refund check is received in the county office from the Finance Office, it will be delivered to the borrower. When a refund check cannot be delivered to a borrower within 90 days because his whereabouts is unknown, the County Supervisor will return the check to the Finance Office. However, he will make a diligent effort to locate the borrower during the 90-day period before returning a check and will document his efforts in the county office file.

(d) Amount of refund.—If a refund is due after the application of the additional benefits, the Finance Office will perform the following operations, in the sequence shown, before the refund check is issued.

(1) Pay accrued interest as of August 16, 1972, on the loan on which the additional benefits were applied.

(2) Apply refund as of August 16, 1972, to the unpaid interest and principal on any other loan(s) made as a result of the same natural disaster. In the other loan(s) made as the result of the same natural disaster are dated after August 16, 1972, the application of the refund will be as of the date of the loan.

(3) Finance Office will not apply any refund to another loan unless that loan pertains to the same natural disaster.
RULES AND REGULATIONS

3. Section 201.53 is amended to read as follows:

§ 201.53 Advances to persons other than member banks.

The rates for advances under the last paragraph of section 13 of the Federal Reserve Act to individuals, partnerships, or corporations other than member banks secured by direct obligations of, or obligations fully guaranteed as to principal and interest by, the United States or any agency thereof are:

<table>
<thead>
<tr>
<th>Federal Reserve Bank of</th>
<th>Rate</th>
<th>Effective</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boston</td>
<td>8</td>
<td>May 11, 1973</td>
</tr>
<tr>
<td>New York</td>
<td>8</td>
<td>Do.</td>
</tr>
<tr>
<td>Philadelphia</td>
<td>8</td>
<td>Do.</td>
</tr>
<tr>
<td>Cleveland</td>
<td>8</td>
<td>Do.</td>
</tr>
<tr>
<td>Richmond</td>
<td>8</td>
<td>Do.</td>
</tr>
<tr>
<td>Atlanta</td>
<td>8</td>
<td>Do.</td>
</tr>
<tr>
<td>Chicago</td>
<td>8</td>
<td>Do.</td>
</tr>
<tr>
<td>St. Louis</td>
<td>8</td>
<td>Do.</td>
</tr>
<tr>
<td>Minneapolis</td>
<td>8</td>
<td>Do.</td>
</tr>
<tr>
<td>Kansas City</td>
<td>8</td>
<td>May 15, 1973</td>
</tr>
<tr>
<td>Dallas</td>
<td>8</td>
<td>May 11, 1973</td>
</tr>
<tr>
<td>San Francisco</td>
<td>8</td>
<td>Do.</td>
</tr>
</tbody>
</table>

2. Section 201.52 is amended to read as follows:

§ 201.52 Advances to member banks under section 10(b).

The rates for advances to member banks under section 10(b) of the Federal Reserve Act are:

<table>
<thead>
<tr>
<th>Federal Reserve Bank of</th>
<th>Rate</th>
<th>Effective</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boston</td>
<td>6</td>
<td>May 11, 1973</td>
</tr>
<tr>
<td>New York</td>
<td>6</td>
<td>Do.</td>
</tr>
<tr>
<td>Philadelphia</td>
<td>6</td>
<td>Do.</td>
</tr>
<tr>
<td>Cleveland</td>
<td>6</td>
<td>Do.</td>
</tr>
<tr>
<td>Richmond</td>
<td>6</td>
<td>Do.</td>
</tr>
<tr>
<td>Atlanta</td>
<td>6</td>
<td>Do.</td>
</tr>
<tr>
<td>Chicago</td>
<td>6</td>
<td>Do.</td>
</tr>
<tr>
<td>St. Louis</td>
<td>6</td>
<td>Do.</td>
</tr>
<tr>
<td>Minneapolis</td>
<td>6</td>
<td>Do.</td>
</tr>
<tr>
<td>Kansas City</td>
<td>6</td>
<td>May 15, 1973</td>
</tr>
<tr>
<td>Dallas</td>
<td>6</td>
<td>May 11, 1973</td>
</tr>
<tr>
<td>San Francisco</td>
<td>6</td>
<td>Do.</td>
</tr>
</tbody>
</table>

3. Section 201.53 is amended to read as follows:

§ 201.53 Advances to persons other than member banks.

The rates for advances under the last paragraph of section 13 of the Federal Reserve Act to individuals, partnerships, or corporations other than member banks secured by direct obligations of, or obligations fully guaranteed as to principal and interest by, the United States or any agency thereof are:

<table>
<thead>
<tr>
<th>Federal Reserve Bank of</th>
<th>Rate</th>
<th>Effective</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boston</td>
<td>8</td>
<td>May 11, 1973</td>
</tr>
<tr>
<td>New York</td>
<td>8</td>
<td>Do.</td>
</tr>
<tr>
<td>Philadelphia</td>
<td>8</td>
<td>Do.</td>
</tr>
<tr>
<td>Cleveland</td>
<td>8</td>
<td>Do.</td>
</tr>
<tr>
<td>Richmond</td>
<td>8</td>
<td>Do.</td>
</tr>
<tr>
<td>Atlanta</td>
<td>8</td>
<td>Do.</td>
</tr>
<tr>
<td>Chicago</td>
<td>8</td>
<td>Do.</td>
</tr>
<tr>
<td>St. Louis</td>
<td>8</td>
<td>Do.</td>
</tr>
<tr>
<td>Minneapolis</td>
<td>8</td>
<td>Do.</td>
</tr>
<tr>
<td>Kansas City</td>
<td>8</td>
<td>May 15, 1973</td>
</tr>
<tr>
<td>Dallas</td>
<td>8</td>
<td>May 11, 1973</td>
</tr>
<tr>
<td>San Francisco</td>
<td>8</td>
<td>Do.</td>
</tr>
</tbody>
</table>

4. The application, together with all communications in favor or in protest thereof, shall be available at the office of the Supervisory Agent during regular working hours for inspection by any person after the issuance to the applicant of advice to publish a notice. Prior to the application and the fact that it has been filed shall be held as confidential except to the extent provided otherwise in a working understanding between the Board and a State agency which regulates State-chartered savings and loan associations.

5. The application, together with all communications in favor or in protest thereof, shall be available at the office of the Supervisory Agent during regular working hours for inspection by any person after the issuance to the applicant of advice to publish a notice. Prior to the application and the fact that it has been filed shall be held as confidential except to the extent provided otherwise in a working understanding between the Board and a State agency which regulates State-chartered savings and loan associations.
payments outstanding on the date the amendments become effective will be overpayments due the medicare program. Interested parties were given 30 days within which to submit data, views, or arguments pertaining to the proposed amendments. All comments submitted with respect to the proposed amendments were given due consideration.

Most of those who submitted comments opposed the rescission of the provision for current financing in medicare regulations. However, the major concern voiced by providers and organizations involved the timing of recovery of current financing currently outstanding. They pointed out that recovery by June 30, 1973, as was assumed in the Administration's budget estimates would cause serious financial difficulties for many individual providers. In response to these concerns, the Bureau of Health Insurance has been instructed to accomplish recovery of overpayments resulting from the rescission of provision for current financing over a period not to exceed 12 months from the date of publication of these amendments to the regulations and to permit extension of such recovery beyond such 12-month period in situations of extreme financial hardship to the extent otherwise allowable under the laws and regulations affecting the recovery of amounts due the medicare program as a result of overpayments to providers. These instructions are not in conflict with the amendments to the regulations as originally proposed.

Accordingly, the proposed amendments are hereby adopted without change and are set forth below.

(See. 1102, 1814(b), 1815, 1835(a), 1851(v), and 1896 of this section and as amended, 78 Stat. 295, 297, 302, 322, 331; 42 U.S.C. 1302, 1395 et seq.)

Effective date.—The amendments shall be effective on May 29, 1973.


Arthur E. Hess,
Acting Commissioner of Social Security.


Caspar W. Weinberger,
Secretary of Health, Education, and Welfare.

Regulations No. 5 of the Social Security Administration (20 CFR Part 405) are 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) [Revised]

2. Section 405.419 is amended by deleting subparagraph (a) of paragraph (g).

§ 405.419 Interest expense.

(a) Borrower-lender relationship.

(b) [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(c) (1)."

§ 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 capital amounts:

(1) 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) (2) shall not be included 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 or beneficiary’s equity capital upon which a return is allowable, investment in facilities is recognized on the basis of the historical cost, and depreciation and other purposes under the health insurance program. With respect to a facility or any tangible assets of a facility acquired before 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) (whichsoever is appropriate), is not includable in debt but, instead, the interest and loans made to finance such excess portion of the cost of such acquisitions (see § 405.419(d)) are excluded in computing equity capital. In 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 section, the term "proprietary providers" is intended to distinguish providers, whether sole proprietors, 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), (b), and (c) references to the provision for current financing. As so amended, paragraphs (g), (h), (l), and (d) will read as follows:

§ 405.454 Payments to providers.

(a) Principle. Providers of services will be paid the reasonable cost of services furnished to beneficiaries. Interim payments approximating the actual costs of services furnished during the reporting period are on an 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.

(b) Application. If refund is not made the Social Security Administration may recover such overpayments by withholding payments, in whole or in part, from a 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.

(c) 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 delays 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 accelerated payment may be 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.

(d) Bankruptcy or insolvency of provider. If on the basis of reliable evidence, the intermediary has a valid belief or 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 under an appropriate State or Federal law, any payments to the provider shall be adjusted by the intermediary, notwithstanding any other regulation or provision of the Social Security Administration, to the timing or manner of such adjustments, to a level necessary to insure that no overpayment to the provider is made.

[FR Doc. 73-1093 Filed 5-25-73; 8:15 am]
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.

<table>
<thead>
<tr>
<th>State</th>
<th>County</th>
<th>Location</th>
<th>Map No.</th>
<th>State map repository</th>
<th>Local map repository</th>
<th>Effective date of authorization of sale of flood insurance for area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Florida</td>
<td>Broward</td>
<td>Lauderdale Lakes, City of</td>
<td></td>
<td></td>
<td></td>
<td>May 7, 1973, Emergency</td>
</tr>
<tr>
<td>Illinois</td>
<td>Du Page</td>
<td>Aurora, Village of</td>
<td></td>
<td></td>
<td></td>
<td>Do.</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Grant Parish</td>
<td>Celina, Town of</td>
<td></td>
<td></td>
<td></td>
<td>May 21, 1973, Emergency</td>
</tr>
<tr>
<td>Missouri</td>
<td>Clay</td>
<td>Liberty, City of</td>
<td></td>
<td></td>
<td></td>
<td>Do.</td>
</tr>
<tr>
<td>New York</td>
<td>Sullivan</td>
<td>Liberty, Village of</td>
<td></td>
<td></td>
<td></td>
<td>Do.</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Dare</td>
<td>Remnants unincorporated areas</td>
<td></td>
<td></td>
<td></td>
<td>Do.</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Bradford</td>
<td>Bedford, Township of</td>
<td></td>
<td></td>
<td></td>
<td>Do.</td>
</tr>
<tr>
<td></td>
<td>Columbia</td>
<td>Franklin, Township of</td>
<td></td>
<td></td>
<td></td>
<td>Do.</td>
</tr>
</tbody>
</table>


GEORGE K. BEINSTEIN,
Federal Insurance Administrator.

[Docket No. FI-138]

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.

<table>
<thead>
<tr>
<th>State</th>
<th>County</th>
<th>Location</th>
<th>Map No.</th>
<th>State map repository</th>
<th>Local map repository</th>
<th>Effective date of authorization of sale of flood insurance for area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Illinois</td>
<td>Kankakee</td>
<td>Kankakee, City of</td>
<td></td>
<td></td>
<td></td>
<td>May 29, 1973, Emergency</td>
</tr>
<tr>
<td>New York</td>
<td>Cortland</td>
<td>Portville, Township of</td>
<td></td>
<td></td>
<td></td>
<td>Do.</td>
</tr>
<tr>
<td></td>
<td>Jefferson</td>
<td>Zillah, Town of</td>
<td></td>
<td></td>
<td></td>
<td>Do.</td>
</tr>
<tr>
<td></td>
<td>Steuben</td>
<td>Lindsay, Township of</td>
<td></td>
<td></td>
<td></td>
<td>Do.</td>
</tr>
</tbody>
</table>


GEORGE K. BEINSTEIN,
Federal Insurance Administrator.

[FEDERAL REGISTER, VOL. 38, NO. 102—TUESDAY, MAY 29, 1973]
I, title

PART 100—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Conduct and Responsibilities of Employees

Section 100.735-32, subpart B, chapter I, title 29, of the Code of Federal Regulations is amended by adding the following subsection which is derived from section 7813 of title 5 of the United States Code:

§ 100.735-32 Miscellaneous statutory and nonstatutory provisions.

* * * * *

(ge) The prohibition against accepting or holding any position in the National Labor Relations Board by any individual convicted of a felony which involves inciting or participating in a riot or civil disorder for the 5 years immediately following the date upon which his conviction becomes final (5 U.S.C. §7813).

These regulations were approved by the U.S. Civil Service Commission on May 7, 1973, and are effective on May 29, 1973.


By direction of the Board.

JOHN C. TRUESDALE,
Executive Secretary.

[F.R. Doc. 1973-10538 Filed 5-25-73; 8:45 a.m.]

Title 29—Labor

CHAPTER I—NATIONAL LABOR RELATIONS BOARD

PART 100—EMPLOYEE RESPONSIBILITIES AND CONDUCT

PART 107—DRAWBRIDGE OPERATION REGULATIONS

CHAPTER I-COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 73-528]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

H Halifax River, Fla.

This amendment changes the regulations for the Ormond Beach Bridge (State Road 40) and the Port Orange Bridge (U.S. AIA) across the Atlantic Intracoastal Waterways in Volusia County to permit closed periods during peak vehicular periods in the morning and evening rush hours. This amendment was circulated as a public notice dated March 19, 1973, by the Commander, Seventh Coast Guard District, and was published in the Federal Register as a notice of proposed rulemaking (CGD 73-528) on March 14, 1973 (38 Federal Register 6991). Seven comments were received. Three, including a petition with 716 signatures, supported this proposal. Three opposed it because there is limited maneuvering area due to shallow water outside the channel; the need to anchor to anchor or lay to and there are no docking facilities available to tie to while waiting for the draws to open. This could result in a large vessel running aground and also increase the potential for collisions between large vessels. It was also pointed out that, at times of fast currents, which occurs frequently, particularly in the vicinity of the Port Orange Bridge, it is difficult to hold a large vessel in one position for even a short time. Two of these also objected to the storm warning provision. While all of these objections have validity, the Coast Guard feels that these changes will not restrict the reasonable needs of navigation. One response requested that the wording of sentence 2 in § 117.433 be changed from “The draws shall open at 8 a.m. and 5 p.m. during this period if any vessels are waiting to pass.” to, “The draws shall open at 8 a.m. and 5 p.m. if waterway traffic is such that this is necessary for the safety of mariners.” This proposal is accepted and is included in § 117.433(a) with minor editorial change for clarity. Accordingly, part 117 of title 33 of the Code of Federal Regulations, is amended by adding a new § 117.433 immediately after § 117.432a to read as follows:

§ 117.433 Ormond Beach Bridge (State Road 40) and Port Orange Bridge (U.S. AIA), AWW, Volusia County, Fla.

(a) The draws of these bridges shall open on signal except that from 7:30 a.m. to 8:30 a.m. and 4:30 p.m. to 5:30 p.m., Monday through Saturday, the draws may remain closed to the passage of vessels. The draws shall open at 8 a.m. and 5 p.m. during this period, if necessary, to assure the safety of vessels.

(b) Public vessels of the United States, tug with tows, and vessels in distress shall be passed at any time. The opening signal from these vessels is four blasts of a whistle, horn, or other sound-producing device or by shouting.

(c) During periods when storm signals are displayed in the Daytona Beach area, the draws shall open on signal. Storm signals are displayed upon notification by the National Weather Service that winds of up to 33 knots or more and/or sea conditions considered dangerous to small craft are expected. The opening signal is three blasts of a whistle, horn, or other sound-producing device or by shouting.

(d) The owners or agencies controlling these bridges shall post signs on both the upstream and downstream sides of the bridges or adjacent to the bridges, that can be easily read at any time from an approaching vessel, stating the regulations in this section.

Effective date.—This revision shall become effective on July 2, 1973.


J. D. McGinnis,
Acting Chief, Office of Marine Environment and Systems.

[F.R. Doc. 73-10539 Filed 5-25-73; 8:45 a.m.]

FEDERAL REGISTER, VOL. 38, NO. 102—TUESDAY, MAY 29, 1973

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 170—FINANCIAL ASSISTANCE FOR CONSTRUCTION OF HIGHER EDUCATION FACILITIES

On December 2, 1972, notice of proposed rulemaking dealing with changes in the regulations for title VII of the Higher Education Act of 1965, as amended (previously the Higher Education Facilities Act of 1965) was published in the Federal Register (37 FR 25736 through 37 FR 25747). After consideration of all such relevant comments as were presented by interested persons, the proposed regulations are hereby adopted, subject to the following changes:

1. Most of the legislative citations have been changed to comply with new codifications in the United States Code.

2. Reference to the requirements under the Civil Rights Act have been reinserted immediately before the table of contents. Also added is a reference to the requirement under title IX of the Education Amendments of 1972.

3. The second sentence of § 170.1(m) has been omitted.

4. In paragraph (d) of § 170.3 the word “concurrency” has been changed to “approval.”

5. In § 170.8, two additional requirements were recommended for inclusion in compliance with the Historic Preservation Act and the Occupational Safety and Health Act.

6. In paragraph (b) of § 170.9 so much as reads “applicant provides substantial evidence” has been changed to read “applicant provides evidence satisfactory to the Commissioner.”

7. In subparagraph (3) of § 170.14(a) two lines were mistakenly omitted but are now included. Also, in paragraph (1) of that section, the word “share” is now included between “Federal” and “allowable.”

8. Subparagraph (2) of § 170.15(c) “in instructional” is changed to “in instructional.”

9. In paragraph (c) of § 170.17 the effective date is changed to April 1, 1973.

10. In § 170.55, paragraph (d) has been added to provide for the waiver of non-Federal funds as authorized by a new title III provision for developing institutions.

11. In § 170.60 “accepted loan officer” becomes “accepted loan offer.”

12. In § 170.77 “security and repayment provisions” becomes “security and prepayment provisions.”

Several comments received from interested persons that did not result in modifications of these finally published regulations are as follows:

1. It was suggested that annual interest grant payments be made on a monthly basis to protect the lender. Inasmuch as assignment of benefits is possible and since monthly payments would produce an inordinate workload the suggestion was rejected.
(2) It was suggested that greater emphasis be placed on renovation projects. The Division of Academic Facilities in responding to these suggestions pointed out that changes had been incorporated liberating the strict "expansion of capacity" requirement but that further liberalization would require legislative action.

(3) One comment was an objection to the Commissioner's assigning higher priority under the annual interest grant program to developing institutions, public community colleges and technical institutes, and colleges enrolling 30 percent or more students from low-income families. The Division response suggested that an allocation of funds was within the Commissioner's discretionary authority and that in periods of limited resources such priority considerations were in keeping with departmental objectives.

Effective date—Except as provided in §170.17, May 29, 1973, constitutes the effective date of these regulations. These amended regulations shall become effective on May 29, 1973, except for §170.17 which becomes effective on April 1, 1973.

Federal financial assistance provided pursuant to these regulations set forth below is subject to the provisions of title IX of the Civil Rights Act of 1964 (Public Law 88-352). Federal financial assistance is also subject to the provisions of title IX of the Education Amendments of 1972 (prohibition of sex discrimination), and any regulations issued thereunder. (Public Law 92-318, title IX).

JOHN OTTINA,
Acting U.S. Commissioner of Education.


CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

§170.1 Definitions.

170.2 Requirement for compliance with labor standards and equal opportunity requirements in all construction contracts.

170.3 Requirement for competitive bidding on contracts for construction and for acquisition and installation of built-in equipment.

170.4 Requirement for economical methods of purchase of initial equipment.

170.5 Fiscal control and fund accounting procedures.

170.6 Federal audits and retention of records.

170.7 Determination of costs eligible for Federal participation.

170.8 Compliance with other federally assisted construction requirements.

170.9 Urgency of need for projects of public institutions.

170.11 Institutional eligibility for grants under section 703 of the Act.

170.12 Institutional eligibility for grants under section 703 of the Act.

170.13 Conditions for grant approval.

170.14 Submission and processing of Title IX applications.

170.15 Criteria for standards and methods to determine relative priorities of eligible projects.

170.16 Criteria for standards and methods to determine Federal shares of eligible projects.

170.17 State plans.

170.18 Adjustments in amount of Federal share.

170.19 Payment of grant funds on approved projects.

170.20 Federal financial assistance provided pursuant to these regulations set forth below is subject to the provisions of title IX of the Civil Rights Act of 1964 (Public Law 88-352).

170.21 Federal financial assistance is also subject to the provisions of title IX of the Education Amendments of 1972 (prohibition of sex discrimination), and any regulations issued thereunder. (Public Law 92-318, title IX).
which meets in its own right the definition of an institution of higher education as defined in the Act.

(20 U.S.C. 1141.)

(e) "Capacity/enrollment ratio" means the ratio of (1) the square feet of assignable area of instructional and library facilities as defined in paragraph (b) (1) of this section to (2) the total student clock-hour enrollment at a particular campus of an institution. For purposes of this definition, "student clock-hour enrollment" means the aggregate clock hours (sometimes called contact hours) per week in classes or supervised laboratory or shop work for which all resident students (i.e., students enrolled for credit courses on the campus) are enrolled as of a particular date. Where formally established independent study programs exist, systematically determined equivalents of class or laboratory hours may be included under "student clock-hour enrollment."

(20 U.S.C. 1132a-4.)

(f) "Commissioner" means the U.S. Commissioner of Education or his designee.

(20 U.S.C. 1221.)

(g) "Developing institution" means an eligible institution of higher education which has the desire and potential to make a substantial contribution to the higher education resources of our Nation but which for financial and other reasons is struggling for survival and is isolated from the main currents of academic life.

(20 U.S.C. 1051.)

(h) "Equipment" means manufactured items which have an extended useful life and are not consumed in use and which have an identity and function which are not lost through incorporation into a different or more complex unit or subunit. Equipment is further subdivided into two categories: Built-in equipment and initial equipment.

(1) "Built-in equipment" means equipment which is a permanent part of the structure.

(2) "Initial equipment" means all items of equipment other than built-in equipment, which are necessary and appropriate for the initial functioning of a particular academic facility for its specific purpose. No equipment shall be considered as initial equipment unless it has been acquired or contracted for prior to the date on which the facility is first used for education of students.

(20 U.S.C. 1132a-2 (3.).)

(i) "Full-time equivalent number of students" means:

(1) For purposes of determining State allotments, the number of full-time students enrolled in programs which consist wholly or principally of work normally creditable towards a bachelor's or higher degree plus one-third of the number of part-time students enrolled in such programs, plus 40 percent of the number of students enrolled in programs which are not chiefly transferable towards a bachelor's or higher degree plus 28 percent of the remaining number of such students. Student enrollment figures for each fiscal year for the purposes of this computation shall be those contained in the most recent Office of Education survey containing data on opening fall enrollments in higher education.

(20 U.S.C. 1132a-7, 1132a-2.)

(2) For purposes of reporting under-graduation enrollment trends and projections in connection with applications for financial assistance for Individual institutions under Title VII A of the Act, the "full-time equivalent number of students" may be defined for each State by the State commission by specific State plan provision. In the absence of such a definition in the applicable State plan, "full-time equivalent number of students" for application purposes shall be the total number of full-time students plus one-third of the number of part-time students. For the purpose of this definition, full-time students are those carrying at least 75 percent of a normal student-hour load.

(20 U.S.C. 1132a-4.)

(j) "Institution of higher education, or institution," means only so much of an educational institution in any State as meets the requirements set forth in section 1201(a) of the Act. The term "educational institution" limits the scope of this definition to establishments at which teaching is conducted.

(20 U.S.C. 1141.)

(k) "Project" means the facilities (all or a portion of one or more structures) which are eligible for grant or loan assistance under a particular title of the Act, and for which grant or loan assistance is requested in a specific grant or loan application. Only facilities to be part of a unified construction activity and to be constructed on the same campus may be included in the same project application.

(20 U.S.C. 1132a-1(2).)

(l) "Secretary" means the Secretary of Health, Education, and Welfare or his designee.

(m) "State commission" means the State agency designated or established in each State which is broadly representative of the public and of institutions of higher education in that State.

(20 U.S.C. 1132a-2.)

(n) "State plan" means the documents submitted by a State commission and approved by the Commissioner, which sets forth the standards, methods, and administrative procedures whereby the State Commission will review projects proposed by applicants in the State for Federal assistance under Title VII A of the Act, and will determine and recommend the relative priority of each such project and the Federal share of the costs eligible for Federal financial participation for each such project.

(20 U.S.C. 1132a-3(a).)

§ 170.2 Requirement for compliance with labor standards and equal employment opportunity requirements in all construction contracts.

The Commissioner shall not approve any application for a grant or loan under this Act except upon adequate assurance that:

(a) All laborers and mechanics employed by contractors or subcontractors in the performance of work on construction assisted by such grant or loan will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended.

(20 U.S.C. 1225b.)

(b) All applicable provisions for equal opportunity in employment, pursuant to Executive Order 11246, will be included in all construction contracts covered by the applications and all other requirements, imposed by or pursuant to that Executive order, will be complied with. Executive Order 11246, as amended by Executive Order 11375.

§ 170.3 Requirement for competitive bidding on contracts for construction and for acquisition and installation of built-in equipment.

(a) All contracting for new construction, and all orders for the acquisition and installation of built-in equipment not covered by general construction contracts shall be on a fixed price basis. Such contracts shall be awarded on the basis of open competitive bidding and contract awards shall be made to the lowest qualified bidder whose bid is responsive to the bid invitation.

(b) Except where the Commissioner specifically approves alternative contracting procedures due to special problems or conditions, all contracting for rehabilitation, renovation, remodeling, conversion, or improvement of existing structures shall be undertaken in accordance with the provisions of paragraph (a) of this section.

(c) Owner-furnished material or equipment may be procured in accordance with the procedures set out in § 170.4.

(d) The approval of the Commissioner must be obtained both before advertising for or soliciting bids and before awarding any contract covered under this section. Such approval will be given only after Federal assistance has been approved for the facility by an appropriate Federal agency.

(20 U.S.C. 1132a-6(a) (2) (P).)

§ 170.4 Requirement for economical methods of purchase of initial equipment.

All initial equipment, the cost of which is charged to a project covered by a grant or loan application under the Act, shall
be procured in accordance with one of the following methods: (a) Open competitive bidding, either through public advertising or the solicitation of three or more bids, with contract award to be made to the lowest qualified bidder whose bid is responsive to the bid invitation; (b) procurement under existing contracts entered into by competitive means; (c) methods prescribed by State or Federal law. An alternative to the methods cited above may be approved by the Commissioner if, in advance of procurement, the applicant satisfactorily demonstrates that such method is consistent with sound business practice.

(20 U.S.C. 1132a-6(a) (3) (F).) § 170.5 Fiscal control and fund accounting procedures.

(a) "State commissions." Each State plan shall contain specific information regarding fiscal control and fund accounting procedures as required by the Commissioner to insure proper disbursement of and accounting for Federal funds which may be paid to the State commission for expenses for the proper and efficient administration of the State plan.

(20 U.S.C. 1132a-3.)

(b) "Institutions, cooperative graduate center boards, and higher education building agencies." Applicants and, where applicable, their building agencies, shall maintain adequate and separate accounting and fiscal records and accounts of all funds provided from any source to pay the cost of construction (including necessary site acquisition and equipment) covered by the grant or loan application.

(20 U.S.C. 1132a-6(a) (E).) § 170.6 Federal audits and retention of records.

(a) Federal Audits: The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the State commissions, institutions, cooperative graduate center boards, and higher education building agencies, which are pertinent to the program.

(20 U.S.C. 1232c.)

(b) State commissions:

(1) Accounts and documents supporting expenditures of Federal funds by State commissions shall be maintained for a period of 10 years following the year in which the expenditures were made. The records shall be retained beyond the 2-year period if audit findings have not been resolved.

(2) Where the State commission purchases nonexpendable equipment items with Federal funds, inventories and other records supporting accountability for such items shall be maintained for a period of 2 years following final disposition of the equipment.

(3) State commissions shall establish a complete case file on each title VII-A application received; inform applicants of official actions and determinations by letter or similar type of correspondence, and shall retain records regarding each case for a period of at least 2 years after final action with respect to any such application. In addition, each State commission shall maintain a full record of all hearings on appeals pursuant to parts VI-A, VI-C, or VII-C of the Act, and all proceedings by which it establishes relative priorities and recommends Federal shares for eligible projects considered as of each specified closing date and shall retain such records for at least 3 years.

(20 U.S.C. 1132a-3(a) (b).)

(c) "Institutions, cooperative graduate center boards, and higher education building agencies." All accounting records relating to approved projects, including bank deposit slips, contract payrolls, canceled checks and other supporting documents, purchase orders and contract awards (or microfilm copies thereof), shall be retained intact by the institution and where applicable, by the applicant's building agency, for audit or inspection by authorized representatives of the Federal Government for a period of 3 years after completion of the project.

(20 U.S.C. 1232k.) § 170.7 Determination of costs eligible for Federal participation.

(a) Determination of costs eligible for Federal participation will be based for each individual project, whether application is made under title VII-A, VII-B, or VII-C of the Act, upon: (1) The date on which a given cost item was incurred or contracted for; (2) whether the cost is an allowable "development cost," as defined in section 762(c) of the Act, and has been incurred in accordance with the requirements set forth in these regulations; (3) the portion of the proposed facility which is eligible under the type of assistance for which the application is submitted; and (4) the amount of any financial assistance under any other Federal program which the applicant has obtained or is assured of obtaining for the project.

(b) For a project for which an application is filed for the first time under any program of the Act on or after July 1, 1972, the following shall be excluded from the eligible development cost:

(1) Any cost for the acquisition of land which was incurred more than 2 years prior to the date an application is filed;

(2) Any cost for the acquisition of an existing structure incurred more than 1 year prior to the date an application is filed;

(3) Any cost for initial equipment incurred before the date an application is filed; or

(4) Any cost for construction (including new construction, remodeling, rehabilitation, or conversion) or for build-in equipment where the contract has been entered into prior to the date an application is filed and prior to the concurrence of the Commissioner in the award of the contract.

(20 U.S.C. 1132c-1(3) and (4).)

(c) With respect to applications for annual interest grants submitted under Subpart E of this part, where the construction contract or contract for the purchase or installation of built-in equipment was entered into on or before July 1, 1966, an exception to the provisions set forth in paragraph (b) of this section may be made by the Commissioner in unusual cases where he finds that the applicant is financially hard pressed and has secured only short-term (not in excess of 5 years) financing of the academic facilities with respect to which the annual interest grant is requested, which short-term financing must be replaced in order to reduce the financial hardships, and where such academic facilities provide significant additional enrollment capacity for disadvantaged students. In making the foregoing findings the Commissioner will take into account:

(1) The number of disadvantaged students enrolled by the college and the percentage of the total enrollment represented by that number,

(2) The number of low-income families residing in the area served by the college and the average family income in that area,

(3) The immediacy of the college's need to obtain new financing, the availability of financing from other sources, and the effect of the burden of the present and proposed new financing on the college's ability to continue serving disadvantaged students,

(4) The number of disadvantaged students who benefit from the facilities for which the college is seeking financing,

(5) The extent of programs offered by the college to assist disadvantaged students in taking maximum advantage of their educational opportunity.

In no event will an exception be made by the Commissioner pursuant to this paragraph unless he finds evidence that the provisions of §§ 170.2, 170.3, and 170.4 have been met and has satisfied the Commissioner that the reasons for the applicant not having timely filed an application or secured the Commissioner's concurrence as provided for in paragraph (b) of this section were not due to any unwillingness on the part of the applicant to meet such conditions.

(20 U.S.C. 1132c-4.) § 170.8 Compliance with other federally assisted construction requirements.

The Commissioner shall not approve any application for a grant or loan under the Act except upon assurance that:

(a) The construction will be undertaken in an economical manner and will not be elaborate or extravagant in design or materials;

(20 U.S.C. 1132a-6(a) (3) (F).)
(b) The design will comply with all applicable State and local building codes, ordinances, or regulations; or where the project is not subject to the provisions of State and local building codes or there is an absence of such building codes, the design will comply with the provisions of national codes which are recognized as a basis for minimum requirements in the geographical area of the project and, with respect to life safety design of facilities, local and State building codes as well as the National Fire Protection Association Standard 101 (Life Safety Code) will be observed as minimum design requirements, whichever code is the more stringent.

(29 U.S.C. 651-678.)

(c) Project facilities will conform with Executive Order 11296, "Unified National Program for Managing Flood Losses," 31 F.R. 10665, August 11, 1966;

(d) Project facilities will conform with Executive Order 11298, "Prevention, Control and Abatement of Water Pollution," 31 F.R. 9261, July 7, 1966;

(e) The project facilities, to the extent appropriate, will be accessible to and usable by handicapped persons;

(29 U.S.C. 11229a-1(1) (A).)

(f) The applicant (public institutions or public building agencies only) will comply with the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-648 and 45 CFR part 15 in order to assist persons and businesses displaced as a result of the construction of project facilities; and

(g) Each application shall contain an assessment of the effect of the project on the environment, which assessment will be evaluated by the Department of Health, Education, and Welfare to determine whether or not the potential environmental impact of the project warrants an "Environmental Impact Statement" as provided for under the National Environmental Policy Act of 1969 (Public Law 89-969).

(15 U.S.C. 470-470m.)

\[ § 170.9 \text{ Urgency of need for projects of public institutions.} \]

(a) Notwithstanding other project eligibility requirements, the Commissioner under Part A of Title VII of the Act and the State commission under Part A of Title VII of the Act, shall not approve an application for assistance of a public institution of higher education unless the Commissioner or State commission, as appropriate, determines that the need for the project is urgent in the light of the capacity of other public institutions of higher education which enroll students from basically the same geographic area as the applicant institution.

(b) If the applicant institution has a history of not serving persons of a particular race, color, or national origin and if there are within the geographic area which the institution serves, public institutions of higher education which have a history of not serving persons of another race, color, or national origin, the Commissioner or the State commission, as appropriate, shall not determine that such urgency of need exists unless the applicant provides evidence satisfactory to the Commissioner that the construction and proposed use of the facilities will not establish, increase, or impede the elimination of, the racial or ethnic identifiability of any of these institutions.

(29 U.S.C. 1132a-4, 1122b, 1132c-4, 1132d-1 and Shannon v. ROG, 406 F 2d 850.)

\[ Subpart B—Grants for Construction of Academic Facilities \]

\[ § 170.11 \text{ Institutional eligibility for grants under section 702 of the Act.} \]

To qualify for a grant from funds allotted pursuant to section 703 of the Act, an institution or a branch campus of an institution shall meet the requirements specified in section 1201(a) and 782(b) of the Act.

(a) An institution which is not accredited by a nationally recognized accreditation agency or association listed pursuant to section 1201 of the Act may qualify, alternatively, by obtaining a certification from the Commissioner (dated no earlier than 2 years prior to the date of filing of the application for a grant) stating that the institution has met the requirements set forth in subsection 1201(a) (5) of the Act.

(b) An institution or a branch campus of an institution shall be determined to be organized and administered primarily to provide a 2-year program as specified in section 782(g) of the Act, if:

(i) More than 50 percent of the full-time equivalent student enrollment at the institution or branch campus is in 2-year programs, as specified in section 782(g) of the Act; and

(ii) The application for a grant pursuant to section 702 of the Act contains a statement that the institution or branch campus is organized and administered principally to provide such programs, and such statement is supported by information available to or obtained by the State Commission.

(29 U.S.C. 1132a-4, 1122b, 1132c-4, 1132d-1 and Shannon v. ROG, 406 F 2d 850.)

\[ § 170.12 \text{ Institutional eligibility for grants under section 703 of the Act.} \]

To qualify for a grant from funds allotted pursuant to section 703 of the Act, an institution shall meet requirements specified in section 1201(a) of the Act. An institution which is not accredited by a nationally recognized accreditation agency or association listed pursuant to section 1201(a) of the Act may qualify, alternatively, by obtaining a certification from the Commissioner (dated no earlier than 2 years prior to the date of filing of the application for a grant) stating that the institution has met the requirements set forth in subsection 1201(a) (5) of the Act.

(29 U.S.C. 1132a-2.)

\[ § 170.13 \text{ Conditions for grant approval.} \]

(a) An application for a grant under Title VII A shall be approved only if the Commissioner, upon the basis of the information submitted with the application, that:

(i) The facilities included in the Title VII A project are intended for use predominantly in undergraduate instruction, extension, and continuing education programs, and/or health care to students or personnel of the institution;

(ii) The requirements of section 705 of the Act will be met;

(iii) The application meets all requirements of section 707(c) of the Act; and

(iv) The application contains or is supported by: (I) Satisfactory assurances that the applicant has the necessary legal authority to finance, construct, and maintain the proposed project to apply for and receive the proposed grant; and (ii) Satisfactory evidence that the applicant has or will have a fee simple or other estate or interest in the facility and the surrounding access thereto, sufficient in the opinion of the Commissioner to assure undisturbed use and possession for the purpose of the construction and operation of the facilities for not less than 50 years from the date of the application.

(b) In determining whether an institution of higher education shall be eligible for a grant in accordance with section 705 of the Act, the State commission shall base its determination on the following criteria:

(1) To establish whether a substantial expansion of student enrollment capacity, health care capacity, or continuing education capacity is being provided, the State commission must determine that the increase to be provided in one or a combination of the three types of capacities will exceed 10 percent of current capacity, or, in the case of enrollment capacity an increase of 10,000 S.F. of instructional and library space. For purposes of this paragraph student enrollment capacity means "instructional and library facilities," health care capacity means "inpatient and all other rooms or areas designed to be used for medical examination or treatment of students and institutional personnel," and extension and continuing education capacity means "academic facilities" used principally for extension and continuing education programs of the institution.

(2) To establish whether such substantial expansion or creation of capacity is urgently needed, the State commission shall give consideration to:

(i) The planned enrollment growth of the institution (10 percent over 4 years to be considered minimal growth at existing institutions);

(ii) The capacity enrollment ratio at the campus to be expanded (other utili-
In any case where in the opinion of the State commission a question may be raised as to the eligibility of an institution, the State shall commission shall establish such procedures as are required pursuant to the Act and the regulations established in this part. Applications must be submitted in advance of issuing bids for construction. The application may be considered at only those closing dates which occur no later than 12 months after construction has started.

(c) Verification of application data and institutional and project eligibility. Before determining the relative priority or Federal share for any application for federal assistance under title VII-A of the Act, the State commission shall satisfy itself that the data contained in the application appear to be valid, and that the institution requested to start within 1 year of the date of application.

(e) In determining whether an institution of higher education would experience a decrease in enrollment capacity if an urgently needed facility is not constructed, the Commissioner shall give consideration to:

(1) The age and condition of existing instructional and/or library facilities which will be withdrawn from use, and

(2) Any other factors which will cause facilities to be functionally inadequate for instructional or library purposes.

§ 170.14 Submission and processing of title VII-A applications.

(a) Closing dates for filing of applications. Closing dates for which applications may be filed and accepted by the State commission shall be established in the State plan. For each category of applications (e.g., for public community colleges and public technical institutes and applications for institutions of higher education other than public community colleges and public technical institutes) the State plan shall provide at least two closing dates for any Federal fiscal year, and all such closing dates shall be between July 31 and February 15: Provided, however, that where the Commissioner determines unusual circumstances as warrant, the State plan may provide for a closing date after February 15.

(b) Submission of project applications. Applications for grants under title VII-A of the Act shall be submitted on forms supplied by the Commissioner, and shall contain such assurances as are required pursuant to the Act and the regulations in this part. Applications shall be submitted directly to the appropriate State commission, together with all supplemental information which may be required by the State commission. The State commission shall officially record the date of receipt of each application. Applications shall be initially submitted in advance of inviting bids for construction. The application may be considered at only those closing dates which occur no later than 12 months after construction has started.

(c) Verification of application data and institutional and project eligibility. Before determining the relative priority or Federal share for any application for federal assistance under title VII-A of the Act, the State commission shall satisfy itself that the data contained in the application appear to be valid, and that the institution requested to start within 1 year of the date of application.

§ 170.15 Grant award.

(1) Grant award. The Department of Education, upon recommendation by the State commission, will award a grant and which the applicant states does not receive a recommendation for a grant and which the applicant states does not receive a recommendation for a grant within the fiscal year in which they are filed, may be retained by the State commission but the unsuccessful applicants should be notified when there are no longer any funds available in the State allotment and will prepare and send to the applicant a grant award, which sets forth the pertinent terms and conditions of the grant.
for which an application is to be considered, the applicant may make changes in the application by written notification to the State commission after the closing date, no changes in applications shall be permitted, except corrections or submission of additional data as requested by the State commission.

(k) Project changes. After a project has been forwarded to the Commissioner by the State commission, no substantial changes in the nature or scope of the project shall be approved by the Commissioner without first verifying that such changes would not have affected the State commission's original recommendation of the project for a grant.

(d) Supplemental Applications. Any time after approval of a title VII-A grant, an applicant may for reasons of not having received the maximum Federal share allowable under the Act or the applicable State plan, file a supplemental application. The supplemental application shall take the form of a written request to the State commission and shall contain all amended application data necessary to assign a priority to the application and to calculate a revised eligible development cost of the project where applicable. However, no supplemental application be considered by a State commission (1) for a closing date which is more than 12 months after the closing date has been established or (2) for a closing date which is after the date the project has been substantially completed, whichever is earlier.

(20 U.S.C. 1128a-6(g).)

§ 170.15 Criteria for standards and methods to determine relative priorities of eligible projects.

(a) The State plan shall set forth separately the standards and methods for determining the relative priorities of eligible projects for the construction of academic facilities (1) for public community colleges and public technical institutes and (2) for institutions of higher education other than public community colleges and public technical institutes. The standards and methods set forth for each of the two categories of eligible projects shall provide separately for new institutions or new branch campuses and for established institutions or campuses. Unless otherwise defined in the State plan, a new institution or branch campus (as distinguished from an established institution or branch campus) shall be one which was not in operation and admitting students as of the fourth full term preceding the date of application for assistance under title VII-A.

(b) The standards for determining relative priorities for established institutions or branch campuses shall include the following, each of which shall be assigned at least the indicated percentage of the total weight assigned to all standards for new institutions or branch campuses:

(1) One or more standards dealing with the planned for and reasonably expected numerical and/or percentage increase in full-time equivalent undergraduate student enrollment at the campus at which the facilities are to be constructed, where such development is believed to be necessary to carry out the purposes of the Act.

(2) A standard dealing with the amount and/or percentage in which the construction of the project will increase or replace the assignable area in instructional and library facilities and health care facilities on the campus at which the facilities are to be constructed.

(c) The standards for determining relative priorities for new institutions or branch campuses which are most effectively utilizing their existing academic facilities (at least 10 percent of total weight).

(4) A standard (at least 5 percent of total weight) designed to favor projects submitted by institutions or branch campuses that are committed to the enrollment of a substantial number of students from low income families.

(5) A standard (at least 5 percent of total weight) designed to favor projects submitted by institutions or branch campuses which are committed to the enrollment of a substantial number of veterans returning to civilian life.

The standards for determining relative priorities for new institutions or branch campuses shall include the following, each of which shall be assigned at least the indicated percentage of the total weight assigned to all standards for new institutions or branch campuses:

(1) A standard dealing with the planned for and reasonably expected numerical increase in full-time equivalent undergraduate student enrollment at the campus at which the facilities are to be constructed occurring between the opening of the full term which opened preceding the closing date for which the application is being considered and the opening of the third, fourth, or fifth full term thereafter (at least 20 percent of total weight, with priority advantage given to higher numerical and/or percentage increases).

(2) A standard (at least 5 percent of total weight) dealing with the amount and/or percentage in which the construction of the project will increase or replace the assignable area in instructional and library facilities and health care facilities on the campus at which the facilities are to be constructed.

(3) A standard dealing with the amount and/or percentage in which the construction of the project will increase or replace the assignable area in institutional and library facilities and health care facilities on the campus at which the facilities are to be constructed.

(4) A standard (at least 5 percent of total weight) dealing with the amount and/or percentage in which the construction of the project will increase in full-time equivalent undergraduate student enrollment at the campus at which the facilities are to be constructed, where such development is believed to be necessary to carry out the purposes of the Act.

(5) A standard (at least 5 percent of total weight) designed to favor projects submitted by institutions or branch campuses which are committed to the enrollment of a substantial number of veterans returning to civilian life.

(c) The standards for determining relative priorities for new institutions or branch campuses which are most effectively utilizing their existing academic facilities (at least 10 percent of total weight).

(4) A standard (at least 5 percent of total weight) designed to favor projects submitted by institutions or branch campuses that are committed to the enrollment of a substantial number of students from low income families.

(5) A standard (at least 5 percent of total weight) designed to favor projects submitted by institutions or branch campuses which are committed to the enrollment of a substantial number of veterans returning to civilian life.

(6) The methods for application of the standards shall provide for determination of relative priorities on the basis of the total of the points earned by each application for each applicable standard and shall specify factors to be applied in determining which application shall receive the higher priority in the case of identical scores.

(g) The standards and methods for determining relative priorities must be developed on the basis of information which shall be submitted in application form prescribed by the Commissioner, or required by the State commission to be submitted on supplemental forms to accompany the application, or contained in published reports or publications readily available to the State commission and to all institutions within the State. Whenever supplemental forms or definitions or data in

FEDERAL REGISTER, VOL. 38, NO. 102—TUESDAY, MAY 29, 1973
submittings the plan meets the require-
ments of section 704(a) of the Act. A new
or revised State plan submitted in ac-
cordance with section 704 of the Act
shall be submitted on forms or in a
manner prescribed by the Commissioner
and shall contain all provisions required
by the Commissioner pursuant to section
704 of the Act and other sections of the
regulations in this part, together with
such additional organizational and ad-
ministrative information as the Commiss-
ioner may request.

(b) All proposed amendments to the
State plan shall be submitted to the
Commissioner for his approval in such
form and in accordance with such in-
structions as are established for that
purpose. Such amendments shall apply
uniformly to all applications to be con-
SIDered together as of any closing date,
and, unless otherwise provided in the
State plan, shall become effective im-
mediately upon approval by the Commiss-
oner, except that in no event may the
Federal share of a project exceed the percentage of the eligible
project development cost specified by the
Act.

§ 170.16 Criteria for standards and
methods to determine Federal shares
of eligible projects.

(a) Unless the Federal share is speci-
fied in the State plan as a uniform
percentage of the costs eligible for Fed-
eral participation, the State plan shall prescribe the standards and
methods in accordance with which the
State commission shall determine the
Federal share; provided, however, that
in no event may the Federal share of a project exceed the percentage of the eligible
project development cost specified by the
Act.

(b) Standards and methods for deter-
mining the Federal share pursuant to
paragraph (a) of this section: (1) Must
be objective and simple to apply; (2)
may involve the use only of data which
are to be submitted on the application
form prescribed by the Commissioner,
required by the State commission to be
submitted on supplemental State forms
to accompany the application, or con-
tained in reports or publications readily
available to the State commission and the
institutions of higher education in the
State; such data as will enable an applic-
ant to calculate in advance (on the assumption that sufficient funds
will be available to cover all applica-
tions) the minimum Federal share of the
estimated eligible project development
cost which the State commission will
certify to the Commissioner if it rec-
ommends the project for Federal grant;
and (4) must be consistent with criteria
published by the Commissioner with re-
spect to the determination of relative
priorities among projects and be pro-
active of the purposes of the Act.

§ 170.17 State plans.

(a) A State plan shall be submitted to the Commissioner no later than 60
days prior to the first closing date of each fiscal year that the State desires to
participate in the Title VII A grant pro-
gram. The Commissioner shall approve a
State plan and annual revision upon the
basis that he has received satisfactory as-
surance and explanation regarding the
basis on which the State commission
states that the maximum Federal share provided for
by the grant shall be reduced accord-
ingly. No payment of Federal funds shall immediately be due to the
Government of the United States. If such
redetermined Federal share is equal to
or greater than the maximum amount of
the Federal share authorized by the grant
award, the final settlement shall be based
on the Federal share amount authorized
by the grant award.

(c) The Commissioner may from time
to time, after award of the grant
and prior to final settlement, adjust the grant
amount to take into account any reduc-
tions of eligible project development cost
which occur or are identified subsequent
to the award of the grant.

§ 170.19 Payment of grant funds on
approved projects.

The Commissioner shall provide for
payment of grant funds for approved
projects pursuant to such methods as
he determines will best enable the
funds available as needed and eliminate
unnecessary expense to the Federal
Government.

§ 170.41 Eligibility for grants.

Grants for construction of academic
facilities from funds appropriated under
Title VII B of the Act may be made only
to assist institutions of higher education
and cooperative graduate center boards
in the construction of such academic
facilities, including facilities essential to
their operation, as will be dedicated to
the provision of graduate education.

§ 170.42 Submission of applications.

Applications covered by this subpart
may be submitted by institutions of
higher education or by cooperative
college deadlines as are prescribed by
the Commissioner and will be processed
in the order of receipt. Upon the comple-
tion of such processing as is appropriate,
each application will be submitted to the
panel of specialists for their review and
evaluation. Applications must be sub-
mitted in advance of inviting bids for
construction.

§ 170.43 Facilities Panel.

The Commissioner shall not approve
any application for a grant under this
section until he has obtained the advice and
recommendations of the panel of specialists
who are not employees of the Federal
Government and who are competent to
evaluate such applications. The panel of
specialists shall review all applications

FEDERAL REGISTER, VOL. 38, NO. 102—TUESDAY, MAY 29, 1973
in the light of the criteria set forth in § 170.44 and shall make recommendations to the Commissioner for the approval or disapproval, in whole or in part, of each such application.

(20 U.S.C. 1132c-1(a).)

§ 170.44 Criteria for evaluating applications.

In determining relative priorities in recommending grants against available funds consideration shall be given, but not limited to, the following factors which are not necessarily listed in the order of their importance:

(a) The extent to which the programs to be assisted by the proposed construction will contribute toward the establishment or development of a graduate school or cooperative graduate center of excellence, or the extent to which such program or programs will contribute toward the improvement of an existing graduate school or cooperative graduate center.

(b) The extent to which the proposed construction will increase the capacity of the institution to supply highly qualified personnel critically needed by the community, industry, government, research, and teaching.

(c) The extent to which the proposed construction will assist in attaining a wider distribution throughout the United States of graduate schools and cooperative graduate centers.

(d) The capability of the applicant to give full financial support to its program generally, and specifically to the programs of graduate education to be assisted by the proposed construction.

(e) The extent to which the programs or programs to be assisted by the proposed construction are likely to draw to the institution both graduate students and faculty of a high level of competence.

(f) The adequacy of applicant’s existing academic facilities with respect to the present demands made on them and the demands that can reasonably be expected to be made on them in the foreseeable future, with particular reference to the adequacy of those facilities, if any, available for the conduct of the program or programs to be assisted by the proposed construction.

(g) The extent to which the proposed construction would contribute significantly to the increase in both or either the quantity or quality of graduate education in a relatively wide geographical area.

(20 U.S.C. 1132c-1(a).)

§ 170.45 Special terms and conditions.

Before approving a Title VII B grant the Commissioner will require:

(a) Satisfactory evidence that the applicant has or will have a fee simple or such other estate or interest in the facilities or site, access thereto, sufficient in the opinion of the Commissioner to assure undisturbed use and possession for the purpose of the construction and operation of the facilities for not less than 50 years from the date of application.

(b) Satisfactory evidence that the applicant has the necessary legal authority to finance, construct, and maintain the proposed facilities, and to apply for and receive the proposed grant.

(20 U.S.C. 1132c-1(a)(1).)

Subpart D—Loans for Construction of Academic Facilities

§ 170.51 Eligibility for loans.

Loans may be made only for construction of academic facilities for institutions of higher education or for cooperative graduate centers.

(20 U.S.C. 1132c(a)(2).)

§ 170.52 Submission of applications.

Each institution, cooperative graduate center board or higher education building agency desiring a loan for the construction of academic facilities shall submit an application for such assistance, in the manner and containing the information specified by the Commissioner. Applications must be submitted in advance of inviting bids for construction.

(20 U.S.C. 1132c-1(a).)

§ 170.53 Special terms and conditions.

Before approving a loan the Commissioner will require:

(a) Satisfactory evidence that the applicant has or will have a fee simple or such other estate or interest in the facilities and site, access thereto and therefrom, sufficient in the opinion of the Commissioner to assure undisturbed use and possession for the purpose of the construction and operation of the facilities for not less than 50 years from the date of application.

(b) Satisfactory evidence of the ability of the applicant to comply with the appropriate terms and conditions for repayment of the loan.

(c) Satisfactory evidence that the applicant has the necessary legal authority to finance, construct, and maintain the proposed facilities, to apply for and receive the proposed loan, and to pledge or mortgage any assets or revenues to be given as security for the proposed loan.

(d) A pledge of unrestricted and unencumbered income from an endowment or other trust funds acceptable to the Commissioner.

(e) A pledge of a specified portion of annual general or special revenues of the institution, acceptable to the Commissioner.

(f) General obligations of a State or local public body.

(g) Such other types of security as the Commissioner may find acceptable in special instances.

(20 U.S.C. 1132c-1(b).)

§ 170.54 Determination of nonavailability of equally as favorable terms and conditions.

No loan will be made unless the Commissioner finds that the applicant is unable to secure the amount of such loan from other sources upon terms and conditions equally as favorable as the terms and conditions applicable to loans under this part. For the purpose of making such determination, the applicant shall be required to comply with such procedures as the Commissioner may establish, including, where deemed necessary, public advertisements for bids from other sources.

(20 U.S.C. 1132c-1(a).)

§ 170.55 Forms of evidence of indebtedness.

The evidence of indebtedness shall be in such form as may be prescribed by the Commissioner.

(20 U.S.C. 1132c-1(b).)

§ 170.56 Security for loans.

All loans shall be secured in a manner which the Commissioner finds sufficient to reasonably assure repayment. The security may be one or a combination of the following:

(a) A first mortgage on the facilities and site thereof.

(b) Negotiable stocks or bonds of a quality and value acceptable to the Commissioner.

(c) A pledge of unrestricted and unencumbered income from an endowment or other trust funds acceptable to the Commissioner.

(d) A pledge of a specified portion of annual general or special revenues of the institution, acceptable to the Commissioner.

(e) General obligations of a State or local public body.

(f) Such other types of security as the Commissioner may find acceptable in special instances.

(20 U.S.C. 1132c-1(b).)

§ 170.57 Length and maturity of loans.

(a) The maximum repayment period for loans under Title VII C of the Act shall be 30 years, except where the Commissioner finds that a longer repayment period is required.

(b) Substantially level total annual installments of principal and interest, sufficient to amortize the loan from the third year through the final year of the life of the loan, will be required unless otherwise authorized by the Commissioner.

(c) Loans maturing in less than 30 years, or loans which do not mature serially, may be considered by the Commissioner in order to fit any such loan into the applicant’s total financial plan.

(d) In no case shall a loan repayment period exceed the estimated useful life of the facilities to be constructed with the assistance of the loan.

(20 U.S.C. 1132c-1(b).)
§ 170.58 Bond counsel opinion.

At appropriate stages in the loan application and development procedure, a legal memorandum or opinion of bond counsel will be required with respect to the legalities of the proposed bond or note issue, the legal authority to offer the legal memorandum or opinion of bond counsel, and the proposed bond counsel shall be a recognized bond counsel in the municipal field. The legal memorandum or opinion to be provided by such an acceptable bond counsel in each case generally shall be as follows:

(a) A memorandum by bond counsel, submitted with the loan application, stating that there is or will be authority to finance, construct, maintain the project, and to issue the proposed obligations and to pledge or mortgage the assets and/or revenues offered to secure the loan and to make such other statements as the bond counsel deems necessary.

(b) A preliminary approval opinion of bond counsel, submitted at the time the applicant proposes to advertise for construction bids for the project, to the effect that when the bonds or notes described in the loan agreement are sold and delivered they will comply with the applicable provisions of the loan agreements and will be valid and binding obligations of the issuer and will be payable in accordance with their terms.

(c) The final approval opinion of bond counsel, delivered at the same time as the delivery of the bonds or notes, stating that the bonds or notes are those described in the loan agreement and the authorizing proceedings, have been duly authorized, sold, and delivered to the Commissioner, and constitute the valid and binding obligations of the issuer payable in accordance with their terms.

(20 U.S.C. 11320-2(b)(6)).

§ 170.59 Determination of priorities for loan approvals.

Loan applications shall be processed in such order and according to such standards and methods as the Commissioner may determine. Such standards and methods shall be developed as may be necessary and appropriate to encourage distribution of the available loan funds in accordance with actual needs and may include establishment of closing dates for consideration of applications and for determination of priorities.

(20 U.S.C. 11320-2(b)).

§ 170.60 Loan agreement.

For project applications which meet all requirements of the Act and of the regulations governing the administration of the Act, and upon approval by the Commissioner together with a reservation of Federal funds, a loan offer will be prepared by the Commissioner and sent to the applicant. The loan offer will set forth the pertinent terms and conditions for the loan, and will be conditioned upon the fulfillment of these terms and conditions. The accepted loan offer will constitute the loan agreement between the Commissioner and the applicant for the partial financing of the construction of the approved project.

(20 U.S.C. 11320-9(b)).

§ 170.61 Loan closing.

Loan closing shall be accomplished at such time as may be determined by the Commissioner.

(20 U.S.C. 11320-3(b)).

§ 170.62 Interim financing.

If necessary, the applicant shall arrange for interim financing, subject to the approval of the Commissioner, to cover the cost of construction pending the loan closing. Where the Commissioner finds that an applicant is unable to secure necessary interim financing on reasonable terms, he may provide for advances against the approved loan.

(20 U.S.C. 11320-3(b)).

§ 170.63 Construction fund.

The proceeds of the sale of the bonds notes, any interim advances against the approved loan, and all other moneys to be used in paying for the construction, of which the project is a part, shall be deposited into a separate bank account to be maintained in a bank of the applicant's choice and to be known as the Construction Fund. All expenditures for the construction shall be made from this fund. Accounting for this fund shall be in accordance with generally accepted accounting principles. When necessary and appropriate, the Commissioner may approve other arrangements for the disposition of construction funds and the construction fund accounting, provided such arrangements provide adequate accountability for the total construction receipts and expenditures.

(20 U.S.C. 11320-3(b)).

§ 170.64 Investment of idle construction funds.

Where the moneys on deposit in the construction fund exceed the estimated disbursements for the project for the next 90 days, the borrower shall, if permitted by State or local law, direct the depository bank to invest such excess funds in direct obligations of the U.S. Government or obligations of the principal or interest on which is guaranteed by the U.S. Government, which shall mature not later than eighteen (18) months from the date of such investment.

(20 U.S.C. 11320-3(b)).

§ 170.65 Disposal of balance remaining in the construction fund.

The balance of moneys remaining in the construction fund at the completion of construction shall be disposed of in accordance with the provisions of the loan agreement.

(20 U.S.C. 11320-3(b)).

Subpart E—Annual Interest Grants for Construction of Academic Facilities

§ 170.71 Eligibility for annual interest grants.

(a) Annual interest grants may be made to institutions of higher education, higher education agencies, and cooperative graduate center boards, to reduce the cost to them of borrowing funds, other than those available under this part, for the construction of academic facilities.

(20 U.S.C. 11320-4.)

(b) No annual interest grant shall be made unless the Commissioner finds that the applicant is unable to secure a loan in the amount with respect to which the annual interest grant is to be made, from other sources upon terms and conditions equally as favorable as the terms and conditions applicable to direct Federal loans under Subpart D of this part. For the purpose of making such determination, the applicant shall comply with such procedures as the Commissioner may establish, including public advertising for bids from other sources.

(20 U.S.C. 11320-4(e)(2)).

(c) Annual interest grants may not be made with respect to loans consummated prior to the filing of an application under this subpart or Subpart D of this part.

(20 U.S.C. 11320-4(e)(2)).

(d) Annual interest grants may not be made with respect to loans (or portions thereof) which cover a construction activity that was begun more than 12 months before the closing date for which consideration is being requested, unless an exception is granted specifically pursuant to § 170.7(c).

(20 U.S.C. 11320-5(b)(1)).

§ 170.72 Amount of annual interest grants.

Amount of annual interest grants.

Except where limitation of general applicability is promulgated, each grant shall be in an amount approximately equal to but not more than the difference between (a) the average annual debt service which is required to be paid, during the life of the loan, on the amount borrowed from private sources for the construction of an academic facility covered by the application, and (b) the average annual debt services which the institution would have been required to pay, during the life of the loan, with respect to such amount if the applicable interest rate were 3 percent per annum. The amount of the annual interest grant stipulated in the Agreement may be amended by the Commissioner to reflect changes in the amount of terms of the loan. An increase in the annual grant amount resulting from a request to increase the amount of loan to be subsidized must be made not later than 12 months after construction has started, through the submission of an amended application and is subject to priority considerations applicable at the time such a supplemental request is filed. A request for an increase in the annual grant amount resulting from a change in the
rate of interest or the term at the time of actual consummation of the loan will be considered apart from the priority rank of any other Federal financial assistance the applicant has obtained or is assured of obtaining under any other Federal program, may not exceed 90 percent of the eligible development cost of the facilities and site, including a description of the project and the facilities to be constructed. An application for annual interest grants shall be approved only if the Commissioner finds that unusual circumstances warrant such exceptions: Provided, however, That in no event shall the term of the loan exceed 40 years. (20 U.S.C. 1132c-4.) § 170.77 Evidence of lowest possible cost of loan. An applicant shall demonstrate to the satisfaction of the Commissioner that the loan it proposes to obtain is at the lowest possible net interest cost. In the case of an applicant proposing to issue tax-exempt bonds to finance the construction of academic facilities, a sale pursuant to public advertising or bids for the securities in an advertising medium acceptable to the Commissioner will be deemed to meet this requirement. An applicant not issuing tax-exempt securities will be expected to submit offers from at least three (3) lending institutions normally engaged in making long term construction loans. The applicant must have furnished each such institution with the information necessary to enable it to specify in its offer the amount, interest rate, maturity period, security and prepayment provisions of the loan. (20 U.S.C. 1132c-4.) § 170.78 Annual interest grant agreement. Upon approval of an application for annual interest grant, the Commissioner shall prepare and send to the applicant a proposed grant, which shall contain the terms and conditions relating to the receipt of an annual interest grant including a description of the project and the facilities, the maximum principal amount of the loan (for portion thereof) on account of which annual interest grants payments will be made, the maximum annual grant amount and the anticipated terms of the annual interest grant payments. The proposed agreement shall also provide that where a loan is not consummated prior to execution of such agreement by the Commissioner, no grant shall be made thereunder unless the Commissioner concurs in the rate of interest and other terms and conditions of the loan. The agreement once executed by the applicant and the Commissioner creates a contractual obligation on the part of the Commissioner to make annual interest grants in future years in accordance with the terms and conditions of the agreement for so long as the applicant carries out its obligations under the agreement. The agreement for annual interest grants is not to be paid into for the benefit of, nor to induce the making of loans by or the sale of bonds to, third parties, and the Commissioner shall not entertain grievances or claims of such third parties. (20 U.S.C. 1132c-4.) § 170.79 Payment of annual interest grants. Payments under an annual interest grant agreement will be made by the Government once a year. The date of such payment will coincide as closely as possible with the date of initial use of the project to the date established for the annual payment. The last payment will accrue from the effective date of the annual payment to the date the loan is completely repaid. Payment of annual interest grants shall be made directly to the grantee or to a trustee, paying agent, or lender pursuant to an assignment of such payments by the grantee. (20 U.S.C. 1132c-4.) § 170.80 Reduction of grant where refinancing produces lower cost. Where the Commissioner finds that the applicant could have accelerated repayment of the loan outstanding and obtained a new loan or a grant, which had resulted in a net savings in the cost of the loan, the amount of annual interest grants shall be computed as if such refinancing had been undertaken. (20 U.S.C. 1132c-4.) § 170.81 Conversion of direct loans to annual interest grants. Applicants who have already secured approval of a direct loan under this part or who have applications on file with the Office of Education which have not yet been approved will be given an opportunity to convert such loans or applications for such loans to annual interest grants or applications for annual interest grants under the provisions of this subpart. (20 U.S.C. 1132c-4.) § 170.82 Priority considerations; closing dates. Priority shall be given first to applications from public community colleges and public technical institutes, developing institutions (as defined in § 170.1) and to institutions enrolling 20 percent

No. 102—4 FEDERAL REGISTER, VOL. 38, NO. 102—TUESDAY, MAY 29, 1973
Title 47—Telecommunication
CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION
[Docket No. 19590; FCC 73-511]
PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS
PART 87—AVIATION SERVICES
Aeronautical Radio-Navigation Frequencies

In the matter of amendment of parts 2 and 87 of the rules to provide 50 kHz channel spacing in the aeronautical radio-navigation band 108-117.95 MHz.

1. Acting on the request of the Department of Transportation, Federal Aviation Administration (FAA) to consider changes to the rules to provide for additional channels for aeronautical navigation aids, a notice of proposed rulemaking (NPRM) was adopted by the Commission on September 20, 1972, and released September 26, 1972 (FR 20872, Oct. 4, 1972). The comment period has passed.

5. The notice of proposed rulemaking proposed adding new channels for the aeronautical navigation aids by channel splitting from the current 100 to 50 kHz in the band 108-117.95 MHz. This would allow the FAA to both increase and improve the service. To accommodate the VOR, ILS and TACAN/DME navigation aids as programmed in the National Aeronautical System (NAS) plan. Presently, the shortage of frequencies has made it impossible to provide for the full complement of navigation aids required, particularly in areas of radio frequency congestion. The congestion has become severe in the Boston/New York/Washington, Chicago/Detroit, and San Francisco/Los Angeles areas. Future implementation of FAA planned new installations would add to the problems in these areas as well as add other areas to the congestion problem.

3. We agree with the FAA that the ground transmitter tolerance be reduced to 0.0005 percent so that the airborne tolerance may be relaxed accordingly. The reason being that the all economy will result because of the limited number of ground transmitters compared to the airborne. They also state their opinion that the ground transmitters, which operate on a single channel, can more easily achieve the improved tolerance.

6. The NPRM has proposed with respect to channel splitting and agreed that it is essential to tighten ground transmitter frequency stability requirements. Their comments additionally support and amplify GAMA’s recommendation to establish a 0.0005 percent tolerance for the ground transmitters. They suggest that such a relatively lenient tolerance for ground equipment will impose an inequitable economic burden on the users, that is, the owners of the airborne equipment. This is because the multichannel airborne receivers generally require a number of crystals and operate in a wide environmental range.
necessitating more costly design features and manufacturing controls.

8. In their comments, Collins recognized the need for channel splitting and, in principle, supported the proposal to accommodate 50 kHz spacing. However, Collins pointed out what they considered to be a potential problem area. They indicated that a frequency selection error of 50 kHz can cause an erroneous bearing indication without activation of the flag warning. Collins reported that an FAA Advisory Circular (No. 50–58, dated Feb. 16, 1972) points out this situation as well as stating that a manufacturer of airborne VOR equipment is investigating methods of eliminating the problem. Collins stated that the manufacturer involved is Collins Radio Co. and that they had not yet completed the contract performance nor compiled and submitted the resultant data. (Since that time, it has been completed and the data considered.)

9. Comments from McCreary were very brief and to the point. Their statement regarding the channel split is, "If going to 50 kHz channel spacing for navigational aids will give us more navigational aids will give us more adequate crystal capability; therefore, we would like to have FAA's complete implementation plan as far in advance of FAA's actual implementation as possible from FAA as to conversion costs and determine that the 0.002-percent stability as proposed in our NPRM is the most viable tolerance. The Collins concern about adjacent channel interference was well founded. The recently completed receiver testing program, however, did not indicate a need for a policy change in regard to the channel splitting but did establish the need for FAA revision of the desired to undesired (D/U) criterion for 50 kHz removed signals for both the interim and final implementation periods. Additionally, the FAA has revised the final adjacent channel criteria to preclude the use of one facility while in the vicinity of another facility operating on an adjacent channel. Also, correct airborne airborne operator channel selection is an operator responsibility or can be a feature of the airborne receiver if a receiver mistuning "flag" option is implemented. In any event, the implementation by both the FAA and the users cannot proceed without the availability of the frequencies, and we consider there to be need for a revision to 0.002 tolerances as proposed in the NPRM for ground equipment in the split channel environment.

10. In order that it will be possible for the FAA, the users and the equipment manufacturers to proceed toward the implementation of the 50 kHz channelization in accordance with the FAA program, we are making the split channels available. We urge the FAA to provide as much advance notice as possible to the users as the implementation plan is developed and programmed.

11. In their comments, Collins reported that the users as the implementation plan is developed and programmed. Additionally, the FAA has revised the final adjacent channel criteria to preclude the use of one facility while in the vicinity of another facility operating on an adjacent channel. Also, correct airborne airborne operator channel selection is an operator responsibility or can be a feature of the airborne receiver if a receiver mistuning "flag" option is implemented. In any event, the implementation by both the FAA and the users cannot proceed without the availability of the frequencies, and we consider there to be need for a revision to 0.002 tolerances as proposed in the NPRM for ground equipment in the split channel environment.

12. In Part 2, Subpart B, § 2.106 Table of Frequency Allocations, the listings in column 10 and 11 of the band 108-117.95 MHz are amended as follows:

**§ 2.106 Table of frequency allocations.**

<table>
<thead>
<tr>
<th>Frequency (MHz)</th>
<th>Nature of services and remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td></td>
</tr>
</tbody>
</table>

1

**1** Comments by Burch, Chairman, and Wiley concurring in the result.
2. In § 87.65(a) the present footnote designators and footnotes are deleted, subparagraphs (5) and (7) are amended, new subparagraphs (8) and (9) and new footnotes 1 and 2 are added to read as follows:

§ 87.65 Frequency stability.

(a) * * *

(5) Band 100 to 136 MHz: Land stations ------------------ 1.005

Mobile stations:  
Survival craft stations--------------------------- 0.005

Aircraft and other mobile stations --------------- 0.005

Radiolocation stations----------------------------- * 0.002

(7) Band 470 to 900 MHz: All stations...... 0.01

(8) Band 960 to 1215 MHz:  
Land stations--------------------------------- 0.002

Aircraft stations-------------------------------- 0.001

(9) All stations on frequencies above 1215 MHz.------------------ 0.01

* * * * * * * * * 

The tolerance shown is applicable to all transmitters except that the use of types of transmitters which meet a tolerance of .005 percent, and which were licensed before Jan. 1, 1966, will be continued indefinitely.

* The tolerance shown in the table is applicable to transmitters first licensed after July 1, 1973. A tolerance of .005 is applicable to transmitters licensed before July 1, 1973. All transmitters to be used in the National Airspace System, however, must have .002 percent stability after July 1, 1973.

3. Part 87, subpart N, § 87.501(a), (b), (d), and (h) are revised to read as follows:

§ 87.501 Frequencies available.

(a) Localizer stations with simultaneous radiotelephone channels and their associated glide path stations. The frequencies:

<table>
<thead>
<tr>
<th>Frequency (MHz)</th>
<th>Nature of (services) and (stations)</th>
</tr>
</thead>
<tbody>
<tr>
<td>106.00 - 111.04</td>
<td>Omnidirectional range (VOR), Localizer, Do.</td>
</tr>
<tr>
<td>111.05 - 111.09</td>
<td>Do</td>
</tr>
<tr>
<td>111.10 - 111.14</td>
<td>Localizer</td>
</tr>
<tr>
<td>111.15 - 111.19</td>
<td>Do</td>
</tr>
<tr>
<td>111.20 - 111.24</td>
<td>Localizer</td>
</tr>
<tr>
<td>111.25 - 111.29</td>
<td>Do</td>
</tr>
<tr>
<td>111.30 - 111.34</td>
<td>Localizer</td>
</tr>
<tr>
<td>111.35 - 111.39</td>
<td>Do</td>
</tr>
<tr>
<td>111.40 - 111.44</td>
<td>Localizer</td>
</tr>
<tr>
<td>111.45 - 111.49</td>
<td>Do</td>
</tr>
<tr>
<td>111.50 - 111.54</td>
<td>Localizer</td>
</tr>
<tr>
<td>111.55 - 111.59</td>
<td>Do</td>
</tr>
<tr>
<td>111.60 - 111.64</td>
<td>Localizer</td>
</tr>
<tr>
<td>111.65 - 111.69</td>
<td>Do</td>
</tr>
<tr>
<td>111.70 - 111.74</td>
<td>Localizer</td>
</tr>
<tr>
<td>111.75 - 111.79</td>
<td>Do</td>
</tr>
<tr>
<td>111.80 - 111.84</td>
<td>Localizer</td>
</tr>
<tr>
<td>111.85 - 111.89</td>
<td>Do</td>
</tr>
<tr>
<td>111.90 - 111.94</td>
<td>Localizer</td>
</tr>
<tr>
<td>111.95 - 111.99</td>
<td>Do</td>
</tr>
</tbody>
</table>

(d) Omnidirectional radio range (VOR) stations: 112.05 through 117.95 MHz and the following frequencies in the 108-112 MHz band.

<table>
<thead>
<tr>
<th>h</th>
<th>Mhz</th>
<th>Mhz</th>
<th>Mhz</th>
</tr>
</thead>
<tbody>
<tr>
<td>108.25</td>
<td>108.75</td>
<td>110.00</td>
<td></td>
</tr>
<tr>
<td>108.30</td>
<td>108.80</td>
<td>110.05</td>
<td></td>
</tr>
<tr>
<td>108.35</td>
<td>108.85</td>
<td>110.10</td>
<td></td>
</tr>
<tr>
<td>108.40</td>
<td>109.00</td>
<td>110.75</td>
<td></td>
</tr>
<tr>
<td>108.45</td>
<td>109.05</td>
<td>110.80</td>
<td></td>
</tr>
<tr>
<td>108.50</td>
<td>109.10</td>
<td>112.00</td>
<td></td>
</tr>
<tr>
<td>108.55</td>
<td>109.15</td>
<td>112.20</td>
<td></td>
</tr>
<tr>
<td>108.60</td>
<td>109.20</td>
<td>112.50</td>
<td></td>
</tr>
<tr>
<td>108.65</td>
<td>109.25</td>
<td>112.75</td>
<td></td>
</tr>
<tr>
<td>108.70</td>
<td>109.30</td>
<td>112.90</td>
<td></td>
</tr>
<tr>
<td>108.75</td>
<td>109.35</td>
<td>113.15</td>
<td></td>
</tr>
<tr>
<td>108.80</td>
<td>109.40</td>
<td>113.40</td>
<td></td>
</tr>
<tr>
<td>108.85</td>
<td>109.45</td>
<td>113.65</td>
<td></td>
</tr>
<tr>
<td>108.90</td>
<td>109.50</td>
<td>113.90</td>
<td></td>
</tr>
<tr>
<td>108.95</td>
<td>109.55</td>
<td>114.15</td>
<td></td>
</tr>
<tr>
<td>109.00</td>
<td>109.60</td>
<td>114.40</td>
<td></td>
</tr>
<tr>
<td>109.05</td>
<td>109.65</td>
<td>114.65</td>
<td></td>
</tr>
<tr>
<td>109.10</td>
<td>109.70</td>
<td>114.90</td>
<td></td>
</tr>
<tr>
<td>109.15</td>
<td>109.75</td>
<td>115.15</td>
<td></td>
</tr>
<tr>
<td>109.20</td>
<td>109.80</td>
<td>115.40</td>
<td></td>
</tr>
<tr>
<td>109.25</td>
<td>109.85</td>
<td>115.65</td>
<td></td>
</tr>
<tr>
<td>109.30</td>
<td>109.90</td>
<td>115.90</td>
<td></td>
</tr>
<tr>
<td>109.35</td>
<td>109.95</td>
<td>116.15</td>
<td></td>
</tr>
<tr>
<td>109.40</td>
<td>109.10</td>
<td>116.40</td>
<td></td>
</tr>
<tr>
<td>109.45</td>
<td>109.15</td>
<td>116.65</td>
<td></td>
</tr>
<tr>
<td>109.50</td>
<td>109.20</td>
<td>116.90</td>
<td></td>
</tr>
</tbody>
</table>

(h) (1) The band 960-1215 MHz is available for the use of ground based facilities and directly associated airborne electronic aids to air navigation. When distance measuring equipment (DME) is intended to operate in association with a single VHF navigation facility in the 108-117.95 MHz frequency band, the DME operating channel shall be paired with the VHF channel as shown in the following table.
### RULES AND REGULATIONS

#### VHF channel | Airborne Interrogating frequency | Ground reply frequency
---|---|---
MHz | MHz | MHz
110.00 | 111.00 | 113.10
110.10 | 111.10 | 113.20
110.20 | 111.20 | 113.30
110.30 | 111.30 | 113.40
110.40 | 111.40 | 113.50
110.50 | 111.50 | 113.60
110.60 | 111.60 | 113.70
110.70 | 111.70 | 113.80
110.80 | 111.80 | 113.90
110.90 | 111.90 | 114.00
111.00 | 112.00 | 114.10
111.10 | 112.10 | 114.20
111.20 | 112.20 | 114.30
111.30 | 112.30 | 114.40
111.40 | 112.40 | 114.50
111.50 | 112.50 | 114.60
111.60 | 112.60 | 114.70
111.70 | 112.70 | 114.80
111.80 | 112.80 | 114.90
111.90 | 112.90 | 115.00

4. Section 87.521(d) is revised to read as follows:

**§ 87.521** Frequencies available.

(d) 108.0 MHz and the frequencies set forth in subpart N of this part may be assigned to radio navigation land test stations for the testing of airborne receiving equipment. The frequencies normally assigned will be 108.0 and 108.05 MHz for VHF omni range, 108.1 MHz for localizer, 334.7 MHz for glide slope, 976 and 976.2 MHz (X channel) and 1184 MHz (Y channel) for DME/TACAN, and 1090 MHz for ATC beacon. The power authorized on these frequencies normally will be 1 watt or less. The assignment of 108.0 MHz is subject to the condition that no interference shall be caused to the reception of FM broadcasting stations and stations using the frequency are not protected against interference from FM broadcasting stations.

### Title 49—Transportation

**SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION**

[OST Docket No. 1; Amdt. 1-73]

**PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES**

Order of Secretarial Succession

The purpose of this amendment is to amend the order of secretarial succession listed in 49 CFR 1.27.

Since this amendment relates to departmental management, procedures, and practices, notice and public procedures therein are unnecessary and it may be made effective in less than 30 days after publication in the Federal Register.

In consideration of the foregoing, effective May 29, 1973, paragraphs (b) through (g), inclusive, of § 1.27 of part 1 of title 49, Code of Federal Regulations, are amended to read as follows:

§ 1.27 Secretarial succession.

(b) General Counsel.

(c) Assistant Secretary for Policy, Plans, and International Affairs.

(d) Assistant Secretary for Environment, Safety, and Consumer Affairs.

(e) Assistant Secretary for Administration.

(f) Assistant Secretary for Systems Development and Technology.

(g) Assistant Secretary for Congressional and Intergovernmental Affairs.


C. S. BRINIGAR,
Secretary of Transportation.

[FR Doc. 73-10938 Filed 5-25-73; 3:45 am]
DEPARTMENT OF AGRICULTURE
Agricultural Marketing Service

[7 CFR Part 917]

FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Proposed Handling Regulations

This notice invites written comments relative to the continuation of Plum Regulation 9 (7 CFR 917.431, 38 FR 12899). This regulation requires that all California plums grade at least U.S. No. 1 grade with additional tolerances for defects not considered serious, healed cracks, and gum spots for specified varieties. It also establishes minimum sizes for certain specified varieties in terms of the number of plums contained in an 8 pound sample. The Plum Commodity Committee, in proposing continuance, reflected that in order to assure uniform fruit during shipping season for California plums grade at least U.S. No. 1, it is proposed to continue in an terms of the number of plums contained in any package or container of any variety of plums listed in column A of the following table I unless such plums are of a size that an 8-pound sample, representative of the sizes of the plums in the package or container, contains not more than the number of plums listed for the variety in column B of said table.

§ 917.431 Plum Regulation 9.

(b) During the period May 19, 1973, through May 31, 1974, no handler shall ship any lot of packages or containers of any plums, other than the varieties named in paragraph (c) of this section, unless such plums grade at least U.S. No. 1.

(c) During the period May 19, 1973, through May 31, 1974, no handler shall ship:

(d) During the period May 19, 1973, through May 31, 1974, no handler shall ship any package or other container of any variety of plums listed in column A of the following table I unless such plums are of a size that an 8-pound sample, representative of the sizes of the plums in the package or container, contains not more than the number of plums listed for the variety in column B of said table.

Dated May 23, 1973. -

Paul A. Nicholson, Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 73-10699 Filed 5-25-73; 8:45 am]

[7 CFR Part 987]

DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIF.

Procedures for Export of Dates to Mexico Notice is hereby given of a proposal to amend §§ 987.155(b) and 987.164 of subpart—administrative rules (7 CFR 987.151–987.168; 37 FR 33254), to revise the reporting procedures applicable to the exportation of dates to Mexico. Such procedural requirements are pursuant to § 987.56, of the marketing agreement, as amended, and order No. 987, as amended (7 CFR pt. 987), regulating the handling of domestic dates produced or packed in Riverside County, Calif. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

§ 987.155(b) provides, in part, that no dates shall be exported to Mexico without the handler obtaining from the importer or trucker of each lot of dates a certification to the committee and the U.S. Department of Agriculture, that such dates will not re-enter the United States or be shipped to Canada. The certification is on CDAC form No. 11(a), which must be submitted to the committee. Paragraph (b), also provides that one copy of the form shall be surrendere

FEDERAL REGISTER, VOL. 38, NO. 102—TUESDAY, MAY 29, 1973
PROPOSED RULES

Third new paragraph in the first column should read "agents, thickness, liquid ye-
sarily mean that in vivo".

In paragraph (a) of § 203.40(a), delete "otc", substitute "otc" in place of "otc";
and delete the last sentence thereof to read as follows:


S. D. FINK
Associate Commissioner
for Compliance.

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 73 111F]

§ 33 CFR Part 117

SCUPPENNONG RIVER, N.C.

Proposed Drawbridge Operation Regulations

At the request of the North Carolina State Highway Commission the Coast Guard is considering amending the regulations for the drawbridge across the Scuppernong River at Columbia to require at least 24 hours notice before the draw is required to open. Present regulations require the draw open on signal if at least 6-hour notice is required. This change is being considered because of limited navigation in this reach of the Scuppernong River.

The Coast Guard also proposes to revoke the regulations for bridges across the Scuppernong River at Cross Landing and Creswell. The draw bridge at Cross Landing was rebuilt as a fixed bridge in 1964. The bridge at Creswell is now a removable span bridge. Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Commander (con), Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Va. 23704. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposed. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Fifth Coast Guard District.

The Commander, Fifth Coast Guard District, will forward any comments received before July 3, 1973, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that part 117 of title 33 of the Code of Federal Regulations, be amended by:

(1) Paragraph (g) of § 117.245 is amended by revising subparagraph (3) and by revoking subparagraph (5-a) 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.

(2) Scuppernong River; North Carol-

Hazardous Materials Regulations Board

[49 CFR Parts 173, 179]
TERRESTIAL PARTS at the Office of the Secretary, Hazardous Materials Regulations Board, room 6215F, Buzzards Point Building, Second and V Streets SW., Washington, D.C., both before and after the closing date for comments.


Mac E. Rogers, Board Member.
Federal Railroad Administration.

TANK CAR TANK HEAD SHIELDS
Notice of Proposed Rulemaking

The Hazardous Materials Regulations Board (HMRR), is considering an amendment to §179.100-8, of the hazardous materials regulations to require a protective shield for uninsulated pressure tank car tank heads. As a result of the growing concern with tank car accidents involving uninsulated pressure tank cars, the Federal Railroad Administration commissioned the railroad tank car safety research and test project (a cooperative program of the Railway Progress Institute and the Association of American Railroads), to study the design of a railroad tank car head protective device, which would reduce the frequency of head puncture in accidents. This study was undertaken under contract No. DOT FRA 00035 and the final report, entitled “Hazardous Materials Tank Cars—Tank Head Protective Shield or Bumper Design,” was completed in August 1973. The study showed that for uninsulated pressure tank cars conforming to DOT specifications 112A and 114A, most punctures occur on the lower portion of the tank head. In addition, the study indicated that there was merit in terms of cost/benefit in applying head protection to the lower portion of specifications 112A and 114A tank car tank heads.

Subsequent to the issuance of the report on protective head shields, an accident occurred in the East St. Louis railroad yard and Southern Railway. As a result of an impact, the lower portion of the head of a specification 112A tank car was punctured, releasing a vapor cloud of liquefied petroleum gas which exploded. More than 230 persons were injured and property damage was estimated at $712 million. A complete analysis of this accident was published by the National Transportation Safety Board in Report No. NTSB-RAR-73-1, adopted January 31, 1973. The Board believes that rulemaking action is necessary to prevent repetition of such an accident.

Based on the Federal Railroad Administration’s studies and analysis of the various accidents, including the one in East St. Louis, the HMRRB is proposing to amend §179.100-8 to include a requirement for a protective shield for each tank head on the specifications 112A and 114A uninsulated tank car tanks. Protective shields would be installed on all newly constructed tank cars of these specifications effective January 1, 1974, although existing tank cars would not have to be so equipped until January 1, 1978. The Board considers this proposal to be more practical and effective than that made in the HM-60 advanced notice of proposed rulemaking (38 FR 16180) which proposed speed restrictions for certain hazardous materials trains or wayside inspections and checking of the trains by hotbox detectors or dragging equipment detectors.

The HMRRB also believes that even though interlocking couplers are now required on all new tank cars, their presence does not obviate the need for protective end shielding. Shielding is necessary due to the possibility of tank cars being coupled to cars carrying hazardous materials which are not of the interlocking type, or whose shanks may break, allowing puncture of tank heads in derailments.

In consideration of the foregoing, it is proposed to amend §179.100-8 of title 49 of the Code of Federal Regulations by adding a new paragraph (b) to read as follows:

§179.100-8 Tank heads

(b) After December 31, 1973, each end of a class DOT-112A and 114A tank car must be equipped with a protective head shield, unless the car was built before January 1, 1974, in which case it need not be equipped until January 1, 1978. The shield must be—

1. At least 1/2-inch thick, and made from steel produced in accordance with specification ASTM A542 or ASTM A572 Gr. 50;
2. In the shape of a trapezoid with the following dimensions:
   (i) A minimum width at the top of center sill of 4 ft 6 in;
   (ii) A minimum width at the top of the shield of 9 ft 6 in;
   (iii) The top corners of the shield rounded to a minimum radius of 9 in;
   (iv) The bottom corners of the shield rounded to a minimum radius of 3 in;
   (v) All inside edges of the shield chamfered to a minimum radius of 1/2-inch; and
   (vi) A minimum height of 4 ft 6 in;

3. Shaped to the contour of the tank shell head, utilizing a minimum of three vertical bend lines; and
4. Secured to the underframe of the car structure by means which will not completely fail if a dynamic force of 500,000 pounds, distributed over a 1½-square ft area, is applied anywhere on the shield in a direction anywhere from 0 to 15° from the longitudinal centerline of the tank shell.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, Washington, D.C. 20590. Communications received before September 4, 1973, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, room 6215F, Buzzards Point Building, Second and V Streets SW., Washington, D.C., both before and after the closing date for comments.

This notice is issued under the authority of sections 831-835 of title 49, United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657).


Mac E. Rogers, Board Member.
Federal Railroad Administration.

CIVIL AERONAUTICS BOARD

[14 CFR Parts 207, 208, 212, 214, 373, 378]

[FR Doc.73-10607 Filed 5-25-73;8:45 am]

U.S. AND FOREIGN AIR CARRIERS

Prohibition on Entering Into Charter Contracts Except in Accordance With Effective Tariffs


The Board, by circulation of notice of proposed rulemaking EDR-243A, SPDR-32A, dated April 27, 1973 (38 FR 10160), gave notice that it had decided to adopt amendments to parts 207, 208, 212, and 214 of the Economic Regulations and parts 373 and 378 of the special regulations (14 CFR pts. 207, 208, 212, 214, 373, and 378) so as to prohibit both United States and foreign air carriers from entering into charter contracts except in accordance with currently effective tariffs on file with the Board, and to prohibit such carriers from subsequently filing tariffs which have the effect of increasing the charter rates and fares above those specified in such contracts. Interested persons were invited to participate by submission of 12 copies of written data, views, or arguments pertaining thereto to the docket section of the Board on or before May 30, 1973.

The undersigned finds that good cause has been shown for an extension of time for filing comments. However, an extension to the requested date is not warranted. Charters for the 1974 season will begin to be sold in the fall of this year, and it is therefore important for the Board to be in a position to act on this matter as early as reasonably possible. It is believed that an extension of time to June 18, 1973, should be sufficient to enable interested persons to study the proposal and submit comments and alternative proposals, while at the same time allowing the Board sufficient time to be in a position to act expeditiously upon its consideration of such comments and alternative proposals.

Accordingly, pursuant to the authority delegated in §385.20(d) of the Board's organization regulations, the undersigned hereby extends the time for submitting comments to June 18, 1973.

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

[SEAL]  
ARTHUR H. SNEAD,  
Associate General Counsel,  
Rules and Rates.

[FR Doc.73-10593 Filed 5-25-73; 8:45 am]
DEPARTMENT OF DEFENSE

Department of the Air Force

SCIENTIFIC ADVISORY BOARD

Notice of Meeting


The USAF Scientific Advisory Board Science and Technology Advisory Group will hold a closed meeting on May 31, 1973, from 9 a.m. until 3 p.m., at Andrews Air Force Base, Washington, D.C., room A-106.

The group will receive briefings and discussions of 6.1 and 6.2 Air Force programs and plans which include classified and/or highly competition-sensitive information.

For additional information on this meeting, contact the Scientific Advisory Board Secretariat at 202-697-5614.

John W. Fabrey, Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

Office of the Secretary

DEPARTMENT OF DEFENSE WAGE COMMITTEE

Notice of Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 9, 1973, notice is hereby given that meetings of the Department of Defense Wage Committee will be held on:

Tuesday, June 5, 1973.
Tuesday, June 12, 1973.

These meetings will convene at 9:30 a.m. and will be held in room 1E-801, the Pentagon, Washington, D.C.

The committee's primary responsibility is to consider and make recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) on all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Public Law 92-392.

At these scheduled meetings, the committee will consider wage survey specifications, wage survey data, local reports, and recommendations, statistical analyses, and proposed pay schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92-463 and 5 U.S.C. 552(b) (2) and (4), the Assistant Secretary of Defense (Manpower and Reserve Affairs) has determined that these meetings will be closed to the public.

However, members of the public who may wish to do so, are invited to submit material in writing to the chairman concerning matters felt to be deserving of the committee's attention. Additional information concerning these meetings may be obtained by contacting the chairman, Department of Defense Wage Committee, room 3D-281, the Pentagon, Washington, D.C.

Maurice W. Rocha,
Director, Correspondence and Directives Division, OASD (Comptroller).

SECRETARY OF DEFENSE NATURAL RESOURCES CONSERVATION ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463 and Executive Order 11686, notice is hereby given that the Secretary of Defense Natural Resources Conservation Advisory Committee will meet ad hoc at the following military installations on the dates indicated:

Naval Air Station, Meridian, Miss., June 15, 1973.

The purpose of these meetings is to review the natural resources conservation programs practiced at these installations, to formulate recommendations for improvements to the Secretary of Defense in the conservation area at these and other Defense installations and to recommend to the Secretary the installation which has made the most improvement in natural resources conservation and enhancement over the past three calendar years.

The public will be permitted to attend the entrance briefings and exit critiques at each installation within the space and time constraints established at each location. Specific information may be obtained after June 5, 1973, by inquiry to the Office of Information of the installations listed.


Maurice W. Rocha,
Director, Correspondence and Directives Division, OASD (Comptroller).

[FR Doc. 73-10667 Filed 5-22-73; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amend. 1]

GRAINS AND SIMILARLY HANDLED COMMODITIES

Notice of Final Date for Redemption of Warehouse Storage Loans Made Under 1972 CCC Loan Programs

The final date for repayment of warehouse storage loans made under 1972 CCC loan programs was published in the Federal Register on April 30, 1973, at 38 FR 10650. The final dates for repayment were shown in the table as being for 1972. All references to 1972 in the table published in the original notice are changed to 1973.


Kenneth E. Furick,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc. 73-10560 Filed 5-25-73; 8:45 a.m.]

Commodity Credit Corporation

[Amend. 10]

SALES OF CERTAIN COMMODITIES

Monthly Sales List (Fiscal Year Ending June 30, 1973)

The CCC Monthly Sales List for the fiscal year ending June 30, 1973, published in 37 FR 13352 is amended as follows:

1. The provisions of section 38 entitled “Cotton, Upland—Unrestricted Use Sales” published in 37 FR 13354 as amended in 37 FR 15897 are deleted.

2. The provisions of section 43 entitled “Butter—Export Sales” published in 37 FR 13355 are deleted.

3. The last paragraph of section 2 entitled “Export Commodity—CCC” published in 37 FR 13353 is revised to read as follows:

Although a commodity may not be specifically listed for export sale, CCC reserves the right to make emergency sales of its stocks for export if unexpected trade opportunities develop or when the flow of commodities to ports is disrupted or impeded and the maintenance of U.S. exports is temporarily jeopardized. Specific offering terms, including the applicable export announcement to be used, will be provided interested parties through special sales announcements by
the appropriate ASCS Commodity or Branch Office.

Effective date.—2:30 p.m., e.d.t., April 30, 1973.


KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.73–10561 Filed 5–25–73; 8:45 am]

Soil Conservation Service

LITTLE RUNNING WATER DITCH, ARK.

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental statement for the Little Running Water Ditch R.C. & D. Measure Plan, Randolph County, Ark., and Independence County, Va., under the charter and title of “Mellon Bank, N.A.”

Notice is hereby given that the consolidated bank, Mellon National Corp. and Mellon National Bank, N.A., with offices at Mellon Square, Pittsburgh, Pa., 15230, has been approved as a trustee pursuant to Public Law 89–346 and 46 CFR 221.21–221.30.


B. BURKE KEENE,
Chief,
Office of Domestic Shipping.

[FR Doc.73–10572 Filed 5–25–73; 8:45 am]

National Oceanic and Atmospheric Administration

Notice of Public Hearing Regarding Application for Exemption

Notice is hereby given that, as authorized by section 216.13(f) of the “Regulations Governing the Taking and Importation of Mammals” (37 FR 28177, 28183, Dec. 21, 1972), there will be a public hearing on the application of the following named individuals for an exemption from the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361, 86 Stat. 1027 (1972)) on the grounds of undue economic hardship in order to take the marine mammals hereinafter described for purposes of scientific research. Such hearing will be held on June 12, 1973, at 10 a.m. in the Northwest Fisheries Center Auditorium, 2725 Montlake Boulevard East, Seattle, Wash. 98112.

Dr. Donald R. Buhler and Dr. Bruce R. Mate,
Environmental Health Science Center, Oregon State University, Corvallis, Oreg. 97331: Six California sea lions (Zalophus californianus) and 10 harbor seals (Phoca vitulina richardi).

In support of the application, applicants have stated, inter alia, that:

(1) The California sea lions will be taken in waters off of northern California and southern Oregon. Four will be taken by shooting. Two will be taken by net, held for 3 weeks, and shot. The harbor seals will be taken by shooting in waters off of Oregon;

(2) The mammals will be used to study the effects of contaminants upon them as part of a study of how mammals resist the toxic effects of contaminants; and

(3) The enforcement of the provisions of the Act against the applicants would result in a suspension of the funding for the research involved, and thereby cause them undue economic hardship.

Individuals and organizations may appear at the hearing and express views orally or in writing. They will be made a part of the official record of the hearing.

GUY W. CHAMBERLIN, Jr.,
Deputy Assistant Secretary
for Administration.


[FR Doc.73–10547 Filed 5–25–73; 8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

MELLON NATIONAL BANK AND TRUST CO.

Notice of Approval of Applicant as Trustee

Notice was given in the Federal Register on October 25, 1968, that the Mellon National Bank & Trust Co. was approved as a trustee pursuant to Public Law 89–346 and 46 CFR 223.21–223.30.

The Mellon National Bank & Trust Co. and Mellon National Corp. were consolidated effective November 28, 1972, under the charter and title of “Mellon Bank, N.A.”

Notice is hereby given that the consolidated bank, Mellon National Corp. and Mellon National Bank, N.A., with offices at Mellon Square, Pittsburgh, Pa., 15230, has been approved as a trustee pursuant to Public Law 89–346 and 46 CFR 221.21–221.30.


B. BURKE KEENE,
Chief,
Office of Domestic Shipping.

[FR Doc.73–10572 Filed 5–25–73; 8:45 am]

National Oceanic and Atmospheric Administration

Notice of Public Hearing Regarding Application for Exemption

Notice is hereby given that, as authorized by section 216.13(f) of the “Regulations Governing the Taking and Importation of Mammals” (37 FR 28177, 28183, Dec. 21, 1972), there will be a public hearing on the application of the following named individuals for an exemption from the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361, 86 Stat. 1027 (1972)) on the grounds of undue economic hardship in order to take the marine mammals hereinafter described for purposes of scientific research. Such hearing will be held on June 12, 1973, at 10 a.m. in the Northwest Fisheries Center Auditorium, 2725 Montlake Boulevard East, Seattle, Wash. 98112.

Dr. Donald R. Buhler and Dr. Bruce R. Mate,
Environmental Health Science Center, Oregon State University, Corvallis, Oreg. 97331: Six California sea lions (Zalophus californianus) and 10 harbor seals (Phoca vitulina richardi).

In support of the application, applicants have stated, inter alia, that:

(1) The California sea lions will be taken in waters off of northern California and southern Oregon. Four will be taken by shooting. Two will be taken by net, held for 3 weeks, and shot. The harbor seals will be taken by shooting in waters off of Oregon;

(2) The mammals will be used to study the effects of contaminants upon them as part of a study of how mammals resist the toxic effects of contaminants; and

(3) The enforcement of the provisions of the Act against the applicants would result in a suspension of the funding for the research involved, and thereby cause them undue economic hardship.

Individuals and organizations may appear at the hearing and express views orally or in writing. They will be made a part of the official record of the hearing.

GUY W. CHAMBERLIN, Jr.,
Deputy Assistant Secretary
for Administration.


[FR Doc.73–10547 Filed 5–25–73; 8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

MELLON NATIONAL BANK AND TRUST CO.

Notice of Approval of Applicant as Trustee

Notice was given in the Federal Register on October 25, 1968, that the Mellon National Bank & Trust Co. was approved as a trustee pursuant to Public Law 89–346 and 46 CFR 223.21–223.30.

The Mellon National Bank & Trust Co. and Mellon National Corp. were consolidated effective November 28, 1972, under the charter and title of “Mellon Bank, N.A.”

Notice is hereby given that the consolidated bank, Mellon National Corp. and Mellon National Bank, N.A., with offices at Mellon Square, Pittsburgh, Pa., 15230, has been approved as a trustee pursuant to Public Law 89–346 and 46 CFR 221.21–221.30.


B. BURKE KEENE,
Chief,
Office of Domestic Shipping.
NOTICES

Committee name | Date, time, place | Type of meeting and contact person
--- | --- | ---
1. Dental Drug Products Advisory Committee | June 5, 9 a.m., room G, Fisher Lane, Rockville, Md. | Open 9 a.m. to 11 a.m., closed after 11 a.m.

Purpose.—Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs related to the practice of dentistry.

Agenda.—Status of topical fluoride solutions, pastes, and gels.

Committee name | Date, time, place | Type of meeting and contact person
--- | --- | ---
2. Panel on Review of Anticholinergic Agents | June 7-9, 9 a.m. to 10 a.m., conference room L1, Parklawn Bldg., 5000 Parklawn Dr., Rockville, Md. | Open June 7, 9 a.m. to 5 p.m., closed after 5 p.m.

Purpose.—Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed ophthalmic drugs containing anticholinergic agents.

Agenda.—Continued review of over-the-counter drug products under investigation.

Committee name | Date, time, place | Type of meeting and contact person
--- | --- | ---
3. Endocrinology and Metabolism Advisory Committee | June 11, 9 a.m., Conference room D, Fisher Lane, Rockville, Md. | Open 9 a.m. to 10 a.m., closed after 10 a.m.

Purpose.—Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in the treatment of endocrine and metabolic disorders.

Agenda.—Topic 1 (9 a.m.) concerns diazoxide, oral, review of safety and efficacy; and topic 2 (1 p.m.) concerns concomitant use of sulfonamides and biguanides.

Committee name | Date, time, place | Type of meeting and contact person
--- | --- | ---
4. Panel on Review of Cardiovascular Devices | June 11, 9:30 a.m., open 9:30 a.m. to 10 a.m., closed after 10 a.m. | Open 9:30 a.m. to 10 a.m., closed after 10 a.m.

Purpose.—Reviews and evaluates available information concerning safety, effectiveness, and reliability of cardiovascular devices currently in use.

Committee name | Date, time, place | Type of meeting and contact person
--- | --- | ---
5. Dermatological Advisory Committee | June 11, 9 a.m., conference room F, Parklawn Bldg., 5000 Fisher Lane, Rockville, Md. | Open 9 a.m. to 10 a.m., closed after 10 a.m.

Purpose.—Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in dermatology.

Agenda.—Discussion of safety and efficacy of Azarboine in the treatment of psoriasis.

Committee name | Date, time, place | Type of meeting and contact person
--- | --- | ---
6. Panel on Review of Antimicrobial Agents | June 11 and 12, 9 a.m. to 11 a.m., Hotel, 11400 Sunset Blvd., Los Angeles, Calif. | Open June 11, 9:30 a.m. to 5 p.m., closed June 11, 5 p.m.

Purpose.—Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drugs containing internal analgesic agents.

Agenda.—Continued review of over-the-counter drug products under investigation.

Committee name | Date, time, place | Type of meeting and contact person
--- | --- | ---
7. Respiratory and Anesthetic Advisory Committee | June 13, 9 a.m., Fisher Lane, Rockville, Md. | Open 9 a.m. to 10 a.m., closed after 10 a.m.

Purpose.—Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in anesthesiology.

Agenda.—Topics include (1) pregnancy warnings of neuromuscular blocking agents, (2) the place of Innovar in clinical anesthesia, and (3) the place of the Penthrane (methoxyflurane) Anagizer in clinical anesthesia.

Committee name | Date, time, place | Type of meeting and contact person
--- | --- | ---
8. Panel on Review of Ophthalmic Products | June 19 and 29, 8 a.m., open 8 a.m. to 9 a.m., closed after 9 a.m. | Open June 19, 9 a.m. to 10 a.m., closed June 19, 10 a.m.

Purpose.—Reviews and evaluates available information pertaining to performance standards for selected diagnostic products, evaluates and recommends appropriate reference methodologies and standards of precision and accuracy for measuring such products, and recommends priorities for presently marketed products for standard setting by FDA.

Agenda.—Open session: Report on in vitro diagnostic product compliance activities; report of pilot ASTM defect reporting system; reports from subcommittee chairmen on WHO meeting; status report from hematology and chemistry subcommittees; and discussion of questions of referencing of standards from other sources. Closed session: Discussion of recommendations for medical basis of nonprescription drug reference methods and materials, and formats for proposed product class standards.

FEDERAL REGISTER, VOL. 38, NO. 102—TUESDAY, MAY 29, 1973
Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before a meeting will also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on, pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulated, sensitive, and confidential information concerning the activities of advisory committees may not be fully available in advance of the effective date without damage to interests, and therefore provided for this type of information would remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in full and frank discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions always affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close most of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close most of a meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration.

This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. Fourth, only the deliberative portion of any meeting during which nonconfidential information is made available to the committee will be open for public participation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552(b), or that the public interest would be served if such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.


SHERWIN GARDNER,
Acting Commissioner
of Food and Drugs

Health Services and Mental Health Administration

ADVISORY COMMITTEES

Notice of Meetings

The Administrator, Health Services and Mental Health Administration, announces the meeting dates and other required information for the following national advisory bodies scheduled to assemble during the month of June 1973.

<table>
<thead>
<tr>
<th>Committee</th>
<th>Date, time, place</th>
<th>Type of meeting and/or contact person</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health Serv. Recommen...</td>
<td>June 5, 9:30</td>
<td>Closed Contact</td>
</tr>
<tr>
<td></td>
<td>a.m., Parklawn Bldg., conference room B, 1026 Parklawn Ave., Rockville, Md., Codex 301-420.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Health Serv. Recommen...</td>
<td>June 11, 8:00</td>
<td>Partially open to the public.</td>
</tr>
<tr>
<td></td>
<td>a.m., Leides...</td>
<td>Closed for grants review.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Purpose.—The committee is charged with the initial review of grant applications for Federal assistance, and will not be open to the public in accordance with the determination by the Administrator, Health Services and Mental Health Administration, pursuant to the provisions of Public Law 92-453, section 10(d).

Agenda.—The committee will perform only a review of a grant application for Federal assistance and will not be open to the public.

Cal Mites Research Advisory Committee

<table>
<thead>
<tr>
<th>Committee</th>
<th>Date, time, place</th>
<th>Type of meeting and/or contact person</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coal Mines Research Adv...</td>
<td>June 11, 9 a.m.</td>
<td>Closed for grants review.</td>
</tr>
<tr>
<td></td>
<td>H.R. 333, Bldg.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>D.C.</td>
<td></td>
</tr>
</tbody>
</table>

Purpose.—To consult with, and make recommendations to, the Secretary of Health, Education, and Welfare on matters involving or relating to coal mines.

Agenda.—Agenda items will cover prevalence study of incidence of coal workers' pneumoconiosis in surface coal mines; progress report on computer and
X-ray analysis; reports on the use of diesel power in underground coal mines; the research program at the Appalachian Laboratory for Occupational Respiratory Diseases; criteria for the diagnosis of disability and death from coal workers' pneumoconiosis, and the review of research grant applications. The portion of the meeting concerned with grant review will be closed to the public, in accordance with the determination by the Administrator, Health Services and Mental Health Administration, pursuant to Public Law 92-445, section 10(d).

### Committee name | Date, time, place | Type of meeting and/or contact person
---|---|---
Purpose.—The council will review grant applications which contain trade secrets, commercial or financial information obtained from a person and privileged or confidential and will be closed to the public in accordance with the determination made by the Administrator, Health Services and Mental Health Administration, pursuant to Public Law 92-445, section 10(d).

### Committee name | Date, time, place | Type of meeting and/or contact person
---|---|---
June 19 to 20, 9:30 a.m., Parklawn Bldg., Conference room G, 5609 Fishers Lane, Rockville, Md. | Code 301-443-2954. |
Purpose.—The council will review applications for Federal assistance in the program areas administered by the National Center for Health Services Research and Development.

### Committee name | Date, time, place | Type of meeting and/or contact person
---|---|---
June 19 to 20, 9:30 a.m., Parklawn Bldg., Conference room G, 5609 Fishers Lane, Rockville, Md. | Code 301-443-2954. |
Purpose.—The council will be reviewing applications for Federal assistance in the program areas administered by the National Center for Health Services Research and Development and regions relative to program plans and priorities and will be open to the public.

### Committee name | Date, time, place | Type of meeting and/or contact person
---|---|---
June 19 to 20, 9:30 a.m., Parklawn Bldg., Conference room G, 5609 Fishers Lane, Rockville, Md. | Code 301-443-2954. |
Purpose.—The council will conduct a final review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research and Development, pursuant to the provisions of Public Law 92-445, section 10(d).

### Committee name | Date, time, place | Type of meeting and/or contact person
---|---|---
June 20, 1:30 p.m., Parklawn Bldg., Conference room G, 5609 Fishers Lane, Rockville, Md. | Code 301-443-2954. |
Purpose.—The council will be advising on policies and regulations under title III and title IV of the Public Health Service Act and to provide final review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research and Development relative to program plans and priorities and will be open to the public.

### Committee name | Date, time, place | Type of meeting and/or contact person
---|---|---
June 20, 1:30 p.m., Parklawn Bldg., Conference room G, 5609 Fishers Lane, Rockville, Md. | Code 301-443-2954. |
Purpose.—The council will be reviewing applications for Federal assistance to the research-program at the Appalachian Laboratory for Occupational Respiratory Diseases and diesel power in underground coal mines; the research program at the Appalachian Laboratory for Occupational Respiratory Diseases; criteria for the diagnosis of disability and death from coal workers' pneumoconiosis, and the review of research grant applications. The portion of the meeting concerned with grant review will be closed to the public, in accordance with the determination by the Administrator, Health Services and Mental Health Administration, pursuant to Public Law 92-445, section 10(d).

### Committee name | Date, time, place | Type of meeting and/or contact person
---|---|---
Purpose.—The committee is charged with the initial review of small grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health.

Agenda.—From 4 p.m. to 5 p.m., June 28, the meeting will be open for discussion of administrative announcements and legislative developments. Otherwise, the committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Administrator, Health Services and Mental Health Administration, pursuant to the provisions of Public Law 92-463, section 10(d).

Agenda items are subject to change as priorities dictate.

A roster of members and other relevant information regarding the open/closed sessions may be obtained from the contact persons listed above.


Andrew J. Cardinal,
Acting Associate Administrator for Management, Health Services and Mental Health Administration.

[FR Doc.73-10549 Filed 5-25-73;8:45 am]

WORKSHOP ON HIGH BLOOD PRESSURE RESOURCES

Notice of Meeting

The workshops on high blood pressure resources sponsored by the Health Services and Mental Health Administration are scheduled to assemble during the month of June 1973.

Name Date, Hour Place Types of meetings and/or contact persons

Workshop on High Blood Pressure Resources

June 1, 6:30 a.m.

Arch and 4th

North Broad St.,


St., Philadelphia,


and

June 5, 6:30 a.m.

Shoreton-Chi-

14119

132-323-324

Purpose.—To study high blood pressure control resources in the Department of Health, Education, and Welfare in regions 1 and 5, and to review program experiences and needs in order to report to the Department of Health, Education, and Welfare Hypertension Education and Information Advisory Committee.

Agenda.—Agenda items will cover resources related to the control of high blood pressure through early screening, diagnosis, treatment, and follow-up, through professional education, patient education and community awareness efforts, and resources related to the planning and evaluation of such efforts. Agenda items are subject to change as priorities dictate.

Relevant information regarding the workshops may be obtained from the contact persons listed above.


Andrew J. Cardinal,
Acting Associate Administrator for Management, Health Services and Mental Health Administration.

[FR Doc.73-10549 Filed 5-25-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

ASSISTANT SECRETARIES OF TRANSPORTATION

Notice of Reorganization

Notice is hereby given that the Office of the Secretary of Transportation is in the process of being reorganized. Although all details of the reorganization have not yet been released, certain important actions have been taken which affect the public.

The Office of the Assistant Secretary for Environment and Urban Systems has been disestablished, and functions formerly performed by that office are being reassigned to other secretarial offices. The incumbent Assistant Secretary for Environment and Urban Systems has been appointed Assistant to the Secretary.

As part of the reorganization, the functions and titles of some Assistant Secretaries have been changed. In addition, a new Assistant Secretaryship for Congressional and Intergovernmental Affairs has been created. As a result of the reorganization, the Assistant Secretaries of Transportation are—

1. General Counsel.
2. Assistant Secretary for Policy, Plans and International Affairs.
3. Assistant Secretary for Environment, Safety and Consumer Affairs.
4. Assistant Secretary for Administration.
5. Assistant Secretary for Systems Development and Technology.
6. Assistant Secretary for Congressional and Intergovernmental Affairs.

By a document published elsewhere in today's Federal Register, the order of secretarial succession appearing at 49 CFR 1.27 has been amended to reflect the reorganization. After the Under Secretary, the Assistant Secretaries succeed to Acting Secretary in the order listed above.

When the reorganization of the Office of the Secretary of Transportation has been completed, it will be published in the Federal Register and appropriately reflected in the Code of Federal Regulations.


Clarence S. Breidenbach,
Secretary of Transportation.

[FR Doc.73-10601 Filed 5-25-73;8:45 am]

NOTICES

FEDERAL REGISTER, VOL. 38, NO. 102—TUESDAY, MAY 29, 1973

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS’ SUBCOMMITTEE ON SAFETY GUIDES

Notice of Meeting


In accordance with the purposes of sections 29 and 162(b) of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards' Subcommittee on Safety Guides will hold a meeting on June 5, 1973, in room 1082, at 1717 H Street NW., Washington, D.C.

The subjects scheduled for discussion are drafts of proposed regulatory guides.

The Subcommittee is meeting to formulate recommendations to the ACPS regarding the above subjects.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the purpose of the meeting will be to discuss draft documents which fall within exemption (5) of 5 U.S.C. 552(b) and will consist of an exchange of opinions, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close such meetings to protect the free interchange of internal views and to avoid undue interference with agency and Committee operations.

John V. Wroniuk,
Advisory Committee Management Officer.

[FR Doc.73-10720 Filed 5-25-73;8:45 am]

CALIFORNIA POLYTECHNIC STATE UNIVERSITY

Notice of Issuance of Facility License

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the Federal Register on April 10, 1973 (38 FR 9104), the Atomic Energy Commission (the Commission) has issued facility license No. R-121 to the California Polytechnic State University at San Luis Obispo, Calif., as proposed in that notice, except that the name of the licensee has been changed from California State Polytechnic College to California Polytechnic State University. The license authorizes the university to possess, use, and operate the AGN-201 (Serial No. 100) nuclear research reactor located on its campus in San Luis Obispo, Calif., at steady state power levels up to a maximum of 100 milliwatts (thermal) for educational training purposes. The license also contains the provisions of the license and the technical specifications issued therewith.

The facility has been inspected by a representative of the Commission and found to have been constructed substantially in accordance with the application and the provisions of construction permit No. CPR-114.

The Commission has found that the application (as supplemented) for the license complies with the requirements
of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations as published in 10 CFR chapter I. The Commission has made the remainder of the findings required by the Act and the Commission's regulations which are set forth in the license, and has concluded that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public. The university is being required to execute an amendment to the indemnity agreement as required by section 170 of the Act and 10 CFR part 140 of the Commission's regulations.

A copy of facility license No. R-121, including the technical specifications, and a copy of the safety evaluation dated March 30, 1973, are available for inspection at the Commission's Public Document Room at 1717 H Street NW, Washington, D.C., or may be obtained upon request sent to the U.S. Atomic Energy Commission, attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 16th day of May 1973:

For the Atomic Energy Commission.

DENNIS L. ZIEHMANN,
Chief, Operating Reactors Branch,
No. 2, Directorate of Licensing.

[FR Doc.73-10540 Filed 5-25-73;8:45 am]

MITSUBISHI INTERNATIONAL CORP.

Notice of Application for and Consideration of Issuance of Facility Export License

Please take notice that Mitsubishi International Corp., has submitted to the Atomic Energy Commission an application for a license to authorize the export of a pressurized water reactor with a thermal power level of 1,850 MW, the Shikoku Electric Power Co., Ltd., Kagawa-Ken, Japan, and that the issuance of such license is under consideration by the Atomic Energy Commission.

No license authorizing the proposed reactor export will be issued until the Atomic Energy Commission determines that such export is within the scope of and consistent with the terms of an applicable agreement for cooperation arranged pursuant to section 123 of the Atomic Energy Act of 1954, as amended (Act), nor until the Atomic Energy Commission has found that:

(a) The application complies with the requirements of the Act, and the Atomic Energy Commission's regulations set forth in title 10, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations.

In its review of applications solely to authorize the export of production or utilization facilities, the Atomic Energy Commission does not evaluate the health and safety characteristics of the facility to be exported.

Unless on or before June 13, 1973, a request for a hearing is filed with the Atomic Energy Commission by the applicant, or a petition for leave to intervene is filed by any person whose interest may be affected by the proceeding, the Director of Regulation may, upon the determination and findings noted above, cause to be issued to Mitsubishi International Corp. a facility export license and may cause to be published in the FEDERAL REGISTER a notice of issuance of the license. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the Atomic Energy Commission will issue a notice of hearing or an appropriate order.

A copy of the application is on file in the Atomic Energy Commission's public document room located at 1717 H Street NW, Washington, D.C.

Dated at Bethesda, Md., this 17th day of May 1973.

For the Atomic Energy Commission.

S. H. SAINF, Deputy Director for Fuels and Materials, Directorate of Licensing.

[FR Doc.73-10541 Filed 5-25-73;8:45 am]

POWER REACTOR GUIDES

Notice of Issuance and Availability

The Atomic Energy Commission has issued six guides in its regulatory guide series. This series has been developed to describe and make available to the public methods acceptable to the AEC regulatory staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The new guides are in Division 1, "Power Reactor Guides." Regulatory Guide 1.43, "Control of Stainless Steel Weld Cladding of Low Alloy Steel Components," describes acceptable methods of complying with the Commission's regulations with regard to the selection and control of welding processes used for cladding ferritic steel components with austenitic stainless steel to restrict practices that could result in undetected cracking. Regulatory Guide 1.44, "Control of the Use of Sensitized Stainless Steel," describes acceptable methods of complying with the Commission's regulations with regard to control of the application and processing of stainless steel to avoid severe sensitization that could lead to stress corrosion cracking. Regulatory Guide 1.45, "Reactor Coolant Pressure Boundary Leakage Detection Systems," describes acceptable methods of complying with the Commission's regulations with regard to the selection of leakage detection systems for the reactor coolant pressure boundary. Regulatory Guide 1.46, "Protection Against Pipe Whip Side Containment," describes an acceptable basis for complying with the Commission's regulations with regard to selecting the design locations and orientations of postulated breaks in fluid systems piping within the reactor containment and for determining the measures that should be taken for restraint against pipe whipping that may result from such breaks. Regulatory Guide 1.47, "Bypassed and Inoperable Status Indication for Nuclear Power Plant Safety System," describes an acceptable method of complying with the Commission's regulations with regard to indicating the inoperable status of a portion of the protection system, systems actuated or controlled by the protection system, and auxiliary or supporting systems that must be operable for the protection system and the systems it actuates to perform their safety-related functions. Regulatory Guide 1.48, "Design Limits and Loading Combinations for Seismic Category I Fluid System Components," delineates acceptable design limits and appropriate combinations of loadings associated with normal operation, postulated accidents, and specified seismic events for reactor systems, and systems components. Regulatory guides are not copyrighted and may be obtained upon request sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, attention: Chief, Public Proceedings Staff. Requests for single copies of issued guides or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 1 regulatory guides currently being developed include the following:

Availability of Electric Power Sources.
Requirements for Instrumentation to Assess Nuclear Power Plant-Conditions During and Following an Accident for Water-Cooled Reactors.
Shared Emergency and Shutdown Power Systems at Multi-Unit Sites.
Physical Independence of Safety Related Electric Systems.
Isolating Low Pressure Systems Connected to the Reactor Coolant Pressure Boundary.
Assumptions for Evaluating a Control Rod Ejection Accident for Pressurized Water Reactors.
Assumptions for Evaluating a Control Rod Ejection Accident for Bubbling Water Reactors.
Requirements for Collection, Storage, and Maintenance of Quality Assurance Records for Nuclear Fuel Cycle Products.
Requirements for Assuring Ability of Material Underneath Nuclear Power Plant Foundations to Withstand Subsidence Earthquakes.
Design Basis Floods for Nuclear Power Plants.
Design Phase Quality Assurance Requirements for Nuclear Power Plants.
Qualification Tests of Electric Valve Operaters for Use in Nuclear Power Plants.

FEDERAL REGISTER, VOL. 38, NO. 102-TUESDAY, MAY 29, 1973
NOTICES

14121

Protective Coatings for Nuclear Reactor Containment Structures.
Quality Assurance Requirements for Protective Coatings Applied to Water-Cooled Nuclear Power Plants.
Application of the Single Failure Criterion to Nuclear Power Generating Station Protective Systems.
Additional Material Requirements for Bolling.
In-service Surveillance of Gruilc-Pressuring Tendons.
Design Loading Combinations for Primary Metal Containment Systems.
Concrete Placement in Category I Structures.
Seismic Test Motion to Uncoupled Structural Models.
Control of Preheat Temperature for Low Alloy Steel Welding.
Rules for In-service Inspection of Class 2 and Class 3 Nuclear Power Plant Components.
Primary Reactor Containment (Concrete) Design and Analysis.
Preservice Testing of In-situ Components.
Installation of Over-pressure Devices.
Nondestructive Examination of Tubular Products.
Category I Structural Foundations.
Maintenance Water Purity in BWRs.
Manual Initiation of Protective Actions.
Electric Penetration Assemblies in Nuclear Power Plant Containment Structures.
Qualification of Inspection, Examination, and Testing Personnel for Nuclear Power Plants.
Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems.
Quality Assurance Requirements for Installation, Inspection, and Testing of Structural Concrete and Structural Steel.
Damping Values for Seismic Design of Nuclear Power Plants.
Fracture Toughness Requirements for Vessels Under Overstress Conditions.
Applicability of Nickel-base Alloys and High Alloy Steels.
Material Limitations for Component Supports.
Protection Against Postulated Events and Accidents Outside of Containment.

5 U.S.C. 552(a).

Dated at Bethesda, Md., this 18th day of May 1973.

For the Atomic Energy Commission.

Lester Rogers,
Director of Regulatory Standards.

[FR Doc.73-10562 Filed 5-25-73; 8:45 am]

EXXON NUCLEAR CO., INC.

Notice of Availability of Draft Detailed Statement on Environmental Considerations.

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Atomic Energy Commission (the Commission) in 10 CFR part 50, appendix D, notice is hereby given that a draft detailed statement on the environmental considerations related to the proposed issuance of a full-term license (5 years) for Exxon Nuclear Co.'s Uranium Oxide Fuel Plant at Richland, Washington, has been prepared and has been made available for public inspection in the Commission's public docket room, 112 f. H Street NW., Washington, D.C., and in the Richland Public Library, 5W. & Northgate Streets, Richland, Washington. (Exxon Nuclear Co., Inc. was formerly known as the Jointy Nuclear Co.)

The draft detailed statement is also being made available for public inspection at the Washington State Clearinghouse, Office of the Governor, State Planning and Community Affairs Agency, Olympia, Wash., and, in the Regional Clearinghouse, Benton-Franklin Governmental Conference, 100 Jadwin Avenue, Richland, Wash.,

A notice was published in the Federal Register on November 20, 1971 (36 FR 22194), concerning the availability of Exxon Nuclear Co.'s environmental report and supplement thereto for public inspection at the above designated locations. Additional information was supplied by the applicant's letter dated October 2, 1972, which was reviewed by the Commission's Director of Licensing in the preparation of the draft detailed statement.

Copies of the Commission's draft detailed statement may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Fuels and Materials, Directorate of Licensing.

Pursuant to appendix D to 10 CFR part 50, interested persons may, on or before July 12, 1973, submit comments on the draft detailed statement to the Commission's consideration. Federal agencies and State and local officials are being provided with copies of the draft detailed statement. Such comments as may be received from Federal agencies and State and local officials will be made available for public inspection at the above designated locations. Members of the public shall have access to the reports upon the draft detailed statement to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Fuels and Materials, Directorate of Licensing.

Dated at Bethesda, Md., this 16th day of May 1973.

For the Atomic Energy Commission.


[FR Doc.73-10589 Filed 5-25-73; 8:45 am]

OCCUPATIONAL HEALTH GUIDES

Notice of Issuance and Availability.

The Atomic Energy Commission has issued two guides in its regulatory guide series. Regulatory guides are developed to describe and make available to the public methods acceptable to the regulatory staff for implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents. Some guides also provide guidance to applicants concerning information needed by the staff in the review of applications for permits and licenses.

The new guides are regulatory guide 8.6, "Standard Test Procedure for Galer-Millier Counters," and regulatory guide 8.7, "Occupational Health Guides," of the regulatory guide series, and indicate acceptability, subject to conditions, of the use of American National Standards Institute standards N42.3-1969 (IEEE No. 309) and N13.6-1966 (RI972), respectively, in implementing certain parts of the Commission's regulations.

Comments and suggestions in connection with improvements in the guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, attention: Chief, Public Proceedings Staff. Requests for single copies of the issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated.

Other division 8 regulatory guides currently being developed include the following:

- "Quality Assurance Requirements for Protective Coatings for Nuclear Reactor Primary Containment Systems,
- "Fire Protection Criteria for Nuclear Power Plants,
- "Protective Coatings for Nuclear Reactor Containment Structures,
- "Quality Assurance Requirements for Protective Coatings Applied to Water-Cooled Nuclear Power Plants,
- "Application of the Single Failure Criterion to Nuclear Power Generating Station Protective Systems,
- "Additional Material Requirements for Bolling,
- "In-service Surveillance of Gruilc-Pressuring Tendons,
- "Design Loading Combinations for Primary Metal Containment Systems,
- "Concrete Placement in Category I Structures,
- "Design Response Spectra for Seismic Design of Nuclear Power Plants,
- "Seismic Test Motion to Uncoupled Structural Models,
- "Control of Preheat Temperature for Low Alloy Steel Welding,
- "Rules for In-service Inspection of Class 2 and Class 3 Nuclear Power Plant Components,
- "Primary Reactor Containment (Concrete) Design and Analysis,
- "Preservice Testing of In-situ Components,
- "Installation of Over-pressure Devices,
- "Nondestructive Examination of Tubular Products,
- "Category I Structural Foundations,
- "Maintenance Water Purity in BWRs,
- "Manual Initiation of Protective Actions,
- "Electric Penetration Assemblies in Nuclear Power Plant Containment Structures,
- "Qualification of Inspection, Examination, and Testing Personnel for Nuclear Power Plants,
- "Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems,
- "Quality Assurance Requirements for Installation, Inspection, and Testing of Structural Concrete and Structural Steel,
- "Design, Testing and Maintenance Criteria for Atmospheric Cleanup System Air Filtration and Adsorption Units of Light-Water-Cooled Nuclear Power Plants,
- "Damping Values for Seismic Design of Nuclear Power Plants,
- "Fracture Toughness Requirements for Vessels Under Overstress Conditions,
- "Applicability of Nickel-base Alloys and High Alloy Steels,
- "Material Limitations for Component Supports,
- "Protection Against Postulated Events and Accidents Outside of Containment.

As low as practicable occupational exposure to ionizing radiation from nuclear reactors.

Respiratory protection.

Nuclear criticality accident alert system.

Surface contamination.

Notice of Meeting.


In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Seismic Activity will hold a meeting on June 6, 1973, in room 112, at 1717 H Street NW., Washington, D.C. The subject scheduled for discussion are a draft, dated May 15, 1973, of proposed appendix A to 10 CFR part 10, "Seismic and Geologic Siting Criteria," and a draft of a proposed regulatory guide entitled, "Design Response Spectra for Seismic Design of Nuclear Power Generating Station Structures.

The Subcommittee is meeting with their consultants and members of the...
regulatory staff to formulate recommendations to the full ACRS regarding these draft documents.

I have determined, in accordance with section 10(g) of Public Law 92-463, that the purpose of the meeting is to discuss draft documents which fall within exemption (5) of 5 U.S.C. §552(b) and that the meeting is necessary to achieve a proper exchange of opinions, the discussion of which, if written, would fall within exemption (6) of 5 U.S.C. §552(b). It is essential to close this meeting to protect the free interchange of internal views and to avoid undue interference with agency or committee operation.

JOHN V. VINCIGUTTERRA,
Advisory Committee Management Officer.

[FR Doc.73-10753 Filed 5-25-73; 10:27 am]

CIVIL AERONAUTICS BOARD
SUMMA CORP. AND SALT LAKE AIRCRAFT PARTS, INC.

Notice of Proposed Approval of Exemption

Application of Summa Corp. and Salt Lake Aircraft Parts, Inc. for disclaimer of jurisdiction, approval, or exemption pursuant to the Federal Aviation Act of 1958, as amended, docket 25278.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded until June 6, 1973, within which to file comments or request a hearing with respect to the action proposed in the order.


[SEAL] WILLIAM B. CALDWELL, Jr.
Director,
Bureau of Operating Rights.

ORDER APPROVING TRANSACTION

Issued under delegated authority, Application of Summa Corp. and Salt Lake Aircraft Parts, Inc. for disclaimer of jurisdiction, approval, or exemption pursuant to the Federal Aviation Act of 1958, as amended.

Summa Corp. and Salt Lake Aircraft Parts, Inc. (Slapco) jointly, request disclaimer of jurisdiction, approval, or exemption pursuant to the Federal Aviation Act of 1958, as amended.

Summa Corp. and Salt Lake Aircraft Parts, Inc. (Slapco) jointly request disclaimer of jurisdiction, approval, or exemption pursuant to the Federal Aviation Act of 1958, as amended (the Act), with respect to the purchase of Summa by Slapco for $525,000. According to the application Slapco is a Utah corporation engaged in the wholesale distribution of new and used aircraft parts to the general aviation industry. In addition to the facility at Salt Lake City, Slapco also conducts its business at Phoenix County Airport, Everett, Wash., and has a full-time representative in Denver, Colo. Slapco is operated as an affiliated company, with the same name, as part of Hughes Aircraft Co. business as Hughes Airwest, a certified air carrier as well as operating various other aeronautical enterprises throughout the United States. Summa also holds the control of its own name, a part 135 air taxi and charter certificate, with its main base of operations at McCarran International Airport. The application states that, since the proposed acquisition of the assets of Slapco may involve the acquisition by Summa of a person engaged in a phase of aeronautics, Summa recognizes that Board procedures may require appropriate action by the Board under section 408 of the Act. No comment has been received.

Notice of intent to dispose of this application without a hearing has been published in the Federal Register and a copy of such notice has been furnished by the Board to the Attorney General not later than 1 day prior to the date of the hearing, being the hearing date of June 6, 1973, in accordance with the requirements of section 408(a) of the Act.

Upon consideration of the foregoing it is concluded that Summa is a person controlling an air carrier and that Slapco is a person engaged in a phase of aeronautics within the meaning of section 408 of the Act and that the transaction described herein is subject to section 408(a) of the Act. However, the transaction does not appear to jeopardize another air carrier or a party thereto. Furthermore, no person disclosing a substantial interest in this proceeding is cur-

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 305.40, may file such petitions within 10 days after the date of this order.

The order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board given notice that it will review this order on its own motion.

[SEAL]
PHYLLIS T. EKULL, Acting Secretary.

COMMISSION ON CIVIL RIGHTS
CONNECTICUT STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Connecticut State Advisory Committee to this Commission will convene at 8 p.m., on May 30, 1973, at the Howard Johnson Motor Inn, 2350 Whitney Avenue, Hamden, Conn. 06514.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission in room 1039, 26 Federal Plaza, New York, N.Y. 10007.

The purpose of this meeting shall be to review data related to the Connecticut higher education project and to discuss State Advisory Committee involvement in a study of Connecticut prisons.

This meeting will be conducted pursuant to the rules and regulations of the Commission.


ISAAC T. CRESSEL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-10612 Filed 5-25-73; 8:45 am]

DELAWARE STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a fast-finding meeting of the Delaware State Advisory Committee will convene at 2 p.m. on June 1, and at 9 a.m. on June 2, 1973, in Superior Court, room No. 1, Wilmington Public Building, 10th and King Streets, Wilmington, Del. 19801.

The purpose of this meeting shall be to collect information concerning legal developments in Delaware, prior to the equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin which affect persons residing in the State of Delaware with special emphasis on the Delaware Adult Correction System and the civil rights of inmates of these institutions; to appraise denial of equal protection of the laws under the Constitution because of race, color, religio,
sex, or national origin as these pertain to the Delaware Adult Corrections System and the civil rights of inmates of these institutions; and to disseminate information with respect to denials of the equal protection of the laws because of race, color, religion, sex, or national origin as these pertain to the Delaware Adult Corrections System and the civil rights of inmates of these institutions; and to related areas.

A planning meeting of the Delaware State Advisory Committee will convene at 3 p.m. on May 31, 1973, in the Hotel DuPont at 11th and Market Streets, Wilmington, Del. 19801. Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission in room 310, at 120 L Street NW., Washington, D.C. 20425. The purpose of this meeting shall be to hold a final briefing session in preparation for the June 1-2, 1973, factfinding meeting on the Delaware Adult Corrections System.

A closed or executive session of the Delaware State Advisory Committee will convene at 12 noon on June 1, 1973, in the J. Walter Kennedy County Court, room No. 1, Wilmington Public Building, 10th and King Streets, Wilmington, Del. 19901. At this session, Committee members will discuss matters which may tend to defame, degrade, or incriminate individuals and as such this session is not open to the public.

These meetings will be conducted pursuant to the rules and regulations of the Commission.


ISAAC T. CREWSWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-10619 Filed 5-25-73;8:45 am]

NEW YORK STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting
Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New York State Advisory Committee will convene at 5:30 p.m. on June 4, 1973, at the New York regional office, room 1639, 26 Federal Plaza, New York, N.Y. 10007.

Persons wishing to attend this meeting should contact the committee chairman, or the northeastern regional office of the Commission in room 1639, 26 Federal Plaza, New York, N.Y. 10007.

The purpose of this meeting shall be to discuss the status of the New York committee's Puerto Rican project. The committee will direct its attention specifically to plans for updating and implementing its report, "The Puerto Rican and Public Employment in New York State."

This meeting will be conducted pursuant to the rules and regulations of the Commission.


ISAAC T. CREWSWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-10616 Filed 5-25-73;8:45 am]

NEW YORK STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting
Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New York State Advisory Committee will convene at 9 a.m. on June 6 and at 9 a.m. on June 7, 1973, in the conference room of the Internal Revenue Service, West Mall Building, 855 Central Avenue, Albany, N.Y. 12201.

The purposes of this meeting shall be to collect information concerning legal developments constituting a denial of the equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin which pertain to the status of progress toward equal employment opportunity in the State University of New York system; to appraise denials of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin as these pertain to the status of progress toward equal employment opportunity in the State University of New York system; and to disseminate information with respect to denials of the equal protection of the laws because of race, color, religion, sex, or national origin as these pertain to the status of progress toward equal employment opportunity in the State University of New York system; and to related areas.


ISAAC T. CREWSWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-10614 Filed 5-25-73;8:45 am]

VERMONT STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting
Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Vermont State Advisory Committee will convene at 7:30 p.m. on June 7, 1973, at the Tavern Motor Inn, Montpelier, Vt. 05602.

The purpose of this meeting shall be to discuss the release and distribution of the Vermont Committee's report, "Closing the Ethnic Gap," and review progress of the Vermont State Advisory Committee's "Report on Higher Education."

This meeting will be conducted pursuant to the rules and regulations of the Commission.


ISAAC T. CREWSWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-10617 Filed 5-25-73;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF DEFENSE

Notice of Title Change in Noncareer Executive Assignment

By notice of February 2, 1971, FR Doc. 71-3345 the Civil Service Commission authorized the Department of Defense to fill by noncareer executive assignment the position of Principal Deputy Assistant Secretary (Systems Analysis), Office of the Assistant Secretary of Defense (Systems Analysis), Office of the Secretary of Defense. This is notice that the title of this position is now being changed to Principal Deputy Director (Program Analysis and Evaluation), Office of the Director of Defense Program Analysis and Evaluation, Office of the Secretary of Defense.

United States Civil Service Commission,
James C. Spa.
Executive Assistant to the Commissioners.

[FR Doc.73-10555 Filed 5-25-73;8:45 am]
NOTICES

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority to Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Director, Fund for the Improvement of Post-Secondary Education, Office of the Assistant Secretary for Education.

United States Civil Service Commission,
JAMES C. SPRY, Executive Assistant to the Commissioners.

[FEDERAL REGISTER: VOL. 38, NO. 102-TUESDAY, MAY 29, 1973]

DEPARTMENT OF THE TREASURY

Notice of Grant of Authority to Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Treasury to fill by noncareer executive assignment the position of special consultant in the Research and Development Service of the Treasury.

United States Civil Service Commission,
JAMES C. SPRY, Executive Assistant to the Commissioners.

[FEDERAL REGISTER: VOL. 38, NO. 102-TUESDAY, MAY 29, 1973]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Notice of Grant of Authority to Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the National Foundation on the Arts and the Humanities to fill by noncareer executive assignment the position of Assistant Secretary for Post-Secondary Education, Office of the Assistant Secretary for Education.

United States Civil Service Commission,
JAMES C. SPRY, Executive Assistant to the Commissioners.

[FEDERAL REGISTER: VOL. 38, NO. 102-TUESDAY, MAY 29, 1973]

FEDERAL COMMUNICATIONS COMMISSION

ANSWERING DEVICES ADVISORY SUBCOMMITTEE

Notice of Meeting


In accordance with Public Law 92-463, an announcement is made of a public meeting of the Advising Devices Advisory Subcommit tee to be held June 18-20, 1973, 1919 M Street, NW, room 847, Washington, D.C., at 10 am.

1. Purposes.—The purpose of this sub-committee is to prepare recommendations to permit the interconnection of customer provided and maintained answering equipment to the public switched network.

2. Agenda.—At meetings prior to the meeting of June 18-20, 1973, subcommittee members and observers present their suggestions and recommendations regarding the various technical criteria and standards that should be considered with respect to the interconnection of answering devices to the public telephone network.

3. Agenda.—The agenda for the June 18-20 meeting will be as follows:

(a) To prepare an enforcement procedure for the “one-on-one” configuration, making use of the previously prepared test standard and interface criteria. Adequacy of the technical documents as they relate to the proposed enforcement procedures will also be reviewed.

(b) Any other subjects introduced by subcommittee members before the meeting will also be offered to the subcommittee for consideration at this meeting.

4. Public participation.—The public is invited to attend this meeting. Any member of the public wishing to file a written statement with the committee, may do so before or after the meeting.

It is suggested that those desiring more specific information, contact the Domestic Rate Division on 202-632-8407.

5. Federal Communications Commission, Ben F. Waple, Secretary.

[FEDERAL REGISTER: VOL. 38, NO. 102-TUESDAY, MAY 29, 1973]

RADIO BROADCAST STATIONS AND MUSICAL FORMAT SERVICE COMPANIES

Notice of Inquiry Regarding Subscription Agreements

1. The Federal Communications Commission is undertaking a study of the subscription agreements between licensees of radio broadcast stations and other nonmusical programing material.

2. We have reviewed certain subscription agreements between such musical format service companies and broadcast licensees and find that some of them contain restrictive provisions concerning the nature and amounts of the news and other nonmusical programing which the subscribing station may carry. (To illustrate the types of restrictions which give rise to our concern, we have attached hereto the pertinent provisions of one such subscription agreement.) In view of the apparent widespread existence of such contracts and agreements (we are aware that one company has over 60 subscribing stations), the Commission does not deem it feasible or sound administrative policy to attempt resolution of the questions posed thereby on an ad hoc basis within the context of pending applications. Rather, we believe that a general inquiry proceeding is the best method of providing the Commission with the necessary information to determine the nature and scope of the problems (if any) which may be posed by these contracts and the proper methods for their resolution. Accordingly, by this Notice of Inquiry, we wish to elicit comments from the broadcast licensees, musical programing format companies and other interested parties on the following points:

(1) The extent to which subscription agreements of musical program format companies contain restrictive provisions regarding nonmusical programing (we would expect to receive copies of the standard contracts of companies providing these services);

(2) The particular industry practices under such agreements, including (but not necessarily limited to) the degree to which licensees have been allowed to deviate from the standard provisions without recision or threatened recision of the contract by the format service company (specific instances would be helpful); and

(3) The extent to which, if any, such restrictive programing provisions and practices thereunder impose upon, inhibit or hinder the discretion and flexibilitiy of the licensee in matters of the selection and presentation of nonmusical programing material.

3. We wish to make it clear that the fact that we invite comments upon the
above enumerated matters does not mean that we are limiting our inquiry to these specific aspects of these subscription agreements. On the contrary, we encourage interested parties to submit any material which they think will aid the Commission in reaching its conclusions presented by these subscription agreements.  

4. Authority for the inquiry instituted here is contained in sections 4(d) and (1), 303 and 408 of the Communications Act of 1934, as amended.

5. Interested parties may submit comments on or before June 23, 1973. Reply comments may be submitted on or before July 10, 1973. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

6. Although this is not a formal rule-making proceeding, an original and 14 copies of all comments, replies, pleadings, briefs, or other documents filed in this proceeding shall be furnished to the Commission in § 1.419 of the Commission's rules governing such proceedings. Filings shall also conform to the provisions of § 1.49 (47 CFR 1.49, 1.419 (1967)).

7. Responses will be available for public inspection during regular business hours in the Commission's broadcast and docket reference room at its headquarters in Washington, D.C.


FEDERAL COMMUNICATIONS COMMISSION,*

[Seal]  BEN F. VANCE,

Secretary.

EXAMPLE OF RESTRICTIVE PROVISIONS IN SUBSCRIPTION AGREEMENT BETWEEN BROADCAST LICENSED AND MULTIPLE FORMAT COMPANY

11. (a) Station represents that its present program content, schedules and transmissions and surveys and investigations of community needs in accordance with the rules, regulations, policies, and conditions of the Federal Communications Commission include the following:

(1) Station plans to broadcast a minimum of 16 hours per day, including the period 6 a.m. to 1 a.m.

(2) Station does not intend to duplicate the programming of any AM facility, including newspaper broadcasting.

(3) Subject to subparagraphs (9) and (7) below, station plans to broadcast at least 50 minutes of [Company] music during each hour. Station is on the air and does not plan the use of its own music or other music services in normal broadcast except as required for commercials or other announcements.

Station does not plan to broadcast four-channel stereo.

(4) Station does not plan to announce the names of the musical selections played by the station on the air in order to avoid breaks in station's program continuity.

(5) Station plans to broadcast no more than six commercials per hour and no more than four commercial breaks in the continuous broadcast music per hour. Opening and closing billboards for sponsored programs or newscasts are considered commercials and fall within this subparagraph.

(6) Station does not plan to permit the triple-spotting of commercial announcements.

(7) Station's regular new programs will originate solely from network sources which normally will be of a public interest, convenience, or necessity, or the efficient operation of the Station to require. In the event a station elects to modify, change, or alter programs and operating policies set forth in this agreement, it shall have the right, on 15 days written notice, to Station, to terminate this agreement without penalty of any kind to Station. In the event of such termination, Station will promptly refund to [Company] any [Company] tapes in its possession and [Company] will promptly refund to Station any portion of the prepaid subscription fee.

(c) It is understood that nothing contained in this agreement shall be construed to prevent or hinder Station from rejecting or refusing any program offered by [Company] which Station reasonably believes unimportant to the public interest, or from substituting programs of outstanding quality.

[FED REG, VOL 38, NO. 102-TUESDAY, MAY 29, 1973]  

FEDERAL POWER COMMISSION

[Dock No. CP73-307]

BROCKTON TAUNTON GAS CO.

Notice of Application


Take notice that on May 17, 1973, Brockton Taunton Gas Co. (Applicant), 125 High Street, Boston, Mass. 02110, filed in docket No. CP73-307 an application pursuant to section 3 of the Natural Gas Act, and section 5(b) of the Natural Gas Policy Act of 1978, for authority to purchase liquified natural gas (LNG) purchased from Gaz Metropolitain, Inc., Montreal, Province of Quebec, Canada, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that between June 15, 1973, and September 15, 1973, it intends to purchase from Gaz Metropolitain, Inc., 4,583,440 U.S. gallons of LNG at 12.742 cents per U.S. gallon, equivalent to approximately 400 billion Btu at a price of $1.45 U.S. per million Btu. Deliveries will be made to Applicant on a monthly basis, with each monthly delivery equal to the total contracted quantity divided by the number of months in the delivery period, and with the delivery period deemed to commence when LNG is first delivered but not later than June 15, 1973. The LNG will be transported by push-towed tank-trailers which each carries approximately 10,000 gallons of LNG.

Applicant states that it is required to import LNG as proposed in the instant application as a result of curtailments of deliveries by Texas Eastern Transmission Co. to Algonquin Gas Transmission Co. Applicant's supplier of vaporous gas, and a failure of adequate LNG deliveries by Distrigas Corp. Applicant states further that all three of its propane plants are operating at maximum capacity and are not capable of being expanded further. Applicant is requesting to be heard or to make any protest with reference to said application should on or before June 1, 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 shall be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

May R. Klotz,

Secretary.

[Project 2462-New York]

NIAGARA MOHAWK POWER CORP.

Availability of Final Environmental Statement

Notice is hereby given that on May 25, 1973, as required by the Commission rules and regulations under order 415-C, issued December 18, 1972, a final environmental statement prepared by the Commission's staff pursuant to section 102(3)(C) of the National Environmental Policy Act of 1969 (Public Law 91-190) was placed in the public files of the Federal Power Commission. This statement deals with the environmental impact of an application for amendment of the license issued in accordance with the Federal Power Act for Hudson River project No. 2482 for the removal of the
Fort Edward development of the project located in the counties of Saratoga and Washington, N.Y., on the Hudson River. This statement is available for public inspection in the Commission’s Office of Public Information, 623 North Capitol Street, N.E., Washington, D.C., and its New York regional office. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

The Fort Edward development currently consists of a 586 foot long rock filled timber crib dam and a powerhouse containing hydroelectric generating units with a total capacity of 2,850 kw operating at a gross head of 15.5 ft.

The action being considered is the removal of a dam which is in danger of failure.

The draft environmental statement was circulated on April 18, 1973. Because of the emergency nature of this action the time period to review the draft statement was shortened by the Commission, to 30 days.

MARY B. KINN
Acting Secretory.

[FR Doc. 73-10444 Filed 5-25-73; 8:45 a.m.]

**NOTICES**

**PROPOSED RATE CHANGES**

Order Providing For Hearing and Suspension, and Allowing Rate Change To Become Effective Subject to Refund


Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR ch. 1), and the Commission’s rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the “Date Suspended Until” column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and §154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

<table>
<thead>
<tr>
<th>Docket No.</th>
<th>Respondent</th>
<th>Rate schedule No.</th>
<th>Purchase and producing area</th>
<th>Amount of annual increase</th>
<th>Date filing suspended</th>
<th>Effective date suspended until</th>
<th>Date refund in effect</th>
<th>Rate in effect</th>
<th>Proposed increased rate</th>
<th>Rate in effect subject to refund in docket No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>R173-291</td>
<td>Phillips Petroleum Co.</td>
<td>431</td>
<td>Pacific Lighting Service Co. (Federal Lease No. OCS-3-666, Offshore Santa Barbara County, Calif.)</td>
<td>22,310</td>
<td>3-20-73</td>
<td>6-11-73</td>
<td>27.0</td>
<td>27.5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R173-292</td>
<td>Cities Service Oil Co.</td>
<td>223</td>
<td>2,260</td>
<td>4-9-73</td>
<td>6-11-73</td>
<td>27.0</td>
<td>27.5</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

Phillis Petroleum Co. and Cities Service Oil Co. propose periodic increases from 77 cents to 25.5 cents at 14.73 lb/1000, for sales of casinghead gas to Pacific Lighting Service Co. from offshore Santa Barbara County, Calif. The current 27 cent initial rates are subject to refund pursuant to conditioned temporary certificates issued April 22, 1968, in dockets Nos. CI68-915 and CI68-924, respectively.

Since the just and reasonable rate has not been determined nor a guideline ceiling established for the subject area, we believe it appropriate to suspend the instant filings for 1 day from the contract effective date.

The rate increases granted in these cases have been reviewed in the light of and are consistent with the Economic Stabilization Act of 1970, as amended, Executive Order No. 11685, and the rules and regulations issued thereunder.

[FR Doc. 73-10444 Filed 5-25-73; 8:45 a.m.]
The proposed increase of Shell Oil Co., exceeds the applicable area ceiling rate, but does not exceed the rate limit for 1-day suspension, and, therefore, it is suspended for 1 day from the expiration of the 60-day-notices period or from the contractually due date, whichever is later. Shell's proposed increased charge exceeds the applicable area price level for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

The rate increase granted in this case has been reviewed in the light of and is consistent with the Economic Stabilization Act of 1970, as amended, Executive Order No. 11695, and the rules and regulations issued thereunder.

---

**NOTICES**

**APPENDIX A**

<table>
<thead>
<tr>
<th>Docket No.</th>
<th>Respondent</th>
<th>Rate Schedule</th>
<th>Rate No.</th>
<th>Purchaser and producing area</th>
<th>Amount of annual increase</th>
<th>Effective date</th>
<th>Date filed</th>
<th>Date in effect</th>
<th>Rate in effect subject to refund in excess of amount shaded</th>
<th>Rate in effect under section 3(a)</th>
<th>Rate in effect under section 3(a) (3)</th>
<th>Rate in effect under section 4(a) (2) of the Bank Holding Company Act</th>
<th>Rate in effect under section 4(a) (3) of the Bank Holding Company Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>FEDERAL RESERVE SYSTEM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

D. H. BALDWIN CO.

**Acquisition of Bank**

D. H. Baldwin Co., Cincinnati, Ohio, has applied for the Board's approval under section 3(a) (3) of the Bank Holding Company Act (12 U.S.C. 1842(a) (2)) to acquire a majority of the voting shares of First National Bank in Aspen, Colo.

D. H. Baldwin Co., or one or more of its subsidiary companies, are engaged in the following nonbank activities: Manufacture and sale of pianos and other musical instruments and accessories; operation of music schools; research, development, manufacture and sale of electronic devices and photovoltaic equipment; operation of finance companies; operation of savings and loan associations; operation of a mortgage brokerage; operation of general life, property, and casualty insurance companies; operation of insurance agency; ownership, management, development of an investment in real property; leasing real property, tools and machines; publication of sheet music; and installment sales of consumer durables and floor planning services. In addition to the proposal in the light of the act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the act (12 U.S.C. 1843).

By notice dated September 26, 1972 (37 FR 22414), the Board announced that it was conducting a review of the "grandfather" privileges of D. H. Baldwin Co., under section 4(a) (2) of the Bank Holding Company Act. A Board determination with respect to the grandfather privileges of D. H. Baldwin has not yet been issued. The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 14, 1973.


**Chester B. Feldberg, Assistant Secretary of the Board.**

**FR Doc. 73-10531 Filed 5-25-73; 8:45 am**

---

D. H. BALDWIN CO.

**Acquisition of Bank**

D. H. Baldwin Co., Cincinnati, Ohio, has applied for the Board's approval under section 3(a) (3) of the Bank Holding Company Act (12 U.S.C. 1842(a) (3)) to acquire a majority of the voting shares of First National Bank North in Grand Junction, Colo.

D. H. Baldwin Co., or one or more of its subsidiary companies, are engaged in the following nonbank activities: Manufacture and sale of pianos and other musical instruments and accessories; operation of music schools; research, development, manufacture and sale of electronic devices and photovoltaic equipment; operation of finance companies; operation of savings and loan associations; operation of a mortgage brokerage; operation of general life, property, and casualty insurance companies; operation of insurance agency; ownership, management, development of an investment in real property; leasing real property, tools and machines; publication of sheet music; and installment sales of consumer durables and floor planning services. In addition to the factors considered under section 3 of the act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the act (12 U.S.C. 1843).

By notice dated September 25, 1972 (37 FR 22414), the Board announced that it was conducting a review of the "grandfather" privileges of D. H. Baldwin Co., under section 4(a) (2) of the Bank Holding Company Act. A Board determination with respect to the grandfather privileges of D. H. Baldwin has not yet been issued. The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 14, 1973.


**Chester B. Feldberg, Assistant Secretary of the Board.**

**FR Doc. 73-10532 Filed 5-25-73; 8:45 am**

---

FEDERAL REGISTER, VOL. 38, NO. 102—TUESDAY, MAY 29, 1973
nonbanking activities and the provisions and prohibitions in section 4 of the act (12 U.S.C. 1842).

By notice dated September 26, 1972 (37 FR 22414), the Board announced that it was conducting a review of the "grandfather" privileges of D. H. Baldwin Co. under section 4(a)(2) of the Bank Holding Company Act. A Board determination with respect to the grandfather privileges of D. H. Baldwin has not yet been issued.

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 14, 1973.


[Seal] Chester B. Feldberg, Assistant Secretary of the Board.

[FR Doc.73-10530 Filed 5-25-73; 8:45 am]

INTERIM COMPLIANCE PANEL
(COAL MINE HEALTH AND SAFETY)
HAMPShIRE MINING CORP., ET AL.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for renewal permits for noncompliance with the interim mandatory dust standard (2.0 mg/m²) have been received as follows:

(1) ICP Docket No. 20256, Hampshire Mining Corp., Lynnwood No. 4 Mine, USBM ID No. 46 01076 0, Keyser, W. Va.: Section ID No. 001 (first north west panel).

(2) ICP Docket No. 20543, The Oneida Mining Co., Oneida No. 4 Mine, USBM ID No. 29 09027 0, Seward, Pa.: Section ID No. 006 (north mains, right side.

(3) ICP Docket No. 20178, Hampshire Mining Corp., Grand Junction Coal, Coal mining, manufactured, and operated by D. H. Baldwin Co., a registered bank holding company which owns approximately 56 percent of the outstanding stock of Bank.

D. H. Baldwin Co., or one or more of its subsidiary companies are also engaged in the following nonbank activities: Manufacture and sale of pianos and other musical instruments and accessories; operation of music schools; research, development, manufacture, and sale of electronic devices and photovoltaic equipment; operation of finance companies; operation of a mortgage broker; operation of general life, property, and casualty insurance companies; operation of an insurance agency; ownership, management, development, and investment in real property; leasing real property, tools, and machines; publication of sheet music; and installation sales of consumer durables and floor planning services. In addition to the factors considered under section 3 of the act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the act (12 U.S.C. 1842).

By notice dated September 26, 1972 (37 FR 22414), the Board announced that it was conducting a review of the "grandfather" privileges of D. H. Baldwin Co. under section 4(a)(2) of the Bank Holding Company Act. A Board determination with respect to the grandfather privileges of D. H. Baldwin has not yet been issued.

The application may be inspected at the office of the Board of Governors, or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 14, 1973.


[Seal] Chester B. Feldberg, Assistant Secretary of the Board.

[FR Doc.73-10530 Filed 5-25-73; 8:45 am]

MONTEREY COAL CO.

Application for Renewal Permit; Amended Notice of Opportunity for Public Hearing

Application for Renewal Permit for Noncompliance with the Interim Mandatory Dust Standard (2.0 mg/m²) has been received as follows:

ICP Docket No. 20159, Monterey Coal Co., Monterey No. 1 Mine, USBM ID No. 11 00729 C, Carlinville, Ill.: Section ID No. 003 (2d north, 1st main east), Section ID No. 000 (3d north, 1st main east), Section ID No. 010 (4th north, 1st main east), Section ID No. 001-0 (main cost entries), Section ID No. 011 (6th north, main east), Section ID No. 012 (6th north, main east), Section ID No. 013 (6th north, 1st main east), Section ID No. 014 (7th north, main 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 (63 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 June 13, 1973. Requests for public hearing must be filed in accordance with 30 CFR part 505 (35 FR 11926, 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 806, 1730 K Street NW., Washington, D.C. 20006.

George A. Hornbeck, Chairman, Interim Compliance Panel.


[FR Doc.73-10645 Filed 5-25-73; 8:45 am]

OFFICE OF EMERGENCY PREPAREDNESS

LOUISIANA

Amendment to Notice of Major Disaster

Notice of major disaster for the State of Louisiana, dated April 27, 1973, and published May 3, 1973 (38 FR 11014), and amended May 8, 1973, and published May 14, 1973 (38 FR 12636), is hereby further amended to include the following parishes among those parishes determined to have been adversely affected by the catastrophe declared a major disas-
E. I. DU PONT DE NEMOURS AND CO.

Notice of Filing of Application for Order Exempting Proposed Transaction


Notice is hereby given that E. I. du Pont de Nemours and Co. (Applicant), Wilmington, Del., a Delaware corporation, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 (Act) for an order exempting Applicant and Holotron, a Delaware corporation, from the operation of section 16(b) of the Act, that the terms of the proposed transaction are fair and do not involve over-reaching on the part of any person concerned; and further that the transaction is consistent with the general purposes of the Act.

Section 17(a) of the Act prohibits an affiliated person of a registered investment company from selling to such company or any company controlled by such registered investment company any security or other property, with certain exceptions, unless the Commission finds, upon application under section 17(b) of the Act, that the terms of the proposed transaction are fair and do not involve over-reaching on the part of any person concerned and that the proposed transaction is consistent with the policy of the registered investment company and the general purposes of the Act.

Notice is further given that any interested person may, no later than June 13, 1973, at 8:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact and law to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 50 miles from the point of mailing) upon Applicant at the address stated above.

It is also possible that the ownership of shares of the Company's common stock by one or more of the underwriters will exceed 10 percent of the aggregate number of outstanding shares after the purchase(s) by the underwriters pursuant to the underwriting agreement, immediately prior to completion of the distribution and/or at some interim time.

Section 30(c) of the Act subjects every person who is directly or indirectly the beneficial owner of more than 10 percent of any class of outstanding securities of the Company to the same duties and liabilities as those imposed by section 16 of the Securities Exchange Act of 1934 (Exchange Act).

Section 16(a) of the Exchange Act requires insiders to file reports of their holdings and changes in their holdings and section 16(b) makes such insiders liable for short-term trading profits.

Rule 16b-2 under the Exchange Act exempts certain transactions in connection with a distribution of securities from the operation of section 16(b) of the Act.
Exchange Act. Applicant states that the purpose of the purchases by Applicant and the other underwriters of the Registered Shares from the Company is for resale in exchange for the distribution of a substantial block of securities within the purpose and spirit of rule 16(a). It is possible, however, that Applicant and one or more of the underwriters will not be exempted from section 16(b) by the operation of rule 16a-2, as they may fail to meet the requirement stated in paragraph (a) (3) of rule 16a-2 that the aggregate participation of persons not within the purview of section 16(b) of the Exchange Act be at least equal to the aggregate participation of persons receiving the exemption under rule 16a-2. It is possible that one or more of the underwriters subject to section 16(b) may become obligated, pursuant to the underwriting agreement, to purchase more than 50 percent of the Registered Shares. Moreover, rule 16a-2 will not exempt the underwriters subject to section 16(a) of the Exchange Act.

Applicant states that there is no "inside information" in existence since the Company, prior to the purchase of the Registered Shares, will have no assets (other than the approximately $1,000 required for State law initial capitalization purposes) or business of any sort, and detailed information with respect to the Company will be set forth in the prospectus incorporated in its registration statement on form S-4.

Applicant submits that the requested exemption from the provisions of section 30(f) of the Act is necessary or appropriate in the public interest and for the protection of investors, and the purposes fairly intended by the policy and provisions of the Act. It is further submitted that the transactions sought to be exempted are not susceptible for use in connection with the practices section 16 of the Exchange Act and section 30(f) of the Act were enacted to prevent.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities, or transactions from any provision of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is hereby given that any interested person may, not later than June 1, 1973 at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing), upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be granted pursuant to 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from May 18, 1973, through May 28, 1973.

By the Commission.

[Seal] \nRONALD F. HUNT, \nSecretary.

[FR Doc.73-10538 Filed 5-25-73; 8:45 am]
that aluminum ingots from Canada are being, or are likely to be, sold at less than fair value, the U.S. Tariff Commission on May 23, 1973, instituted investigation No. 811-106. Under section 301(a) of the Anti-dumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being, or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing.—A public hearing in connection with the investigation will be held in the Tariff Commission's hearing room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. 20436, beginning at 10 a.m., e.d.t., on Tuesday, June 26, 1973. All parties will be given an opportunity to present evidence, and to be heard at such hearing. Requests to appear at the hearing should be received by the Secretary of the Tariff Commission, in writing, at its office in Washington, D.C., not later than noon, Thursday, June 21, 1973.


By order of the Commission.

[SEAL]    KENNETH R. MASON, Secretary.

[FR Doc.73-10602 Filed 5-25-73;8:45 am]

DEPARTMENT OF LABOR
Office of the Secretary

HARRY WISE SHOE CO., INC., EXETER, N.H.

Notice of Revised Certification of Eligibility of Workers To Apply for Adjustment Assistance

Following a Tariff Commission report under section 301(e) of the Trade Expansion Act of 1962 (76 Stat. 884), and subsequent investigation as authorized under 29 CFR part 90 and notice in 38 FR 13942; 37 FR 24172; 38 FR 1240, a certification under section 302(a) of the Trade Expansion Act was made on January 26, 1973 certifying that:

All workers, hourly, piecework, and clerical of Wise Shoe Co., Inc., Exeter, N.H., who became unemployed or underemployed after June 27, 1970, and before October 6, 1972 are eligible to apply for adjustment assistance under title III, chapter 3, of the Trade Expansion Act of 1962 (38 FR 1242).

On the basis of a further showing and further investigation by the Director of the Office of Foreign Economic Policy, and pursuant to the provisions of section 302(d) of such act, the certification issued by the Department on January 26, 1973, is hereby revised to change the termination date shown thereon and accordingly to include within the coverage of the certification additional workers who became unemployed or underemployed.

Such revised certification is hereby made as follows:

All workers, hourly, piecework, and clerical of Wise Shoe Co., Inc., Exeter, N.H., who became unemployed or underemployed after June 27, 1970, and before October 6, 1972 are eligible to apply for adjustment assistance under title III, chapter 3, of the Trade Expansion Act of 1962.

Signed at Washington, D.C., this 21st day of May 1973.

JOEL SEGALL,
Deputy Under Secretary, International Affairs.

[FR Doc.73-10559 Filed 5-25-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 261]

ASSIGNMENT OF HEARINGS


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 a notice of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponement of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 01582 sub 292, Jenkins Truck Line, Inc., now being assigned hearing June 18, 1973 (2 weeks), at the Benzon Hotel, 300 SW Broadway, Portland, Ore.

MC 114727 sub 110, Cedar Rapids Steel Transportation, Inc., now being assigned continued hearing July 9, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.


MC-133748 sub 5, Lile Moving & Storage Co., now assigned June 4, 1973, at Olympia, Wash., is canceled and the application is dismissed.

MC-C-7840, the Millenbourg Tours, Inc. V. Lillian Hofmeister, now assigned June 6, 1973, at Baltimore, Md., postponed to July 9, 1973, in room G-304, Federal Building, Charles Center, 31 Hopkins Plaza, Baltimore, Md.

MC 00583-4, Jacksonville Transfer & Storage, Inc., now assigned June 11, 1973, at Tallahassee, Fla., canceled and reassigned to June 11, 1973 (3 days), at the Florida Public Service Commission, 2555 Payilis St., Voyager Building, Jacksonville, Fla., and June 14, 1973 (2 days), at the Florida Public Service Commission, 660 South Orlando Avenue, Winter Park, Fla.

[SEAL]    JOSEPH M. HARINGTON, Acting Secretary.

[FR Doc.73-10583 Filed 5-25-73;8:45 am]

[FTC 98; Rev. S.O. 294]

ANN ARBOR RAILROAD CO.

Rerouting or Diversion of Traffic

In the opinion of Lewis R. Teeple, agent, the Ann Arbor Railroad Co. is unable to transport traffic over its car ferry between Frankfort, Mich., and Manitowoc, and Kewaunee, Wis., because of required repairs to its boat Arthur K. Atkinson. It is ordered, That:

(a) The Ann Arbor Railroad Co., being unable to transport traffic over its car ferry between Frankfort, Mich., and Manitowoc, and Kewaunee, Wis., because of required repairs to its boat Arthur K. Atkinson, that line is hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all traffic rerouted shall carry a reference to this order as authority for the rerouting.

FEDERAL REGISTER, VOL. 38, NO. 102—TUESDAY, MAY 29, 1973
NOTICES

(b) Concurrence of receiving roads to be obtained.—The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted before the rerouting or diversion is ordered.

(c) Notification to shippers.—Each carrier rerouting cars in accordance with this order shall notify each shipper at the time the traffic is rerouted, or diverted, and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereinafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date.—This order shall become effective at 9 a.m., May 17, 1973.

(g) Expiration date.—This order shall expire at 11:59 p.m., May 31, 1973, unless otherwise modified, changed, or suspended.

Providing, however, that this amendment shall become effective at 11:59 p.m., May 19, 1973, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.


INTERSTATE COMMERCE COMMISSION,
[SEAL]
LEWIS R. TEEPLE, Agent.

[FEDERAL REGISTER, VOL. 38, NO. 102—TUESDAY, MAY 29, 1973]

It is ordered, That: ICC order No. 92 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date.—This order shall expire at 11:59 p.m., May 31, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., May 19, 1973, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.


INTERSTATE COMMERCE COMMISSION,
[SEAL]
LEWIS R. TEEPLE, Agent.

[FEDERAL REGISTER, VOL. 38, NO. 102—TUESDAY, MAY 29, 1973]

It is ordered, That: ICC order No. 92 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date.—This order shall expire at 11:59 p.m., May 31, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., May 19, 1973, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.


INTERSTATE COMMERCE COMMISSION,
[SEAL]
LEWIS R. TEEPLE, Agent.

[FEDERAL REGISTER, VOL. 38, NO. 102—TUESDAY, MAY 29, 1973]

It is ordered, That: ICC order No. 92 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date.—This order shall expire at 11:59 p.m., May 31, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., May 19, 1973, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.


INTERSTATE COMMERCE COMMISSION,
[SEAL]
ROBERT L. OWSWALD, Secretary.

[FEDERAL REGISTER, VOL. 38, NO. 102—TUESDAY, MAY 29, 1973]

Illinois Central Gulf Railroad Co.

Rerouting or Diversion of Traffic

Upon further consideration of ICC order No. 96 (the Illinois Central Gulf Railroad Co.) and good cause appearing therefor:

It is ordered, That: ICC order No. 96 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date.—This order shall expire at 11:59 p.m., June 9, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., May 19, 1973, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.


INTERSTATE COMMERCE COMMISSION,
[SEAL]
LEWIS R. TEEPLE, Agent.

[FEDERAL REGISTER, VOL. 38, NO. 102—TUESDAY, MAY 29, 1973]

It is ordered, That: ICC order No. 96 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date.—This order shall expire at 11:59 p.m., June 9, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., May 19, 1973, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.


INTERSTATE COMMERCE COMMISSION,
[SEAL]
ROBERT L. OWSWALD, Secretary.

[FEDERAL REGISTER, VOL. 38, NO. 102—TUESDAY, MAY 29, 1973]
RAILROAD SERVICE BOARD.

[ SEAL ] R. D. PFEHLER,

Agent.

[FRI Doc.73-10554 Filed 5-25-73;8:45 am]

[Notice No. 284]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopsis 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 pt. 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 June 18, 1973, pursuant to section 17(b) 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-26356 (sub-No. 175 TA), filed May 10, 1973. Applicant: Popelka Trucking Co., doing business as THE WAGGONERS, P.O. Box 990, Livingston, Mont. 59847. Applicant's representative: Wayne Waggoner (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Particle board, from the plantsite of Evans Products Co. at Missoula, Mont., to Idaho, California, Wyoming, Wisconsin, Utah, North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Idaho, and Colorado, for 180 days. Supporting shipper: Evans Products Co., 1338 Oakwood Avenue, West Hartford, Conn., 06110, attorney for applicants.

[ SEAL ] JOSEPH M. HARRINGTON,

Acting Secretary.

[FRI Doc.73-10577 Filed 5-25-73;8:45 am]

[Notice No. 68]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS


The following are notices of filing of application, except as otherwise specifically noted, each application states that there will be no significant effect on the quality of the human environment resulting from approval of its application for temporary authority under section 210(a) of the Interstate Commerce Act provided for under the new rules of part X of the Motor Carrier Board, approved April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the Federal Register, within 15 calendar days after the date of notice of the filing of the application is published in the Federal Register. Each copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also at the field office to which protests are to be transmitted.

Idaho, Montana, Washington, and routes, transporting:

TRUCKING CO.,


No. MC-26336 (sub-No. 71 TA), filed May 10, 1973. Applicant: POPELKA TRUCKING CO., doing business as The Waggoners, P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: Wayne Waggoner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Charcoal, charcoal briquettes, fireplace logs and related items, such as lighter fluid, wood chips, and barbeque grill base, from Husky Industries plants located at or near Dickinson, N. Dak., to the States of Colorado, Idaho, Montana, Washington, and Wyoming, for 180 days. Supporting shippers: Husky Industries, 62 Perimeter Center East, Atlanta, Ga. 30346. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, room 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC-26739 (sub-No. 74 TA), filed May 11, 1973. Applicant: CROUCH BROS., INC., P.O. Box 1059, St. Joseph, Mo. 64502. Applicant's representative: R. A. Dombrowski (same as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Mineral wool, mineral wool products, insulating material and insulated air duct, from Kansas City, Mo., to North Dakota, South Dakota, Wisconsin, and Minnesota, for 180 days. Applicant intends to tack the authority here applied for to authority held by it in docket No. MC-26739 (sub-No. 59), and possibly interline with other carriers at Kansas City, Mo. Supporting shipper: C.S.G. Group of Certain-teed Products Corp., Valley Forge, Pa. 19481. Send protests to: District Supervisor Thomas F. O'Hara, Bureau of Operations, Interstate Commerce Commission, Bureau of Operations, 234 Federal Building, Topeka, Kans. 66603.

No. MC-26657 (sub-No. 18 TA), filed May 9, 1973. Applicant: WILLIAMS MOTOR TRANSFER, INC., South Vine Street, Barre, Vt. 05641. Applicant's representative: John P. Monte, 61 Summer Street, Barre, Vt. 05641. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Stone (except in dump and hopper-type vehicles) and stone finishing and setting equipment, materials and supplies when moving with shipments of stone, from Cleveland, Ohio, to points in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, Vermont, New York, New Jersey, Maryland, Delaware, Virginia, Washington, Connecticut, New Jersey, Pennsylvania, and Ohio, for 90 days. Supporting shipper: Kotecki Monumentals, Inc., 3636 West 26th Street, Cleveland, Ohio 44109. Send protests to: District Supervisor Martin P. Monaghan, Jr., Interstate Commerce Commission, 52 State Street, room 5, Montpelier, Vt. 05602.


NOTE.—The purpose of this partial republication is to correct the original point between Ranson, W. Va., and Charles Town, W. Va., which was published in error. The rest of the application remains the same.

No. MC 59583 (sub-No. 137 TA), filed May 9, 1973. Applicant: THE MASON AND DIXON LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: D. W. Penland (same as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commissioner, and those requiring special equipment, and those injurious or contaminating to other lading) between Chattanooga and Rockwood, Tenn., serving Tennessee Valley Authority facilities at Watts Bar Nuclear Plant Site and off-route points along Tennessee and connecting highways, for 180 days. Supporting shippers: John W. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, room 222, U.S. Post Office Building, Billings, Mont. 59101.


No. MC-107862 (sub-No. 29 TA), filed May 14, 1973. Applicant: W. H. CHULOV INC., P.O. Box 570, Ewingville Road, Trenton, N.J. 08628. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Grocery foods, from Wellston, Ohio, to points in Pennsylvania, New York, and Virginia, for 160 days. Supporting shipper: Banquet Foods Corp., 515 Olive Street, St. Louis, Mo. 63101. Send protests to: District Supervisor Robert W. Rittenour, Interstate Commerce Commission, Bureau of Operations, 508 Federal Building, P.O. Box 899, Harrisburg, Pa. 17108.

Arkansas, Oklahoma, and Missouri, for
Louisiana, Mississippi, Iowa, Texas,
North Carolina, South Carolina., Georgia,
products, meat byproducts,
Dillon (same as applicant).
Applicant's representative: Henry A.
filed

P.O. Box
may

District Supervisor Raymond T. Jones,
for
carrier,
Minn. 55104. Applicant's representative:
Street, Box 16427, Denver,
Jackson Street, Denver,
80216; Litvak Meat Co.,
Ohio, Michigan, Indiana, Illinois,
by meat packinghouses, from Denver,
cept hides and commodities in bulk), and
regular routes, transporting:

William
shipper: Electric Hose & Rubber Co.,
ton,
of Electric Hose & Rubber Co., Wilming-
Ga, to Wilmington, Del., for the account

Group of Certain-teed Products Corp.,
CO., '780
Wayne Street, room 204, Fort Wayne,
9, 1973. Applicant's representative: James
plicant's representative: Michael P. Zell (same as applicant).

No. MC-132859 (sub-No. 2 TA), filed
May 14, 1973. Applicant: SHANE TRUCE LINE, INC., 707 Jefferson Avenue,
Clevis, Calif. 93812. Applicant's representative: W. J. D.,
Divisadero Street, Fresno, Calif. 93721.
Authority sought to operate as a con-
tract carrier, by motor vehicle, over irregular
routes, transporting: (1) Ready
made mineral wool products, insulating
materials, and insulated air duct, from Kansas
City, Kansas, to points in Minnesota, Wisconsin,
Iowa, North Dakota, and South Dakota,
for 180 days. Supporting shipper: C.S.G.
Group of Certain-teed Products Corp.,
Valley Forge, Pa. 19481. Send protests to:
District Supervisor Raymond T. Jones,
Interstate Commerce Commission, Bu-
reau of Operations, 448 Federal Building,
110 South Fourth Street, Minneapolis,
55401.

No. MC-114457 (sub-No. 147 TA), filed
May 9, 1973. Applicant: DART TRANSIT
CO., 780 Avenue St. Mnns. 55104. Applicant's representative:
Michael P. Zell (same as applicant).
Authority sought to operate as a com-
mon carrier, by motor vehicle, over irregular
routes, transporting: (1) Mineral wool,
mineral wool products, insulating mate-
rials, and insulated air duct, from Kansas
City, Kansas., to points in Minnesota, Wisconsin,
Iowa, North Dakota, and South Dakota,
for 180 days. Supporting shipper: C.S.G.
Group of Certain-teed Products Corp.,
Valley Forge, Pa. 19481. Send protests to:
District Supervisor Raymond T. Jones,
Interstate Commerce Commission, Bu-
reau of Operations, 448 Federal Building,
110 South Fourth Street, Minneapolis,
55401.

No. MC-116077 (sub-No. 341 TA), filed
CARGO TANK LINES, INC., 2000 West Loop S.,
suite 1300, Houston, Tex. 77027. Ap-
plcant's representative: James C. Broder (same as above).
Authority sought to operate as a common carrier, by motor vehicle,
over irregular routes, transporting: Nitric acid, in bulk, in tank
vessels, from Hancock, Ml., to Fairport, N.Y., for 180 days.
Supporting shipper: Industrial Chemicals Division, Olm
Corp., 120 Long Ridge Road, Stamford,
Conn. 06904. Send protests to: John C.
Rollins, Interstate Commerce Commission, Bureau of
Operations, P.O. Box 61212, Houston,
77061.

No. MC-119493 (sub-No. 101 TA), filed
May 8, 1973. Applicant: MON-KENT CO.,
P.O. Box 11906, West Street, Joplin, Mo. 64851.
Authority sought to operate as a common carrier,
by motor vehicle, over irregular routes,
transporting: Fortifier, fertilizer materi-
als, and fertilizer compounds, in bags
or in packages, from Chanute, Kansas, to points in Arkansas, Missouri,
and Oklahoma, for 150 days. Supporting shipper: Swift
Agricultural Chemicals Corp., 111
West Jackson Boulevard, Chicago, III.
Send protests to: District Supervisor
John V. Barry, Interstate Commerce Commission, Bureau of
Operations, P.O. Box 609,
Federal Office Building, 911 Walnut
Street, Kansas City, Mo. 64106.

No. MC-106954 (sub-No. 3 TA), filed
May 14, 1973. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC.,
1919 Hamilton Avenue, Racine, Wis. 53403. Applicant's representative: Paul G. Hartsgate, St. Paul, Minn. 55104.
Authority sought to operate as a con-
tract carrier, by motor vehicle, over ir-
regular routes, transporting: (1) Metal
buildings, knocked down; (2) Pre-cut
door, wall, and roof material, or steel
conduit fittings; and (4) materials,
equipment, and supplies used in the man-
ufacture, sale, or distribution of the
building materials named in (1), (2), and (3), above, from Paso,
Calif., to Vancouver, B.C., for 180 days. Supporting shipper:
Consolidated Fruit & Produce Co., Inc., 1916 Occidental Ave-
ue South, Seattle, Wash. 98121; Ros-
ella's Fruit & Produce, Inc., 1540 Occi-
dental Avenue, South, Seattle, Wash. 98134; tSandard Fruit & Steamship Co.,
1450 Panorama Drive, Long Beach, Calif. 90802; U.S. Fruit & Produce Co., Inc., 1500 Occiden-
tal Avenue, South, Seattle, Wash. 98134; Standard Fruit & Steamship Co.,
Interstate Commerce Commission, Bu-
reau of Operations, room 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC-127534 (sub-No. 4 TA), filed
May 6, 1973. Applicant: BILL WOCK-
NER TRUCKING, INC., 4001 Northeast
170th Street, Seattle, Wash. 98155. Ap-
plicant's representative: Bill Wockner
(same as applicant). Authority sought to operate as a common carrier,
by motor vehicle, over irregular routes,
transporting: Bananas and other fruit and
produce, from Long Beach, Calif., to Portland,
Ore., Seattle, Wash., and Vancouver, B.C., to points in Washington, B.C., for 180 days.
Supporting shippers: Consolidated Fruit & Produce Co., Inc., 1916 Occiden-
tal Avenue South, Seattle, Wash. 98121; Ros-
ella's Fruit & Produce, Inc., 1540 Occi-
dental Avenue, South, Seattle, Wash. 98134; tSandard Fruit & Steamship Co.,
1450 Panorama Drive, Long Beach, Calif. 90802; U.S. Fruit & Produce Co., Inc., 1500 Occiden-
tal Avenue, South, Seattle, Wash. 98134; Standard Fruit & Steamship Co.,
Interstate Commerce Commission, Bu-
reau of Operations, room 222, U.S. Post Office Building, Seattle, Wash. 98104.

No. MC-121452 (sub-No. 17 TA), filed
May 10, 1973. Applicant: ANDERSON MOTOR LINES, INC., 85 Washington Street,
Platnerville, Mass. 01272. Applicant's representative: Robert G. Parks,
306 Dartmouth Street, Boston, Mass. 02116. Authority sought to operate as a
contract carrier, by motor vehicle, over

No. MC 127651 (sub-No. 12 TA), filed May 14, 1973. Applicant: EVERETT G. ROEHM, INC., 207 West Upham Street, Marshfield, Mass. 02050. Applicant's representative: Nancy J. Johnson, 4506 Regent Street, Madison, Wis. 53703. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Wood door appurtenances, from Marshfield, Wis., to points in Illinois on and north of U.S. Highway 6, and points in Indiana and Iowa, for 180 days. Supporting shipper: Graham Manufacturing Corp., 1920 East 26th Street, Omaha, Nebr. 68102.

No. MC 128375 (sub-No. 96 TA), filed May 11, 1973. Applicant: CRETE CARRIER CORP., P.O. Box 249, 1444 Maine, Crete, Neb. 69333. Applicant's representative: Duane W. Ackle (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Motor vehicle friction material, parts, accessories, and related items used in the manufacture, production, and packaging of those items (except in bulk, and those commodities which, because of size and weight, require special equipment), between the plant sites and facilities of the Maremont Corp., at or near Paulding, Ohio, on the one hand, and, on the other, points in the United States (except Alaska, Hawaii, Idaho, Kentucky, Montana, Nevada, New Mexico, North Dakota, Ohio, South Dakota, and Nashville, Tenn.) under continuing contract with the Maremont Corp. for 180 days. Supporting shipper: The Maremont Corp., 166 North Michigan Avenue, Chicago, Ill. 60601. Send protests to: District Supervisor Carroll Russell, Interstate Commerce Commission, Bureau of Operations, 711 Federal Building, 106 South 15th Street, Omaha, Neb. 68102.

No. MC 138343 (sub-No. 9 TA), filed May 11, 1973. Applicant: CRETE CARRIER CORP., P.O. Box 249, 1444 Maine, Crete, Neb. 69333. Applicant's representative: Duane W. Ackle (same as above). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Motor vehicle parts and accessories and those commodities used in the manufacture, production, and distribution of motor vehicle parts and accessories (except in bulk and except those commodities which, because of their size and weight require the use of special equipment) between Ripley, Tenn., on the one hand, and, on the other, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Kansas (except Kansas City), Kentucky (except Louisville), Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, Rhode Island, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Wisconsin, and Wyoming, under continuing contract with the Maremont Corp., for 180 days. Restricted to traffic originating or terminating at the plant or facilities of the Maremont Corp. near Ripley, Tenn. Supporting shipper: The Maremont Corp., 168 North Michigan Avenue, Chicago, Ill. 60601. Send protests to: District Supervisor James W. Russell, 711 Federal Building, 106 South 15th Street, Omaha, Neb. 68102.

No. MC 135052 (sub-No. 5 TA), filed May 9, 1973. Applicant: ASHGRAFT TRUCKING, INC., 679 Webster Street, Providence, R.I. 02903. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Mineral wool (glasswool), rock, slag or glass (fiberglass), batts, battings, or blankets, in packages or boxes, plain or sealed, or otherwise, or with or without paper barriers (cloth, paper, plastic, film or foil), from Cleveland, Ohio to points and places in Illinois, Indiana, Kentucky, Missouri and Michigan, for 180 days. Supporting shipper: Gleason, Inc., 2909 East 79th Street, Cleveland, Ohio, and Cleveland Glass Insulations, Inc., 1410 Chardon Road, Cleveland, Ohio. Send protests to: District Supervisor Walter W. Strakosch, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 38 South Pennsylvania Street, Indianapolis, Ind. 46204.


No. MC 136211 (sub-No. 14 TA), filed May 14, 1973. Applicant: MERCHANTS HOME DELIVERY SERVICE, INC., 210 St. Mary's Drive, suite G (P.O. Box 5067), Oxnard, Calif. 93030. Applicant's representative: Joseph E. Reiman, suite 1230, Beatman's Bank Building, St. Louis, Mo. 63102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Non-fertilizer, crated and uncrated, from the facilities of Wickes Furniture Division of the Wickes Corp. in Maryland Heights, St. Louis County, Mo., to points in that part of Illinois on and adjacent to a line beginning at the Illinois-Missouri State line at Quincy, Ill., and extending easterly along U.S. Highway 62 to junction U.S. Highway 136, thence east along U.S. Highway 136 to junction U.S. Highway 51, thence south along U.S. Highway 51 to junction Illinois Highway 141, thence west and south along Illinois Highway 141 to the Illinois-Missouri State line, under a continuing contract or contracts with Wickes Furniture Division of the Wickes Furniture Corp. Routemovements of the above specified commodities (returned or rejected after time of delivery or subsequently) from the above specified destinations to the specified origin, for 180 days. Supporting shipper: Wickes Furniture Division, The Wickes Corp., 2332 Millpark Drive, St. Louis, Mo. 63104. Send protests to: District Supervisor Walter W. Strakosch, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 38 South Pennsylvania Street, Los Angeles, Calif. 90012.

No. MC 136859 (sub-No. 2 TA), filed May 11, 1973. Applicant: NORTHEAST TRANSPORT, INC., 5165 G Street, Chino, Calif. 91710. Applicant's representative: Ernest D. Salm, 8179 Havaeu Circle, Buena Park, Calif. 90821. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Bead bags, weighing not over 1 lb/lb, from City of Industry, Calif., to points in Arizona, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming; (2) cushioning and packaging material, weighing less than 4 lb/lb, from LaVerne, Calif., to destination States named in paragraph (1), to LaVerne, Calif.; (3) tissue paper, from St. Helens, Ore., to LaVerne, Calif., for 180 days. Supporting shippers: Plymouth Enterprises, Inc., 637 Hogfarden Street, City of Industry, Calif. 91744; Paper-Pak Products, Inc., 1941 White Avenue, P.O. Box 368, LaVerne, Calif. 91750. Send protests to: District Supervisor John E. Nance, Interstate Commerce Commission, Bureau of Operations, room 7703, 130 North Los Angeles Street, Los Angeles, Calif. 90012.

NOTICES

Calif. 90212. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Steel beams and accessory parts incidental thereto, from Los Angeles County, Calif. to Adams Canyon, Payette, and Washington County, for 180 days. Supporting shipper: Crest Steel Corp./Marcyest Pacific Co., Inc., 24224 Wilmington Avenue, Wilmington, Calif. 90744. Send protest to: District Supervisor John E. Nance, Interstate Commerce Commission, Bureau of Operations, room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 138313 (sub-No. 3 TA), filed May 10, 1973. Applicant: MACK E. BURGEES, doing business as Builders' Transport, 409 15th Street SW., Great Falls, Mont. 59404. Applicant's representative: Arthur Piken, Applicant's representative: Irene Warr, Judge Building, 90212. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Beer, wine, empty bottles, cases, pallets, and keys in related industries, for 180 days. Supporting shipper: Westbury, Long Island, N.Y., In lieu of publication is to correct the origin point between Westbury, Long Island, N.Y., and points in Clatsop, Columbia, Washington, Multnomah, and Clarkamasses Counties, and points in that part of California, beginning at Orland, thence east on California Highway 32 to Chico, thence south on California Highway 99 to Marysville, thence south on California Highway 65 to Roseville, thence east on Interstate Highway 58 to Auburn, thence south on California Highway 49 to Oakhurst, thence along a line in a southerly direction on the west side of the Sierra Nevada Mountains to Mojave, thence east on California Highway 58 to Four Corners, thence south on U.S. Highway 395 to Escalante, thence west on California Highway 78 to Oceanside, thence north on California Highway 1 to Fort Bragg, thence east on California Highway 20 to Williams, thence north on Interstate Highway 5 to point of beginning at Orland, for 180 days. Supporting shippers: Numerous shippers, may be examined in ICC offices. Send protests to: District Supervisor A. E. Odoms, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, Ore. 97204.

No. MC 138429 (sub-No. 3 TA), filed May 11, 1973. Applicant: ASL, INC., P.O. Box 10444, Jacksonville, Fla. 32207. Applicant's representative: Sol H. Proctor, Applicant's representative: Ernest D. Salm, Applicant's representative: Robert L. Oswald, Secretary. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Such merchandise as is marketed by home producers for the account of Amway Corp., between points in North Carolina, for 180 days. Supporting shipper: Montana Block Co., P.O. Box 2750, Great Falls, Mont. 59403. Send protests to: Paul J. Labano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, room 222, U.S. Post Office Building, Billings, Mont. 59101.


Note.—The purpose of this partial republication is to correct the origin point between Westbury, Long Island, N.Y., in lieu of Westbury, and Long Island, N.Y., which was published in error. The rest of the application remains the same.


Note.—The purpose of this partial republication is to correct the origin point between Westbury, Long Island, N.Y., in lieu of Westbury, and Long Island, N.Y., which was published in error. The rest of the application remains the same.


Note.—The purpose of this partial republication is to correct the origin point between Westbury, Long Island, N.Y., in lieu of Westbury, and Long Island, N.Y., which was published in error. The rest of the application remains the same.

No. MC 138706 TA, filed May 10, 1973. Applicant: Anthony Mule and Joseph Palazzolo, doing business as ITALIAN COURIERS OF AMERICA, 6101 Catalpa Avenue, Ridgewood, N.Y. 11347. Applicant's representative: Larsh B. Mewhiney, Applicant's representative: Robert L. Oswald, Secretary. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Printed securities quotation reports and bond offering reports, from New York, N.Y., to Philadelphia, Pa., Wilmington, Del., and places in New Jersey, and (2) Cash letters from New York, N.Y., to points and places in New York, N.Y., for 180 days. Supporting shippers: First National City Bank, 399 Federal Plaza, New York, N.Y., for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex parte No. MC-67 (49 CFR Part 1131), effective April 26, 1973, and filed May 8, 1973. These rules provide that protests to the granting of an application must be filed with the field official named in the Federal Register publication, within 15 calendar days after the date of notice of the filing of the application in the Federal Register. One copy of such protest must be served on the applicant or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and 6 copies. A copy of the application may be filed, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in

FEDERAL REGISTER, VOL. 38, NO. 102—TUESDAY, MAY 29, 1973

No. 102—8
NOTICES

field office to which protests must be transmitted.

No. MC 76 (sub-No. 2 TA), filed May 3, 1973. Applicant: MAWSON & MAWSON, INC., P.O. Box 125, Old Town Highway, Langhorne, Pa. 19047. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (a) Wheel and axle assemblies and parts and accessories therefore, moving in straight or mixed loads, from Pine Grove, Schuylkill County, Pa., to points in New York and Ohio; and (b) articles in the manufacture of the commodities named in (a) above from points in Ohio to Pine Grove, Schuylkill County, Pa., for 180 days. Supporting shipper: Foreman Manufacturing Co., division of Motor Wheel Corp., Rural Route No. 1, Pine Grove, Pa. 17062. Send protests to: F. W. Doyle, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1518 Walnut Street, room 1600, Philadelphia, Pa. 19102.

No. MC 1783 (sub-No. 18 TA), filed May 9, 1973. Applicant: BLUE LINE EXPRESS, INC., P.O. Box 129, E. G. Villalon, Nashua, N.H. 03060. Applicant's representative: Earl McCutcheon (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Boots and shoes and machinery,* except that requiring special equipment, and *(except animal fats, greases and *oils,* and *766 (except animal fats, greases and blends thereof, commodities in bulk, and hides),* from Mankato, Kans., to points in New York, Pennsylvania, New Jersey, Maryland, Massachusetts, Connecticut, Rhode Island, and Washington, D.C., for 180 days. Supporting shipper: Surfakomo, Inc., P.O. Box 650, Winstead, Conn. Send protests to: Darrell W. Hammons, District Supervisor, Interstate Commerce Commission, 151 Causeway Street, fifth floor, Boston, Mass. 02114.

No. MC 35807 (sub-No. 38 TA), filed May 11, 1973. Applicant: WELLS FARGO ARMORED SERVICE CORP., Mailing: P.O. Box 4312, 210 Baker Street NW. 30313, Atlanta, Ga. 30302. Applicant's representative: Melvin E. Bailey (same address as above). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Silver bullion,* from West Point and New York, N.Y., to points within the Chicago, Ill., commercial zone, for 180 days. Supporting shipper: William L. Scroggs, District Supervisor, Interstate Commerce Commission, 1525 West Peachtree Street NW., room 309, Atlanta, Ga. 30309.


No. MC 110563 (sub-No. 108 TA), filed May 8, 1973. Applicant: COLDWAY FOOD PRODUCTS, INC., P.O. Box 741, Sidney, Ohio 43365. Applicant's representative: F. W. Doyle (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meat, meat products and meat byproducts and articles distributed by meat packers as described in sections A and C of appendix II to the report in Descriptions in Motor Carrier Certificates, and 13th Street NW., suite 303, Washington, D.C., for 180 days. Supporting shipper: Dubuque Motor Co., 1410 East 21st Street, WICHLA, Kans. Send protests to: District Supervisor, 313 Federal Office Building, 334 Summit Street NW, Toledo, Ohio 43604.

NOTICES


No. MC 114004 (sub-No. 129 TA), filed April 30, 1973. Applicant: CHANDLER TRAILER CONVOY, INC., 2282 New Benton Highway, P.O. Box 1750, Little Rock, Ark. 72209. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Trailers, designed to be drawn by passenger cars, in interstate commerce, and buildings in section mounted on wheeled undercarriages, from origins which are points of manufacture, from Greenville, Ala., to destinations in Alabama, Arkansas, Louisiana, Tennessee, Florida, Michigan, Missouri, Ohio, and Texas, for 180 days. Supporting shipper: Leslie Hones, a division of Gruenon Industries, P.O. Box 1766, Greensboro, N.C. 27403. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 250 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 115312 (sub-No. 26 TA), filed May 7, 1973. Applicant: ABBOTT TRUCKING, INC., Route 3, Box 74, Delta, Ohio 43915. Applicant's representative: John F. McHahan, Columbus Center, 100 East Broad Street, Columbus, Ohio 43216. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Animal feed, from Chicago, Ill., to裁目的地 New York City, N.Y., for 180 days. Supporting shipper: Falstaff Brewing Corp., 5505 Oakland Avenue, St. Louis, Mo. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 312 Federal Office Building, 234 Summit Street, Toledo, Ohio 43664.

No. MC 115944 (sub-No. 9 TA), filed May 10, 1973. Applicant: THE BRISSON TRUCKING CO., INC., 4415 McKinley, Golden, Colo. 80401. Applicant's representative: Leslie R. Kehl, 1600 Lincoln Center, Denver, Colo. 80203. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: Malt beverages and related advertising material, bottle and can openers and can and keg tappers, when transported in mixed loads of malt beverages, from Golden, Colo., to Parker, Ariz., for 180 days. Supporting shipper: Golden Brewery Co., 9012 West Colter Street, Glendale, Ariz. 85301; Adolph Coors Co., Golden, Colo. 80401. Send protests to: District Supervisor Roger J. Buchanan, 222 Federal Building, Denver, Colo. 80202.

No. MC 128988 (sub-No. 23 TA), filed May 8, 1973. Applicant: JO/KEL INC., 1655 East Salt Lake Avenue, P.O. Box 1249, City of Industry, Calif. 91745. Applicant's representative: Ernest D. Salin, 8179 Havasu Circle, Buena Park, Calif. 90621. Authority sought to operate as a common carrier, over irregular routes, transporting: Air-conditioning, camping, heating, recreational and mobile home equipment, and equipment, material, and supplies utilized in the manufacture of such equipment, and supply thereof, from the account of the Coleman Co., from Santa Fe Springs, Calif., to Forest City, Iowa, and points within 10 miles thereof, for 180 days. Supporting shipper: The Coleman Co., Inc., 250 North Saint Francis, Wichita, Kans. 67202, C. G. Doffelt, corporate traffic manager. Send protests to: John E. Nance, Officer-in-Charge, Interstate Commerce Commission, Bureau of Operations, room 7008, Federal Building, 300 North Pennsylvania Street, Indianapolis, Ind. 46204.


No. MC 136318 (sub-No. 7 TA), filed May 10, 1973. Applicant: COYOTE TRUCKING LINE, INC., 3595 Brighton Road, S.E., Aurora, Colo. 80015. Applicant's representative: William C. Nelson (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: New furniture from Lenoir and Thomasville, N.C., to points in California, for 180 days. Supporting shipper: Thomasville Furniture Co., 1237 United Bank Building, Phoenix, Ariz. 85013. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Fuel, in tank vehicles and fire extinguishing compounds, between points in Arizona, and points in New Mexico, for 180 days.

NOTE.—Occasionally the commodities will be shipped in carriers' own trailers pulled by carrier's power unit.

Supporting shipper: Monsanto Co., P.O. Box 120, Santa Clara, Calif. 95052. Send protests to: Andrew W. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, room 3427, Federal Building, 230 North First Avenue, Phoenix, Ariz. 85005.

NOTICES


No. MC 138685 TA, filed May 9, 1973. Applicant: GREGORY TRANSPORTS, INC., 9930 Webb Chapel Road, Dallas, Tex. 75220. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities, between Dallas Love Field, Dallas, Tex., and San Antonio International Airport, San Antonio, Tex., restricted to traffic having a prior or subsequent movement by aircraft, for 180 days.

Note.—Carrier states that it does not intend to tack authority.

Supporting shipper: American Airlines Freight System, Love Field, Dallas, Tex. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, room 13C12, Dallas, Tex. 75202.

No. MC 138704 TA, filed May 10, 1973. Applicant: GARY L. DUNPHY, Embden, Maine 04938. Applicant's representative: William F. Jackson, Jr., 919 18th Street NW, Washington, D.C. 20006. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Water, from from Poland Spring, Maine to points in the United States in and east of the States of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; and materials, supplies, and equipment used in the bottling and distribution of water (except in bulk), from the destination territory aforesaid to Poland Spring, Maine, for 180 days. Supporting shippers: Poland Spring Bottling Corp., 2165 Lemoine Avenue, Fort Lee, N.J. 07024. Send protests to: Donald G. Weller, District Supervisor, Interstate Commerce Commission, Bureau of Operations, room 307, 76 Pearl Street, P.O. Box 167, PSS, Portland, Maine 04112.

No. MC 138707 TA, filed May 10, 1973. Applicant: W. L. WILLCOXON, doing business as Yellow Cab Co. of Junction, Box 2065, Grand Junction, Colo. 81501. Applicant's representative: John H. Lewis, the 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Passenger and their baggage, between Grand Junction, Colo., on the one hand, and, on the other, points on the Colorado River in Grand County, Utah and Mesa County, Colo., west of Grand Junction, Colo., for 180 days. Supporting shipper: Adventure Bound, Inc., 6179 South Adams Drive, Littleton, Colo. 80121. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 222 Federal Building, Denver, Colo. 80202.

By the Commission.

[SEAL]  ROBERT L. OSWALD, Secretary.

[FR Doc.73-10576 Filed 5-25-73; 8:45 am]
The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during May.

1 CFR
Ch. I

3 CFR

Executive Orders:

11722 (superseded by EO 11737)
11727 (superseded by EO 11737)
11277 (revoked by E.O. 11718)
11277 (revoked by E.O. 11718)
11241 (superseded in part by E.O. 11717)
11717
11716
11716
11719
11720
11721

Presidential Documents Other Than Proclamations and Executive Orders:

Memorandum of November 8, 1958 (amended by memorandum of May 14, 1973)
Memorandum of April 26, 1973
Memorandum of May 14, 1973

4 CFR

5 CFR

6 CFR

7 CFR

8 CFR

9 CFR

PROPOSED RULES:

26.
52.
180.
206.
Ch. VI
723.
Ch. IX
906.
911.
912.
916.
917.
918.
930.
941.
953.
967.
108.
109.
121.
137.
139.
140.

12 CFR

13 CFR

14 CFR

FEDERAL REGISTER
VOL. 38, NO. 102—TUESDAY, MAY 29, 1973
<table>
<thead>
<tr>
<th>Pages</th>
<th>Date</th>
<th>Pages</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>10699-10788</td>
<td>May 1</td>
<td>12723-12769</td>
<td>May 15</td>
</tr>
<tr>
<td>10789-10908</td>
<td>2</td>
<td>12791-12884</td>
<td>16</td>
</tr>
<tr>
<td>10909-11052</td>
<td>3</td>
<td>12885-13002</td>
<td>17</td>
</tr>
<tr>
<td>11053-11329</td>
<td>4</td>
<td>13003-13307</td>
<td>18</td>
</tr>
<tr>
<td>11331-11426</td>
<td>7</td>
<td>13305-13467</td>
<td>21</td>
</tr>
<tr>
<td>11427-12084</td>
<td>8</td>
<td>13469-13540</td>
<td>22</td>
</tr>
<tr>
<td>12085-12306</td>
<td>9</td>
<td>13541-13626</td>
<td>23</td>
</tr>
<tr>
<td>12307-12721</td>
<td>10</td>
<td>13627-13709</td>
<td>24</td>
</tr>
<tr>
<td>12723-12789</td>
<td>11</td>
<td>13711-14079</td>
<td>25</td>
</tr>
<tr>
<td>12791-12884</td>
<td>14</td>
<td>14081-14144</td>
<td>29</td>
</tr>
</tbody>
</table>