not suffice to limit the "any interest" ban to the primary area and omit the secondary area?

30. Replacement or modification of the "predicted Grade B contour" measure of colocation is urged by BPI, Carter, CTI, King, Liberty, McClatchy, and Midcontinent. In King's view, the Grade B contour marks off a forbidden area which is much too large, and thus may deprive "outlying communities" within that contour of needed cable service even though in such places the cable system and the central-city TV station are not rival outlets.[7] King recommends the substitution of either a smaller, fixed-mileage area (e.g., the 35-mile zone recommended by McClatchy and Midcontinent) or, where pertinent, the U.S. Census Bureau-determined Standard Metropolitan Statistical Area (SMSA) in which the station operates. King argues that a cable system within a small outlying community is not a local rival to a central-city station because the station cannot be a "local outlet" there whereas the system will find it advantageous to focus, in its cablecasting, on the needs and interests of its own community. Moreover, King notes that, in communities more than 35 miles from the center of the station's market, distant-signal importation (a form of competition far more formidable than cablecasting) would not seriously affect even marginal UHF and small-market stations. Midcontinent contends that outlying communities within a cross-owned station's grade B contour are unlikely to be particularly influenced by that station's current affairs programing because such communities (i) typically receive many "overlapping stations," and (ii) in any event are small-townish in outlook, unlike the orientation of a big-city TV station.

31. King further contends that advertising solicitation by cablecasters would not cause any problems for the central-city station, since local firms in TV stations' secondary zones can't afford TV broadcast advertising, although they can be a good advertising source for cablecasters. Also, King argues, ownership of cable systems within its service areas does not give a TV station a competitive advantage over other TV stations in the same market since (1) systems are required by Commission rules to carry the signals of all same-market stations and to give them equal rights with respect to channel position, program nonduplication, etc.; and (2) the Commission's control over TV licensees who operate cable systems is more effective than its control over nonbroadcaster operators of cable systems.

32. Midcontinent and McClatchy challenge the Commission's assertion, in the Second Report, that use of the predicted grade B contour as the colocation boundary line contributes to administrative certainty, by citation of the Commission's statements, in paragraph 48 of the notice * * * in Docket No. 18397, that (i) the predicted grade B contour varies from station to station and may extend as far as 60 miles from the station's transmitter and (ii) a fixed-mileage standard would be administratively convenient and would provide certainty to those affected since air-mile distance from a specified point could be readily calculated without reference to contour maps in the Commission's offices or the necessity of an evidentiary hearing to resolve disputes.

33. King[8] contends that a standard resulting in a smaller colocation area than that marked off by the predicted grade B contour would be consistent with recent Commission actions in other proceedings. King notes that in the broadcast one-to-a-market proceedings, the Commission adopted as its area-demarcation standard not the grade B but the grade A contour. Moreover, King continues, in that proceeding the Commission noted that UHF stations and many FM stations still needed association with other local media to facilitate their growth, and thus built cross-ownership exceptions into the rule regarding such facilities in overlap situations. Particularly in secondary areas, King contends, cable is in an even less advanced state than UHF and FM, and should receive similar treatment. King also states that the Commission recently adopted a specific-waiver provision permitting telephone common carriers to provide cable television service to communities that would not otherwise obtain it. It argues that a broadcaster also has a special motivation to provide cable service to remote communities, can do so more economically than other potential owners, and can cablecast programing at less cost than a telephone company can (and is therefore more likely to).[9]

34. CTI suggests[10] that the cross-ownership limitation, if deemed necessary, be limited to those counties in which a station has a net weekly circulation of at least 70 percent (i.e., those areas in which "the broadcaster may at least arguably be in a position to influence opinion to a significant degree"). BPI, citing its own situation, considers it unreasonable to bar television station ownership of a cable system in a county in which Commission-endorsed data indicates that the station is not "significantly viewed". Liberty suggests three other alternatives which, alone or together, would in its opinion strike a balance between the goals of (i) insuring substantial program diversity, and (ii) fostering development of cable (as an essentially passive reception facility (in sparsely settled areas. Specifically, Liberty recommends (1) limitation of the station-system cross-ownership with systems which have more than 2,500 subscribers within the station's community of license, SMSA, or Area of Dominant Influence (ADI), and (ii) providing that the total number of subscribers to systems which are cross-owned with a TV station and within its grade B contour shall not exceed 15 percent of that station's NWC, or (3) exemption of systems with fewer than 2,500 subscribers from the cross-ownership ban.[11] On behalf of these three proposals, Liberty states: Re (1), that the top 100 markets contain the vast majority of TV homes, are the source of most TV revenue, and hold the real promise for program origination by cable systems; that below-top-100 markets offer little opportunity for large systems with potential for significant program origination, but do need cable systems to fill over-the-air signal reception gaps; and that ultimately, cross-ownership of TV stations and cable systems in small markets may be necessary to maintain the viability of local over-the-air TV broadcast facilities there; re (2), that the proposed 15 percent limitation would prevent a broadcaster from obtaining a subscriber base sufficient to raise a question of undue concentration of control; and, re (3), that TV station cross-ownerships with co-located systems with fewer than 2,500 subscribers (i) pose no problems with respect to programing diversity since such systems normally cannot engage in program origination anyway, and (ii) pose no threat of undue concentration of control.

35. Preemption: BPI urges that, if the TV station-cable system local cross-ownership prohibition is rescinded or substantially modified, the Commission preclude State and local authorities from imposing more restrictive cross-ownership limitations than ours.

Discussion of Pleadings

36. As indicated in the foregoing paragraphs, the respondents favoring rescission of the cross-ownership et al. provisions in § 76.501—either totally or

[7] King concedes that there may be outlying communities, in the station's secondary area, which are large enough to support cable systems truly competitive with a cross-owned central-city TV station, but suggests that special rules could be devised to deal with such situations.

[8] Citing 22 FCC 2d 306, 312 (paragraph 22), and 318–19 (paragraphs 45, 47, and 48) (1970).

[9] King contends that this telephone company-cable system cross-ownership exception relies on waiver rather than a general rule for reasons that do not apply in the context of section 76.501; i.e., (i) the difficulty of establishing a rational border-delineation standard, and (ii) charges of competitive abuse.

[10] With particular reference to UHF television stations.

[11] In a recently tendered supplementary pleading, Liberty substituted the following alternatives: (1) Restrict the general ban on cross-ownership of colocated TV stations and cable systems to the top 100 markets; in smaller markets, limit the ban to systems with 10,000 or more subscribers (in order not to discourage at least limited cable origination); or (2) (i) prohibit TV station-cable system cross-ownership within the community of license; (ii) authorize cross-ownership of smaller systems (i.e., with fewer than 10,000 subscribers) outside of the community of license; but (iii) provide that in no event shall the total number of subscribers of the cross-owned systems within the station's predicted grade B contour exceed 25 percent of the net weekly circulation of the cross-owned TV station; or (3) exempt systems with few than 7,500 subscribers from the cross-ownership ban.

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insofar as they apply in particular to national broadcast television networks, or to colocated television stations (all, or commercial UHF, or noncommercial educational)—argue variously that: the record relied upon by the Commission was insufficient; additional facts submitted by the respondents negate the Commission's conclusions; the Commission lacks statutory authority to impose such restrictions; inadequate notice of proposed rule making was given to network cross-owners; adoption of the rule reverses the Commission's previous position expressed in Docket No. 15415; and (6) developments subsequent to the adoption of § 76.501 have washed away its foundations.

37. The question of notice of proposed rule making regarding cross-ownership of cable systems with networks diminishes against the circumstances that: (i) In view of the introduction of the question of notice, we have reviewed ABC's and NBC's substantive arguments regarding network-cable cross-ownership, contained in their petitions for reconsideration, in the same manner, according them the same weight, as if their submissions had been received before the second report was issued; and that (ii) with respect to the relation of this procedural question to the divestiture provisions applicable to networks, the three-year divestiture grace period specified in the second report does not expire until this coming August, and we have in any event (in view of the considerable passage of time between the issuance of the second report and this memorandum opinion and order) decided to extend the grace period even further in order to avoid hardship to existing cross-owners.

38. Although we have given thoughtful consideration to the petitioners' other contentions, we remain persuaded that the provisions of § 76.501 prohibiting ownership, operation, control, or interest of a cable television system with a national broadcast television network or a colocated television broadcast or translator station, and requiring divestiture of such prohibited cross-relationships by a date certain, are in the public interest and should continue in force.

39. Our adoption of these provisions—designed to foster diversification of control of the channels of mass communication—was guided by two principal goals, both of which have long been established as basic legislative policies. One of these goals is increased competition in the economic marketplace; the other is increased competition in the marketplace of ideas.

40. We did not choose to wait until cable reached maturity before acting to achieve these goals. Having grappled over the years with the problems of cross-media control of radio and television stations, by national broadcast networks, and by newspapers and other broadcast stations in the same communities and market areas, we had become increasingly persuaded, first, that cross-media control is generally undesirable (although temporary exceptions are sometimes warranted); second, that the evidence of previously developed electronic mass media indicated that, in the absence of regulatory prohibition, considerable cross-media control of cable television could be expected, and that tendencies in that direction had already begun; and, third, that cross-media control of cable would become increasingly difficult to halt and reverse as cable grew if its growth were not accompanied by early imposed regulations designed to foster diversification of control.

41. Some of the data leading to the second conclusion were summarized in paragraphs 9 and 10 of the second report. That was not intended to demonstrate that abuses of cable system ownership were taking place to any significant degree, or that broadcasters' control of cable facilities had already advanced to major proportions. What it did demonstrate was that the major broadcast television networks were already such dominant influences in the television field that any further expansion of their ownership or control into the new and growing cable television industry was per se undesirable, and that such network involvement in cable should be stopped and turned around before it became entrenched; and that about 30 percent of the cable systems in existence in December 1968, were broadcaster-controlled.[19] Newhouse in its petition for reconsideration indicates that, as of the date of issuance of the second report, approximately 400,000 cable subscribers—close to 10 percent of the total number of cable subscribers at that time—were served by systems within the predicted grade B contours of television stations under common ownership with those systems.

42. CTI characterizes our adoption of cable cross-ownership rules as a "mechanical transfer" of broadcast concepts to cable notwithstanding "fundamental technical and competitive distinctions between * * * [them]." Whatever distinctions may exist between TV stations and cable systems, it is nonetheless true that actions taken by cable system operators—to carry or not carry certain distant stations, to offer program origination or not, to move speedily or at the slowest pace permitted to develop access channel facilities and encourage their use—all can affect the audiences and earnings of colocated television stations. In the light of this fact, we remain persuaded that cable systems are more likely to grow, in size and service to their subscribers, if they are not under common control with colocated television stations. We have not been shown that cable growth will be significantly retarded by the unavailability, under our rules, of financial investment by colocated stations.

43. We do not agree with the contention that new developments have washed away the case for cable-broadcast cross-ownership restrictions. Our adoption of the Cable Television Report and Order was designed to encourage the growth of cable; to the extent that our efforts in that regard are successful, the time available to us for early preventative action with respect to cross-control of cable and other media is foreshortened. The assurance we are offered that cable will ultimately become essentially a "common carrier" of mass communications may or may not be correct, but in either event fails to come to grip with the short run, during which origination cablecasting can be expected to play a significant role in attracting, and affecting, cable subscribers.

44. Our reasons for not exempting UHF television stations from the general applicability of § 76.501 are well summarized in paragraph 16 supra, and do not require repetition here. Our reasons for not exempting educational television stations are essentially the same as those previously indicated by us in footnote 1 of the Notice of Proposed Rule Making and of Inquiry in Docket No. 18891 (35 FR 11042 July 9, 1970), released concurrently with the second report; the arguments in favor of exemption set forth in paragraph 17 supra do not extend significantly beyond those of which we were aware at the time of issuance of the second report, and the Notice * * * in Docket No. 18891; and in certain particulars—notably NAEB's assertion that ETV cross-owners could coordinate the programing activities of the ETV station and the cable system so that imported signals would not have an adverse effect on the ETV station's offerings—are uncomfortable reminders of some of the disadvantages of cable cross-ownership with local commercial television.

45. The question of our jurisdiction to adopt rules concerning diversification of ownership of cable television systems is adequately treated in paragraph 17 of the second report, and requires no further elaboration at this juncture.

46. In the preceding paragraphs, we have (in response to a number of petitions for reconsideration in this matter) set forth our basic present position with respect to the cable cross-ownership provisions in section 76.501 of our rules.

47. Having done so, we must also express our recognition that a requirement of mandatory divestiture of existing such cross-ownerships is more severe in its impact on affected broadcasters—and hence requires greater justification—than a rule prohibiting only the subsequent creation of such cross-relationships. We are well aware of the Supreme Court's admonition, in Timken Roller Bearing Co. v. U.S., 341 U.S. 593, 603 (1951), that "divestiture * * * is not to be used * * * whe[re] other effective remedies, less harsh, are available."

48. Moreover, it must be conceded that in at least one respect, the need for a prohibition against cross ownership et al. of colocated stations and systems—and for mandatory divestiture—has abated somewhat as a result of the Commission's

[19] By Mar. 30, 1972, according to Television Factbook (1972–73 ed., p. 75–a), broadcasters held ownership interests in some 37.9 percent of the 2,839 cable system operations.

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recent adoption of § 76.251 of the rules (in the Cable Television Report and Order in Docket No. 18397, 36 FCC 2d 143, released Feb. 3, 1972). That section provides that all cable television systems operating in major market areas—where approximately 70 percent of the American people reside—must, by March 31, 1977, maintain public-access, education-access, and local-government-access nonbroadcast channels, and promptly expand their facilities as needed to meet demand for leased-access nonbroadcast channels; and that "Each such system shall exercise no control over program content on any of th[ese] channels * * *" Although this recent development is not sufficient to alter our basic view regarding the provisions of § 76.501, it does suggest that there may be several more station-system local-cross-ownership situations than we had previously anticipated in which the balance of relevant considerations now weighs in favor of a waiver of the mandatory-divestiture requirement.

49. In paragraph 13 of the Second Report and Order in Docket No. 18397 (issued in July 970), we stated that "we would consider waivers on an ad hoc basis where it is clearly established that a cross-ownership ban would not result in greater diversity, and in footnote 6 we added that "There may, for example, be some sparsely inhabited area where no one is willing to apply for an available broadcast channel except a local CATV operator interested in providing CATV-originated programing to a wider area."

50. It now appears to us that those statements may have actually had the effect of inhibiting, rather than encouraging, the submission of justifiable requests for waiver of the divestiture requirement: there may well be a number of other grounds and circumstances which, if properly argued and substantiated by petitioners, would result in the grant of specific waivers.

51. Accordingly, we invite the filing—within 120 days after the issuance of this memorandum opinion and order—of petitions for waiver of the mandatory-divestiture requirement (fully supported by pertinent facts, views, arguments, and data) from all cross owners et al. of colocated television stations and cable systems who believe that grandfathering would be appropriate in their case. Upon the receipt of a number of such petitions, they will be carefully reviewed by the Commission to enable us to pick out, on a rational and consistent basis, those situations in which the issuance of a waiver (or other appropriate relief) would both serve the underlying objectives of § 76.501 and avoid unnecessary hardship. Where such a waiver is granted, the petitioner's interests in the affected station and cable television facility may not subsequently be transferred to a new joint holder without prior approval of the Commission, upon a showing by the petitioner that such transfer(s) would serve the public interest.

52. It would be premature for the Commission at this time to specify the grounds for waiver which it will find acceptable, or to list the evidence necessary to support such grounds. We will certainly be interested in such aspects as (1) the extent (if any) of financial loss the cross-owner would suffer as a result of mandatory divestiture; (2) the impact of the station-system cross-relationship upon economic competition and diversity of control of media of expression in the service areas of the stations and systems in question; and (3) the quality of service which the system has been providing (in terms of broadcast signal carriage, cablecast programing by the system and others, system technical quality and reliability, etc.), and the extent to which it has been enhanced, or impaired, by the cross-relationship. But this itemization is intended only to be suggestive, and the Commission does not at all assume that it exhausts the possibilities.

53. We recognize, of course, that this process will further extend the period of uncertainty which has existed during the 2-year pendency of the petitions for reconsideration of the Second Report and Order in Docket No. 18397, and accordingly we have also decided to generally extend the grace period for divestiture of prohibited cross ownerships et al. until August 10, 1975.

Accordingly, it is ordered, that the petitions for reconsideration filed in response to the Second Report and Order in Docket No. 18397 are denied in all respects except that indicated below.

In view of the foregoing, and pursuant to authority contained in sections 4(i), 5, and 303(r) of the Communications Act of 1934, as amended, *It is further ordered*, That effective March 2, 1973, § 76.501(b) of the Commission's rules is amended to substitute "August 10, 1975", for "August 10, 1973."

It is further ordered, That the proceeding in Docket No. 18397 is terminated.

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

Adopted: January 17, 1973.

Released: January 31, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[14]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-1863 Filed 1-30-73;8:45 am]

[14] Commissioner Robert E. Lee, dissenting, issued a statement filed as part of the original document; Commissioner Hooks, dissenting, issued a statement to be distributed at a later date. Commissioners Reid and Wiley concurred and issued statements, filed as part of the original doctrine.

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—OFFICE OF PIPELINE SAFETY

[Amdt. 195-5; Docket No. OPS-22]

PART 195—TRANSPORTATION OF LIQUIDS BY PIPELINE

Change of Authority Regarding Safety of Liquid Pipelines

The purpose of these amendments to Part 195 of Title 49 of the Code of Federal Regulations is to reflect changes resulting from Public Law 92-401 which on August 22, 1972, amended section 6(f)(3)(A) of the Department of Transportation Act (49 U.S.C. 1655(f)(3)(A)), in effect, to delete the authority of the Federal Railroad Administrator to carry out the liquid pipeline safety functions under 18 U.S.C. 831-835 and to place it with the Secretary of Transportation.

The Secretary of Transportation on November 7, 1972, delegated the authority with respect to safety of liquid pipelines to the Assistant Secretary for Safety and Consumer Affairs (37 FR 24674, Nov. 18, 1972) and on November 7, 1972, the Assistant Secretary redelegated that authority to the Director, Office of Pipeline Safety (37 FR 24901, Nov. 23, 1972). With the redelegation to the Director, Office of Pipeline Safety, the authority to regulate the safety of liquid pipelines is now vested in the same office that has the authority for the safety of gas piplines. These amendments, accordingly, revise Part 195 to make it consistent with the change in authority.

In substance, this rulemaking action deletes all references to the Administrator, Federal Railroad Administration and adds the definition and necessary references to the Secretary of Transportation. In addition, changes to Subpart B of Part 195, to the extent possible, provide for the administrative handling of accident reports by the Director, Office of Pipeline Safety.

Since these amendments are based on a change in law and reflect changes in departmental organization and delegation of powers and duties made in response thereto which have already become effective, notice and public procedure thereon are impractical and unnecessary and good cause exists for making them effective on less than 30 days notice.

In consideration of the foregoing, Part 195 of Title 49 of the Code of Federal Regulations is amended, effective immediately, as follows:

1. Section 195.2 is amended by deleting the term "Administrator" and the associated definition in its entirety.

2. Section 195.2 is amended by adding the following definition immediately after the definition for "Pipeline system" or "pipeline":

§ 195.2 Definitions.

* * * * *

"Secretary" means the Secretary of Transportation or any person to whom he has delegated authority in the matter concerned.

* * * * *

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§ 195.3 [Amended]

3. Section 195.3(b) is amended by deleting the words "Docket Room, Room 304, 400 Sixth Street SW." and substituting the words "Office of Pipeline Safety" in place thereof.

§§ 195.6, 195.8, 195.52, 195.260 [Amended]

4. The following sections are amended by deleting the word "Administrator" where appearing and substituting the word "Secretary" in place thereof:

Section 195.6 (as changed by Amdt. 195–1)

Section 195.8 (as changed by Amdts. 195–1 and 195–2)

Section 195.52

Section 195.260(e)

§ 195.54 [Amended]

5. Section 195.54 is amended by deleting the words "Administrator, Federal Railroad Administration, Department of Transportation, Washington, D.C. 20591" and substituting the words "Director, Office of Pipeline Safety, Department of Transportation, Washington, D.C. 20590" in place thereof.

§ 195.58 [Amended]

6. Section 195.58 is amended by deleting the word "Administrator" and substituting the words "Director, Office of Pipeline Safety, Department of Transportation, Washington, D.C. 20590" in place thereof.

§ 195.62 [Amended]

7. Section 195.62 is amended by deleting the words "Federal Railroad Administration, Department of Transportation, Washington, D.C. 20591" and substituting the words "Director, Office of Pipeline Safety, Department of Transportation, Washington, D.C. 20590" in place thereof.

(Sec. 6(e)(4), Department of Transportation Act, 49 U.S.C. 1655(e)(4), secs. 831–835, title 18, United States Code; § 1.58(d), regulations of the Office of the Secretary of Transportation, 49 CFR 1.58(d); redelegation of authority to Director, Office of Pipeline Safety, in Appendix A to Part 1 of regulations of Office of Secretary of Transportation (49 CFR Part 1))

Issued in Washington, D.C., on January 24, 1973.

JOSEPH C. CALDWELL,
Director,
Office of Pipeline Safety.

[FR Doc.73-1808 Filed 1-30-73;8:45 am]

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 72-31; Notice 2]

PART 580—ODOMETER DISCLOSURE REQUIREMENTS

The purpose of this notice is to establish a regulation that will require a person who transfers ownership in a motor vehicle to give his buyer a written disclosure of the mileage the vehicle has traveled. The regulation carries out the directive of section 408(a) of the Motor Vehicle Information and Cost Savings Act, Public Law 92-513, 86 Stat. 947, and completes the provisions of the Act under Title IV, Odometer Requirements.

The regulation was first proposed in a notice published in the FEDERAL REGISTER on December 2, 1972 (37 FR 25727). As a result of numerous comments on the proposal, the regulation as issued today differs in some respects from its initial form.

As stated in the proposal, the agency's goals were to link the disclosure statement as closely as possible to the documents required for transfer of ownership, so that buyers and sellers would know of the need for disclosure, and to do so in a manner that would not introduce an additional document into motor vehicle transactions. The agency therefore proposed the use of the certificate of title as the document for odometer disclosure.

Upon review of the comments, it became evident that in most jurisdictions it would not be feasible to use the title certificate to convey odometer information. The main drawback to its use lies in the prevalence of State laws providing that if a vehicle is subject to a lien, the title is held by the lienholder. As a result, it appears that in a majority of cases private parties selling motor vehicles do not have possession of a certificate of title, and convey their interest by other means.

In those States that permit the owner of a vehicle subject to a lien to retain the title, the lienholder will be unable to make the odometer disclosure on the title if he attempts to sell the vehicle after repossession. In many States, furthermore, the title certificate is not large enough to contain an adequate odometer disclosure, and the existing data processing and filing equipment would not accommodate an enlarged certificate.

There appears to have been some apprehension that the Federal Government intended to compel the States to amend their certificates of title. The Act does not, however, confer any authority over the States in this regard. Even if the regulation were to require transferor disclosure on the title, the States could decline to provide a form for disclosure on the title. This voluntary aspect of the States' participation is a further impediment to the use of the title certificate.

After review of the problems created by the use of the certificate of title, the agency has decided that the purposes of the Act are better served by prescribing a separate form as the disclosure document in most cases. Section 580.4 has been amended accordingly. To avoid the need for duplicate State and Federal disclosures in States having odometer disclosure laws or regulations, the section permits the State form to be used in satisfaction of the Federal requirement, so long as it contains equivalent information and refers to the existence of a Federal remedy.

It should be noted that although the certificate of title is no longer required to be used for disclosure, it can still be used as the disclosure document if it contains the required information and if it is held by the transferor and given by him to the transferee. The basic concept is that the disclosure must be made as part of the transfer, and not at some later time.

In addition to the changes from the proposal represented by the change from the certificate of title to a separate form, there are other differences from the proposal in the regulation. For purposes of convenience, the following discussion treats the amended sections in sequence.

In § 580.3, the proposed definition of transferor might in some jurisdictions include a person who creates a security interest in a vehicle. This type of transaction was not intended to be regulated, and the definitions have been amended accordingly.

In § 580.4, in addition to the changes discussed above, other modifications have been made. In response to a comment suggesting that the disclosure would be made after the purchaser had become committed to buying the vehicle, the order of § 580.4(a) has been rearranged to specify that the odometer disclosure is to be made before the other transfer documents are executed.

The items listed under § 580.4(a) have been increased to allow for additional identification of the vehicle and owner that would be necessary on a separate disclosure document. If the disclosure is a part of another document, however, § 580.4(a)(1) provides that items (2) through (4) need not be repeated if found elsewhere in the document. A number of comments noted that the items under (a) might often be redundant.

A new paragraph (b) has been inserted in § 580.4 to require a reference to the sanctions provided by the Act. No specific form is required, but the inclusion of such a statement is considered essential to notify the transferee of the reason why he is being given the odometer information.

The former paragraph (b) of § 580.4 has been renumbered as (c), and the alternative methods for odometer disclosure discussed above are found as paragraphs (d) and (e).

A new section, § 580.5, has been added in response to a number of comments that objected to the application of the requirements to categories of vehicles for which the odometer is not used as a guide to value. Buses and large trucks, for example, are routinely driven hundreds of thousands of miles, and their maintenance records have traditionally been relied on by buyers as the principal guide to their condition. The NHTSA is in agreement with the position taken by Freightliner, White, and the National Association of Motor Bus Operators, and has therefore created an exemption for larger vehicles. The exemption applies to vehicles having gross vehicle weight ratings of more than 16,000 pounds.

A second category of exempt vehicles has been created for antique vehicles, whose value is a function of their age,

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condition, and scarcity, and for which the odometer mileage is irrelevant. A third exempt category consists of vehicles that are not self-propelled, such as trailers, most of which are not equipped with odometers.

Several vehicle manufacturers stated that the proposal would require them to give disclosure statements to their distributors and dealers, and that such a requirement would be both burdensome and pointless. Upon consideration of the nature of manufacturer-dealer transactions, it has been decided to exempt transfers of new vehicles that occur prior to the first sale of the vehicle for purposes other than resale.

The odometer disclosure form set forth in § 580.6 has been reworded to make it clearer. Space for additional information about the vehicle and owner has been included so that the vehicle will be readily identifiable if the disclosure statement becomes separated from the other transfer documents. In accordance with the instructions of the Act, the transferor is directed to state that the mileage is unknown if he knows that the actual milage differs from the mileage shown on the odometer. Although several comments suggested that the true mileage, if known, should be stated, such a statement is not provided for in the Act and would not afford the buyer with reliable information about the vehicle.

The effective date proposed in the notice was to have been 6 months after issuance. Two States, perhaps under the impression that they were required to change their forms, requested an additional 6 months. Other comments, notably that of the National Automobile Dealers Association, urged an immediate effective date in order to make the disclosure requirements coincide with the effectiveness of the other parts of Title IV of the Act. Upon consideration of the important contribution the disclosure requirements make to the effectiveness of the Act's other provisions, it has been decided that an effective date earlier than 6 months after issuance is advisable.

Accordingly, the regulation is to become effective March 1, 1973. Although it is likely that most private persons will remain unaware of the disclosure requirements for some time after March 1, 1973, a person who does not know of the requirement will not have "intent to defraud" under section 409(a) of the Act and will therefore not be subject to liability solely because he has failed to make the required statement. The persons most immediately affected by the disclosure requirements are commercial enterprises such as dealers and wholesalers, and of these the largest group, represented by NADA, has already indicated its desire for an early effective date. The earlier effective date is therefore considered appropriate.

In consideration of the foregoing, a new Part 580, Odometer Disclosure Requirements, is added to Title 49, Code of Federal Regulations, to read as set forth below.

Issued on January 23, 1973.

DOUGLAS W. TOMS,
Administrator.

Sec.
580.1 Scope.
580.2 Purpose.
580.3 Definitions.
580.4 Disclosure of odometer information.
580.5 Exemptions.
580.6 Disclosure form.

AUTHORITY: Sec. 408(a), Motor Vehicle Information and Cost Savings Act, Public Law 92-513, 86 Stat. 947, 49 CFR 1.51.

§ 580.1 Scope.

This part prescribes rules requiring the transferor of a motor vehicle to make written disclosure to the transferee concerning the odometer mileage and its accuracy, as directed by section 408(a) of the Motor Vehicle Information and Cost Savings Act, Public Law 92-513.

§ 580.2 Purpose.

The purpose of this part is to provide each purchaser of a motor vehicle with odometer information to assist him in determining the vehicle's condition and value.

§ 580.3 Definitions.

All terms defined in sections 2 and 402 of the Act are used in their statutory meaning. Other terms used in this part are defined as follows:

"Transferor" means any person who transfers his ownership in a motor vehicle by sale, gift, or any means other than by creation of a security interest.

"Transferee" means any person to whom the ownership in a motor vehicle is transferred by purchase, gift, or any means other than by creation of a security interest.

§ 580.4 Disclosure of odometer information.

Except as provided in § 580.5—

(a) Before executing any transfer of ownership document, each transferor of a motor vehicle shall furnish to the transferee a written statement signed by the transferor, containing the following information:

(1) The odometer reading at the time of transfer; and, unless provided elsewhere on a transfer document integal with the odometer disclosure;

(2) The date of the transfer;

(3) The transferor's name and current address; and

(4) The identity of the vehicle, including its make, model, and body type, its vehicle identification number, and its last plate number.

(b) In addition to the information provided under paragraph (a) of this section, the statement shall refer to the Motor Vehicle Information and Cost Savings Act and shall state that incorrect information may result in civil liability under it.

(c) In addition to the information provided under paragraph (a) of this section, if the transferor knows that the odometer reading differs from the number of miles the vehicle has actually traveled, and that the difference is greater than that caused by odometer calibration error, he shall include a statement that the actual mileage is unknown.

(d) If a document provided under the laws or regulations of the State in which the transfer occurs contains the statements required by paragraphs (a), (b), and (c) of this section, the transferor may make the disclosure required by this section either by executing the State document or by executing the disclosure form specified in § 580.6.

(e) If there is no State document as described in paragraph (d) of this section, the transferor shall make the disclosure required by this section by executing the disclosure form specified in § 580.6.

§ 580.5 Exemptions.

Notwithstanding the requirements of § 580.4—

(a) A transferor of any of the following motor vehicles need not disclose the vehicle's odometer mileage:

(1) A vehicle having a gross vehicle weight rating, as defined in § 570.3 of this chapter, of more than 16,000 pounds;

(2) A vehicle that is not self-propelled; or

(3) A vehicle that is 25 years old or older.

(b) A transferor of a new vehicle prior to its first transfer for purposes other than resale need not disclose the vehicle's odometer mileage.

§ 580.6 Disclosure form.

ODOMETER MILEAGE STATEMENT

(Federal regulations require you to state the odometer mileage upon transfer of ownership. An inaccurate statement may make you liable for damages to your transferee, pursuant to section 409(a) of the Motor Vehicle Information and Cost Savings Act of 1972, Public Law 92-513.)

I, _____, state that the odometer mileage indicated on the vehicle described below is _____ miles.

(Check the following statement, if applicable:)

☐ I further state that the actual mileage differs from the odometer reading for reasons other than odometer calibration error and that the actual mileage is unknown.

Make	Body Type	Year	Model
Vehicle Identification Number		Last Plate Number	

Transferor's address _____
Transferor's signature _____
Date of this statement _____

[FR Doc.73-1675 Filed 1-24-73;11:10 am]

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[Docket No. 69-20; Notice 6]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Accelerator Control Systems

The purpose of this notice is to respond to petitions for rulemaking to amend and petitions for reconsideration of Motor Vehicle Safety Standard No. 124 (49 CFR 571.124).

On September 23, 1972 (37 FR 20033), Motor Vehicle Safety Standard No. 124 was published specifying time requirements for the return of a vehicle's throttle to the idle position. Pursuant to 49 CFR 553.35, petitions for reconsideration were filed by Japan Automobile Manufacturers Association, Inc. (JAMA) and Volkswagen of America, Inc. Additionally, pursuant to 49 CFR 553.31, a petition for rulemaking to amend the standard was filed by the Ford Motor Co.

Favorable consideration has been granted to some of the requests and accordingly, the standard is being amended in some minor respects. The Administrator has declined to grant requested relief from other requirements of the standard.

Volkswagen requested that the test requirements for cold temperatures be clarified, in order to determine whether it is possible to use supplementary starting devices and to "pump" the accelerator control pedal during and after the presoak and prior to the test. The advantages of using supplementary devices and warmup procedures are recognized, but in many instances, the driving public either does not adhere to the manufacturer's recommended warmup procedures or uses other procedures. The intent of the standard is to afford the driving public as broad a coverage of the rule as is possible, by simulating as closely as possible actual conditions. Accordingly, for purposes of testing compliance the engine may be started by the use of any supplementary starting devices and procedures except those which would induce the vehicle into motion by the application of an external force.

Volkswagen also asked the NHTSA to define the speed at which the accelerator pedal is "to be released" to mark the beginning of the test determining the return of the throttle to idle position. The agency's intent is to provide protection in the variety of situations that may be encountered on the road. The vehicle, therefore, must be capable of meeting the requirements no matter how rapidly or slowly the driver's foot is lifted from the pedal. The actuating force actually is not "removed" from the pedal until the foot is no longer in contact with it, so the measured time period for throttle return does not begin until the instant when the foot leaves the pedal.

Further, Volkswagen asked the NHTSA to define a "running engine." Volkswagen stated that during cold testing an engine could start, run for approximately 6 seconds, and then stall. Volkswagen theorized that it would be possible to have an accelerator system fail the test requirements during this 6-second interval, although the engine would be incapable of causing a safety problem. The phrase "engine running" defines a condition without which throttle return to idle position has no significance. The intent of the standard is to prevent any safety problems caused by faulty throttle return over a broad range of operating circumstances and temperature conditions. The condition of a running engine, regardless of torque produced, is a clearly definable point at which a safety problem could begin to occur. Therefore, the vehicle must be capable of meeting the requirements whenever the engine is rotating without the application of any external force.

JAMA requested that the time requirements for maximum return to idle position when tested in temperatures between 0° and −40° F. be applied "only when there is no failure of the source of energy and no disconnection or severance of components." JAMA stated that in order for a system to meet the time requirements of the rule during the cold testing, the "required pedal effort would be increased to an extent that would not be acceptable to the ordinary driver." In its earlier comments to Notice 3 (37 FR 7097), JAMA stated that if each energy source was independently required to return the throttle to idle within the specified time requirements, increased pedal forces would be necessary. In response to this comment and to allow a manufacturer design freedom, the standard was amended by Notice 5 (37 FR 20033), to specify that independent capability of energy sources to return the throttle to idle position was not required. The amendment also gave an additional time allowance for return to idle position for vehicles tested or conditioned in cold temperatures. Based on these factors and on the comments received from other manufacturers, this agency's position is that the standard provides enough latitude for a manufacturer to feasibly meet the pedal force requirements and the time requirements for return to idle, even if there is a failure of one source of energy or a severance or disconnection occurs. The petition is therefore denied.

Ford pointed out that under the requirements section, S5.1 states that, "There shall be at least two sources of energy" and that this seemed at variance with the intent expressed in the preamble to Notice 5 that energy sources do not have to be contained in the accelerator control system. To further clarify the intent expressed in Notice 5, the phrase in S.5 "The vehicle shall be equipped with a driver-operated accelerator control system that meets the following requirements" is changed to "The vehicle shall meet the following requirements * * *."

Ford also asked for a clarification of the word "failure" in S5.1. Ford stated that the word was ambiguous in that it would allow for abnormal operating conditions outside the scope of the standard's intent to assure safety under conditions of a single failure due to a severance or disconnection in the system. To clarify the standard's intent, the phrase in S5.1 which states that, "In the event of failure of one source of energy the remaining source or sources shall be capable of returning the throttle" is changed to "In the event of failure of one source of energy by a single severance or disconnection, the throttle shall return * * *."

Further, in the first sentence of S5.2 the word "becomes" is changed to "is" and the phrase "at a single point" is added to the end of the sentence to clarify this meaning.

In consideration of the foregoing, 49 CFR 571.124, Motor Vehicle Safety Standard No. 124, is revised to read as set forth below.

Effective Date: September 1, 1973.

(Secs. 103, 119, Public Law 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1407; delegation of authority at 49 CFR 1.51)

Issued on January 24, 1973.

DOUGLAS W. TOMS,
Administrator.

§ 571.124 Standard No. 124; accelerator control systems. (Effective Sept. 1, 1973)

S1. *Scope.* This standard establishes requirements for the return of a vehicle's throttle to the idle position when the driver removes the actuating force from the accelerator control, or in the event of a severance or disconnection in the accelerator control system.

S2. *Purpose.* The purpose of this standard is to reduce deaths and injuries resulting from engine overspeed caused by malfunctions in the accelerator control system.

S3. *Application.* This standard applies to passenger cars, multi-purpose passenger vehicles, trucks, and buses.

S4. *Definitions.*

S4.1 "Driver-operated accelerator control system" means all vehicle components, except the fuel metering device, that regulate engine speed in direct response to movement of the driver-operated control and that return the throttle to the idle position upon release of the actuating force.

"Fuel metering device" means the carburetor, or in the case of certain engines the fuel injector, fuel distributor or fuel injection pump.

"Throttle" means the component of the fuel metering device that connects to the driver-operated accelerator control system and that by input from the driver-operated accelerator control system controls the engine speed.

"Idle position" means the position of the throttle at which it first comes in contact with an engine idle speed control appropriate for existing conditions according to the manufacturers' recommendations. These conditions include, but are not limited to, engine speed adjustments for cold engine, air conditioning, and emission control, and the use of throttle setting devices.

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"Ambient temperature" means the surrounding air temperature, at a distance such that it is not significantly affected by heat from the vehicle under test.

S4.2 In the case of vehicles powered by electric motors, the words "throttle" and "idle" refer to the motor speed controller and motor shutdown, respectively.

S5. *Requirements.* The vehicle shall meet the following requirements when the engine is running under any load condition, and at any ambient temperature between −40° F. and +125° F. after 12 hours of conditioning at any temperature within that range.

S5.1 There shall be at least two sources of energy capable of returning the throttle to the idle position within the time limit specified by S5.3 from any accelerator position or speed whenever the driver removes the opposing actuating force. In the event of failure of one source of energy by a single severance or disconnection, the throttle shall return to the idle position within the time limits specified by S5.3, from any accelerator position or speed whenever the driver removes the opposing actuating force.

S5.2 The throttle shall return to the idle position from any accelerator position or any speed of which the engine is capable whenever any one component of the accelerator control system is disconnected or severed at a single point. The return to idle shall occur within the time limit specified by S5.3, measured either from the time of severance or disconnection or from the first removal of the opposing actuating force by the driver.

S5.3 Except as provided below, maximum time to return to idle position shall be 1 second for vehicles of 10,000 pounds or less GVWR, and 2 seconds for vehicles of more than 10,000 pounds GVWR. Maximum time to return to idle position shall be 3 seconds for any vehicle that is exposed to ambient air at 0° to −40° F. during the test or for any portion of the 12-hour conditioning period.

[FR Doc.73-1906 Filed 1-30-73;8:45 am]

[Docket No. 71-13; Notice 3]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Brake Fluids

This notice amends Motor Vehicle Safety Standard No. 116, Motor Vehicle Brake Fluids, 49 CFR 571.116, to establish container labeling requirements for those fluids that are currently unregulated by the standard. The requirements are effective July 1, 1973.

The amendment is based upon a notice published March 22, 1972 (37 FR 5825). The NHTSA proposed labeling requirements for "central hydraulic system oil" and "silicone-based brake fluid," similar to requirements already in existence for conventional hydraulic brake fluids. The packager would be required to place his name on the container. His name could appear in code form. The packager would also be required to provide the complete name and mailing address of the distributor, a serial number identifying the packaged lot and date of packaging of the fluid, description of the contents, and certain safety warnings.

The comments received generally supported the proposal, and Standard No. 116 is being amended accordingly. The term "central hydraulic system oil" has not been adopted as some central hydraulic systems are designed for use of DOT brake fluids. Instead, the term "hydraulic system mineral oil" is adopted. It is defined as "a mineral-oil-based fluid designed primarily for use in motor vehicle brake systems in which none of the components contacting the fluid are SBR, EPDM, Neoprene, or natural rubber." Paragraphs S3, S5, S5.1, S5.2.1, S5.2.2.1, and S5.2.2.2 are being amended in a manner that more clearly evidences the NHTSA's intent that Standard No. 116 applies to all fluid used as brake fluids, but that silicone-based brake fluids and hydraulic system mineral oil are currently excepted from performance, container, and labeling requirements applicable to DOT fluids. A new S5.2.2.3 specifies the labeling requirements for packagers of silicone-based brake fluids and hydraulic system mineral oil, and these generally parallel those required of packagers of DOT fluids. Packagers of hydraulic system mineral oil must furnish the additional warning that the fluid is not compatible with the rubber components of brake systems designed for use with DOT brake fluids.

The amendment also differs from the proposal in reflecting the revision of Standard No. 116 of August 29, 1972 (37 FR 17474), that allows information to be placed on a container "in any location except on a removable part such as a lid." Minor changes have been made in the text of the warning on fluid storage so that it is identical with the warning required for DOT fluids.

In consideration of the foregoing, 49 CFR § 571.116, Motor Vehicle Safety Standard No. 116, is amended as follows:

1. S3 is amended to read:

S3 *Application.* This standard applies to all fluid for use in hydraulic brake systems of motor vehicles. In addition, S5.3 applies to passenger cars, multipurpose passenger vehicles, trucks, buses, trailers, and motorcycles.

2. S4 is amended by adding the following definition in proper alphabetical sequence:

" 'Hydraulic system mineral oil' means a mineral-oil-based fluid designed primarily for use in motor vehicle brake systems in which none of the components contacting the fluid are SBR, EPDM, neoprene, or natural rubber."

3. S5 is amended by adding the following sentence at the end thereof: "Paragraphs S5.1 and S5.2.1 do not apply to silicone-based brake fluid or hydraulic system mineral oil."

4. S5.1 is amended to read: "When tested in accordance with S6, motor vehicle brake fluids other than silicone-based brake fluid and hydraulic system mineral oil shall meet the following requirements."

5. The first sentence of S5.2.1 is amended to read: "Each DOT 3 and DOT 4 brake fluid container with a capacity of 6 fluid ounces or more shall be provided with a resealable closure that has an inner seal impervious to the packaged brake fluid."

6. S5.2.2.1 is amended to read: "Each manufacturer of a brake fluid other than silicone-based brake fluid or hydraulic system mineral oil shall furnish to each packager, distributor, or dealer to whom he delivers brake fluid the following information: * * *"

7. S5.2.2.2 is amended to read: "Each packager of a brake fluid other than silicone-based brake fluid or hydraulic system mineral oil shall furnish the following information clearly and indelibly marked on each brake fluid container, in any location except on a removable part such as a lid. (a) * * *"

8. A new S5.2.2.3 is adopted to read:

S5.2.2.3 On and after July 1, 1973, each packager of silicone-based brake fluid or hydraulic system mineral oil shall furnish the following information clearly and indelibly marked on each brake fluid container in any location except on a removable part such as a lid.

(a) The name of the packager of the brake fluid, which may be in code form.

(b) The name and complete mailing address of the distributor.

(c) A serial number identifying the packaged lot and date of packaging.

(d) Designation of the contents as "SILICONE-BASED BRAKE FLUID" or "HYDRAULIC SYSTEM MINERAL OIL", as applicable, in capital letters at least one-eighth inch high.

(e) The following safety warnings in capital and lower case letters as indicated:

1. Follow Vehicle Manufacturer's Recommendations When Adding Brake Fluid.

2. (For hydraulic system mineral oil only.) This brake fluid is Not Compatible with the rubber components of brake systems designed for use with DOT brake fluids.

3. Keep Brake Fluid Clean. Contamination with dirt or other materials may result in brake failure or costly repairs.

4. Caution: Store Brake Fluid Only in its Original Container. Keep Container Clean and Tightly Closed. Do Not Refill Containers or Use Other Liquids. (The last sentence is not required for containers with a capacity in excess of 5 gallons.)

9. S5.3 is amended to read:

S5.3 *Motor vehicle requirement.* Each passenger car, multipurpose passenger vehicle, truck, bus, trailer, and motorcycle that has a hydraulic brake system shall be equipped with brake fluid that has been manufactured and packaged in conformity with the requirements of this standard.

Effective date: July 1, 1973. Because these amendments relate to labeling requirements that do not entail product redesign, an effective date less than 180 days after the issue date is found to be in the public interest.

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(Secs. 103, 112, 119, Public Law 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1401, 1407; delegation of authority at 49 CFR 1.51)

Issued on January 4, 1973.

DOUGLAS W. TOMS,
Administrator.

[FR Doc.73-1907 Filed 1-30-73;8:45 am]

[Docket No. 1-8; Notice 9]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Retreaded Pneumatic Tires

This notice revokes high speed and endurance requirements in Motor Vehicle Safety Standard No. 117, "Retreaded Pneumatic Tires," in accordance with an order of the U.S. Court of Appeals for the Seventh Circuit in H & H Tire Company v. Volpe, No. 71-1935, Seventh Circuit, December 5, 1972. It also specifies effective dates for provisions of the standard subject to a stay that was entered by the court on December 31, 1971, and removed by its order.

In a notice published March 23, 1972 (37 FR 9590), the NHTSA indicated that it did not believe retreaders should be required to maintain a state of constant preparation, so as to be able to conform to the standard immediately following the lifting of the stay by the reviewing court. The NHTSA took this position although the stay had been imposed only 24 hours before the standard was to become effective, and retreaders should have by that time taken all necessary steps to achieve compliance. The notice accordingly specified that those requirements of the standard dealing with matters other than labeling would become effective approximately 30 days after the stay imposed by the court had been lifted. Requirements dealing with affixed labels (S6.3.1) were to become effective in 90 days, and requirements for permanent labeling (S6.3.2) in 1 year.

When these dates were projected, however, the NHTSA had assumed a decision would be rendered by the court in a short time. That assumption proved incorrect, and the NHTSA has determined that more leadtime than that specified on March 23, 1972, should be allowed. This leadtime will allow retreaders to use up their already acquired inventory of casings, and to obtain labels to conform to the affixed labeling requirements.

This notice provides, therefore, that provisions of the standard except those dealing with permanent labeling are effective 120 days from the day of publication. The permanent labeling requirements of the standard are effective 1 year from the day of publication. The NHTSA is of the opinion that 120 days is sufficient under the circumstances for retreaders to take whatever remaining steps are necessary to achieve conformity with these requirements.

In light of the above, Motor Vehicle Safety Standard No. 117, "Retreaded Pneumatic Tires," 49 CFR 571.117, is amended as follows:

1. Paragraphs (e) and (f) of paragraph S5.1.1 are revoked.

2. Paragraph S5.1.3 is revised to read as follows:

S5.1.3 Each retreaded tire shall be capable of meeting the requirements of S5.1.1 and S5.1.2 when mounted on any rim in accordance with those sections. [The remaining sentences are deleted.]

3. Paragraph S6.2 is revised to read as follows:

S6.2 From June 1, 1973, to July 31, 1973, a manufacturer may certify compliance by affixing to the tread of the tire, in such a manner that it is not easily removable, a label that states in letters not less than three thirty-seconds of an inch high:

This retreaded tire was manufactured after June 1, 1973, and conforms to all applicable Federal motor vehicle safety standards.

4. Paragraph S6.3.1 is revised to read as follows:

S6.3.1 Each retreaded pneumatic tire manufactured on or after June 1, 1973, shall be labeled * * *

* * * * *

5. Paragraph S6.3.2 is revised to read as follows:

S6.3.2 Each retreaded pneumatic tire manufactured on or after February 1, 1974, shall be labeled * * *

Effective date: June 1, 1973, except for the provisions of paragraph S6.3.2, which are effective on February 1, 1974. The requirements of this standard were originally issued April 17, 1971, to become effective January 1, 1972. The standard in its present form was published March 23, 1972, but did not take effect due to a stay imposed on December 31, 1971. Accordingly, adequate leadtime has already been provided for any long-range steps necessary for compliance. The public was notified of expected effective dates by the notice of March 23, 1972.

It is therefore found, for good cause shown, that an effective date less than 180 days from the date of publication of this notice is in the public interest.

(Secs. 103, 112, 113, 114, 119, 201, Public Law 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1401, 1402, 1403, 1407, 1421; delegation of authority at 49 CFR 1.51)

Issued on January 24, 1973.

DOUGLAS W. TOMS,
Administrator.

[FR Doc.73-1908 Filed 1-30-73;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Havasu National Wildlife Refuge, Ariz. and Calif.

The following special regulation is issued and is effective on January 31, 1973.

§ 28.28 Special regulations; public access, use, and recreation; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

HAVASU NATIONAL WILDLIFE REFUGE

Havasu National Wildlife Refuge, Needles, Calif., is open to public access, use, and recreation, subject to the provisions of Title 50, Code of Federal Regulations, all applicable Federal and State laws and regulations, and the following special conditions:

(1) Water skiing is permitted in the channelized segment of the Colorado River, as designated by signs, from 1.7 miles south of Topock, Ariz., to the north boundary of the refuge; and on that portion of Lake Havasu, as designated by signs, lying south of the Island.

(2) Camping and picnicking are permitted. Camping is permitted only in the following areas and is restricted to tent and boat camping:

a. Avocet Beach.

b. The shoreline from Topock Bridge south to the buoy at the north end of Topock Gorge.

c. The shoreline below the buoy at the south end of Topock Gorge except Castle Rock and Mesquite Boat ramp.

Also, recreational vehicle and tent camping is permitted at Five-Mile Landing and Catfish Paradise concessions for a nominal fee. All camping is limited to stays of no longer than 7 days.

(3) Boating is permitted in all waters of the refuge except where restricted by appropriate signs. Wakeless speed only is permitted east of the buoys on the Bill Williams River.

(4) Vehicle access is permitted on all refuge roads except where restricted by appropriate signs.

(5) Swimming, wading, scuba diving and skin diving are permitted except where restricted by signs.

(6) Fires may be built in areas where camping is allowed.

(7) Litter facilities are provided only for recreational users who are swimming, boating, picnicking, fishing, hunting or camping.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation of wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1973.

ROBERT A. KARGES,
Refuge Manager, Havasu National Wildlife Refuge, Needles, California.

JANUARY 19, 1973.

[FR Doc.73-1879 Filed 1-30-73;8:45 am]

PART 33—SPORT FISHING

Havasu National Wildlife Refuge, Ariz. and Calif.

The following special regulation is issued and is effective on January 31, 1973.

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§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

HAVASU NATIONAL WILDLIFE REFUGE

Sport fishing on the Havasu National Wildlife Refuge, Arizona and California, is permitted on waters designated as open to fishing. These waters, comprising 12,388 acres, are delineated on maps available at refuge headquarters, Needles, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1 through December 31, 1973, inclusive, except that the closed area, as posted, in Topock Marsh is closed to fishing from January 1 through January 31, 1973, and from October 1, 1973, through January 31, 1974, inclusive.

(2) The possession of trotlines on the refuge is prohibited. A trotline is any hook and line arrangement that, when used, constitutes a violation of the "angling" laws of either Arizona or California.

(3) The taking of fish with bow and arrow is prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through January 31, 1974.

ROBERT A. KARGES,
Refuge Manager, Havasu National Wildlife Refuge, Needles, Calif.

JANUARY 19, 1973.

[FR Doc.73-1880 Filed 1-30-73;8:45 am]

PART 33—SPORT FISHING

Tishomingo National Wildlife Refuge, Okla.

The following special regulation is issued and is effective on January 31, 1973.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

Sport fishing on the Tishomingo National Wildlife Refuge, Tishomingo, Okla., is permitted only on the area designated by signs as open to fishing. These open areas, comprising 10,000 acres, are delineated on maps available at refuge headquarters, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following condition:

(1) The open seasons for sport fishing on the refuge extend from January 1 through December 31, 1973, inclusive, on the waters of Lake Texoma east of the north-south center line of Secs. 19, 30, and 31, T. 4 S., R. 7 E., and in Rock Creek, Polecat Creek, Bell Creek, Big Sandy Creek, Dick's Pond, and Goose Pen Pond; and from April 1 through September 30, 1973, inclusive, for waters of Lake Texoma west of the north-south center line of Secs. 19, 30, and 31, T. 4 S., R. 7 E.

(2) The open season for sport fishing on the Tishomingo Management Unit extends from March 1, 1973, through September 30, 1973, inclusive. Fishing with trotlines in Lost Lake, Bobcat Gulch, and McAdams Pond is prohibited during open season.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1973.

ERNEST S. JEMISON,
Refuge Manager, Tishomingo, National Wildlife Refuge, Tishomingo, Oklahoma.

DECEMBER 15, 1972.

[FR Doc.73-1881 Filed 1-30-73;8:45 am]

Title 6—Economic Stabilization

CHAPTER IV—INTERNAL REVENUE SERVICE

PART 401—PROCEDURAL RULES RELATING TO ECONOMIC STABILIZATION MATTERS

Termination of Economic Stabilization Functions of Office of Chief Counsel for the Internal Revenue Service

Part 401 of Chapter IV of Title 6 of the Code of Federal Regulations prescribes and explains, among other things, the procedures used by the Office of the Chief Counsel for the Internal Revenue Service in administering the President's Economic Stabilization Program as it existed prior to the issuance of Executive Order 11695, 38 FR 1473 (1973). Due to the issuance of Executive Order 11695 (relating to the establishment of Phase III of such program), such Part 401 is hereby revoked to the extent that it relates to the performance of functions mentioned or described in such part by the Office of the Chief Counsel for the Internal Revenue Service.

Effective date. This revocation is effective as of January 31, 1973.

LEE H. HENKEL, Jr.,
Chief Counsel, Internal Revenue Service.

[FR Doc.73-1999 Filed 1-30-73;8:45 am]

Title 10—Atomic Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 140—FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

Indemnity Locations

On May 6, 1972, the Atomic Energy Commission published in the FEDERAL REGISTER (37 FR 9227) a proposed amendment to 10 CFR Part 140, Financial Protection Requirements and Indemnity Agreements, which would specify how the Commission will determine the geographical boundaries of indemnity locations in indemnity agreements for the preoperational storage of fuel at the site of a power reactor under construction, and the geographical boundaries of indemnity locations where a nuclear reactor is operating and an additional power reactor is under construction nearby on a contiguous site by the same licensee.

Interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendment within 60 days after publication of the notice of proposed rule making in the FEDERAL REGISTER. After consideration of the comments received, the Commission has adopted the proposed amendment with certain changes.

The principal point in three of the comments, submitted by utilities, was that the proposed amendment would increase their insurance costs from nuclear property pools during construction. However, since the nuclear liability insurers are presently using the broader site concept for new policies, utilities have already found it necessary to purchase nuclear property insurance for the construction site whereas in the past they had been able to purchase "builder's risk" insurance at lower premiums. This amendment reflects such use of the broad concept by both nuclear liability insurers and nuclear property insurers. As stated in connection with the proposed rule published in the FEDERAL REGISTER on May 6, 1972, this amendment may not be susceptible of application to all circumstances (e.g., where conventional builder's risk policies, subject to a nuclear exclusion, remain in effect at some units, construction of which was commenced when such coverage was still available). Where the Commission on application of any affected person or on its own initiative determines that a departure from this proposed method would be authorized by law and otherwise in the public interest, it may establish a different indemnity location in individual cases.

The Commission believes that the amendment, by widening the geographical boundaries of the indemnity location to include the entire construction area of nuclear power reactors, will assure that indemnity funds in the highly unlikely event of a nuclear incident, will be available to the general public and will not be diluted in compensation of possible property losses at the site of the reactor under construction.

In order to eliminate the ambiguity of the phrase "the entire construction area of the nuclear power reactor" as used in the proposed amendment, the words "as determined by the Commission" have been added. A sentence to the effect that such area will not necessarily be coextensive with the indemnity location which will be established at the time an operating license is issued for additional

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nuclear power reactors has also been included.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment of 10 CFR Part 140 is published as a document subject to codification, to be effective on March 2, 1973.

A new § 140.96 Appendix F is added to read as follows:

§ 140.96 Appendix F—Indemnity locations.

(a) *Geographical boundaries of indemnity locations.* (1) In every indemnity agreement between the Commission and a licensee which affords indemnity protection for the preoperational storage of fuel at the site of a nuclear power reactor under construction, the geographical boundaries of the indemnity location will include the entire construction area of the nuclear power reactor, as determined by the Commission. Such area will not necessarily be coextensive with the indemnity location which will be established at the time an operating license is issued for such additional nuclear power reactors.

(2) In every indemnity agreement between the Commission and a licensee which affords indemnity protection for an existing nuclear power reactor, the geographical boundaries of the indemnity location shall include the entire construction area of any additional nuclear power reactor as determined by the Commission, built as part of the same power station by the same licensee. Such area will not necessarily be coextensive with the indemnity location which will be established at the time an operating license is issued for such additional nuclear power reactors.

(3) This section is effective May 1, 1973, as to construction permits issued prior to March 2, 1973, and, as to construction permits issued on or after March 2, 1973, the provisions of this section will apply no later than such time as a construction permit is issued authorizing construction of any additional nuclear power reactor.

(Secs. 161, 170, 68 Stat. 948, 71 Stat. 576; 42 U.S.C. 2201, 2210)

Dated at Germantown, Md., this 26th day of January 1973.

For the Atomic Energy Commission.

[SEAL] PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-1974 Filed 1-30-73;8:45 am]

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Proposed Rule Making

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

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 145]

IMPORTATION AND EXPORTATION OF ARTICLES BY MAIL

Notice of Proposed Rule Making

Correction

In FR Doc. 72-21786 appearing at page 28060 of the issue for Wednesday, December 20, 1972, the following section heading should appear immediately after the authority citation which follows § 145.4(d):

§ 145.5 Undeliverable packages.

DEPARTMENT OF LABOR

Office of Federal Contract Compliance

[41 CFR Part 60-1]

ACCESS TO RECORDS AND SITE OF EMPLOYMENT

Notice of Proposed Rule Making

Notice is hereby given that pursuant to Executive Order 11246 (30 FR 12319), as amended by Executive Order 11375 (32 FR 14303), the Department of Labor proposes to revise 41 CFR 60-1.43. The purpose of the revision is to clarify 41 CFR 60-1.43 to assure that contractors are fully cognizant of their obligations under existing OFCC policy and practice to allow access to their premises for the purpose of on-site compliance reviews. This revision is not intended to enlarge contractors' obligations under the Executive order and its implementing rules and regulations. The revised 41 CFR 60-1.43 reads as follows:

§ 60-1.43 Access to records and site of employment.

Each prime contractor and subcontractor shall permit access during normal business hours to his premises for the purposes of conducting on-site compliance reviews and inspecting and copying such books, records, and accounts as may be relevant to the matter under investigation and pertinent to compliance with the Order, and the rules and regulations promulgated pursuant thereto, by the agency, or the Director. Information obtained in this manner shall be used only in connection with the administration of the Order, the administration of the Civil Rights Act of 1964, and in furtherance of the purposes of the Order and that Act.

Interested persons are invited to submit written comments, views or objections regarding the proposal to Mr. Philip J. Davis, Acting Director, OFCC, U.S. Dept. of Labor, 14th Street and Constitution Avenue NW., Washington, D.C. 20210, on or before March 2, 1973.

Signed at Washington, D.C., this 24th day of January 1973.

J. D. HODGSON,
Secretary of Labor.

R. J. GRUNEWALD,
Assistant Secretary for Employment Standards.

PHILIP J. DAVIS,
Acting Director,
Office of Federal Contract Compliance.

[FR Doc.73-1827 Filed 1-30-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 23, 91]

[Docket No. 10162; Notice 73-1]

CRASHWORTHINESS FOR SMALL AIRPLANES

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 23 of the Federal Aviation Regulations to require on all small civil airplanes for which applications for type certificates under Part 23 are filed after the effective date of the proposed amendment, the installation of shoulder harnesses and that cabin and flight crew compartment interiors be designed to protect occupants from injury caused by contact with interior objects. In addition, the FAA is considering amending Part 91 to require the installation of shoulder harnesses on all small civil airplanes manufactured after 1 year from the effective date of the proposed amendment, and on small civil airplanes manufactured prior to that date if they have structural provisions for the attachment of shoulder harnesses, and to require occupants of seats equipped with shoulder harnesses to use the shoulder harnesses during takeoff and landing.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before April 30, 1973, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket, for examination by interested persons.

Section 23.785(g) of the Federal Aviation Regulations, as amended August 1, 1969, Amendment 23-7, requires small civil airplanes for which applications for type certificates under Part 23 are filed after September 14, 1969, to provide each occupant with protection from head injury either (1) by a safety belt and shoulder harness that will prevent the head from contacting any injurious object, or; (2) by a safety belt plus an energy absorbing rest that will support the arms, shoulders, head, and spine, or; (3) by a safety belt plus the elimination of any injurious object within striking radius of the head.

Subsequent to the adoption of Amendment 23-7 the FAA has continued its review of the very complex area of occupant restraint and crashworthiness of small airplanes. The FAA has also received suggestions concerning areas in which the protection of occupants from injury in a crash or emergency landing might be improved, including recommendations by the National Transportation Safety Board (NTSB). In addition, Mr. Ralph Nader filed a petition with the FAA requesting the institution of rulemaking to improve the crashworthiness of small aircraft. In disposing of that petition the FAA advised that it was in the process of developing proposals concerning shoulder harness and occupant restraints and the improvement of the design of cabin interiors which would be included in a notice of proposed rule making. This notice takes into account the recommendations made by the NTSB and by Mr. Nader concerning requirements for shoulder harnesses and cabin interior design.

After evaluating the data and recommendations received and upon consideration of the type certification requirements for small airplanes, the FAA believes that additional crash protection is needed for occupants of small airplanes type certificated under Part 23, and proposes herein to amend § 23.785(g) to require that each occupant of those airplanes be protected from head injury when he experiences the inertia forces prescribed in § 23.561(b)(2) in a forward facing seat (0° to 18° angle with

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the vertical plane containing the airplane centerline) or in a sideward facing seat (more than 18°) by a safety belt and shoulder harness. In addition, a sideward facing seat that is angled toward the rear of the airplane would be required to have an energy absorbing rest that would support the arms, shoulders, head, and spine. A rearward facing seat (0° to 18°) would be required to have a safety belt and an energy absorbing rest, but not a shoulder harness since the seat would prevent an occupant from pitching forward in the event of a crash. Furthermore, the FAA believes that, in order to provide the intended crash impact protection for flight crewmembers, each flight crewmember's shoulder harness should be fastened at all times. Therefore, it is proposed to add a new § 23.785(h) that would require that shoulder harness installations at flight crewmember stations permit a crewmember, when seated at his station, with his safety belt and shoulder harness fastened, to perform all functions necesary for flight operations.

In addition, the FAA believes that there should be provisions to prevent shoulder harnesses and safety belts, when not in use, from interfering with the operation of the airplane or with rapid egress under emergency conditions. Accordingly, it is proposed to add a new § 23.785(i) that would require that a means be provided to secure safety belts and shoulder harnesses when not in use.

While the proposed shoulder harness requirements should reduce the probability of occupant injury in small airplanes, the FAA believes that further protection should be provided in the area surrounding each seat within striking distance of the occupant's head, torso, and flailing arms and legs. Therefore, it is proposed to add a new § 23.785(j) that would require that this area (including interior walls, the instrument panel, control wheels, pedals, and seats) be free of sharp edges, protuberances, and hard areas.

Section 23.1307 is being amended editorially to delete the requirement for a safety belt for each occupant as redundant because § 23.785 presently requires a safety belt for each occupant.

The foregoing proposed amendments would be applicable only to small civil airplanes for which applications for type certification under Part 23 are filed after the effective date of the amendments. However, the FAA believes that, to the extent feasible and reasonable, small civil airplanes already in service should also be equipped with shoulder harnesses. Many small civil airplanes presently in service have structural provisions (tiedown points) for the attachment of shoulder harnesses and the installation of shoulder harnesses in these airplanes should not present any significant problem. However, there are a number of small civil airplanes now in service that cannot readily be fitted with shoulder harnesses since the necessary attachment points were not included in the design of the airplane.

The FAA believes, further, that it would be feasible and not unreasonably burdensome, for small civil airplane manufacturers to provide shoulder harness attachment points on airplanes being constructed under existing type certificates so that airplanes manufactured after the effective date of this amendment could be equipped with shoulder harnesses. The date of manufacture of an airplane, for purposes of the proposed rules, would be the date the inspection acceptance records reflect that the airplane is complete and meets the FAA approved type design data. Accordingly, it is proposed to amend §§ 91.33 and 91.39 to prohibit, after 1 year after the effective date of this proposed amendment, the operation of such small civil airplanes with standard category and restricted category U.S. airworthiness certificates unless they have an approved shoulder harness installed (for each occupant except an occupant of a rearward facing seat specified in § 23.785 (g)(2)) that is designed to protect the occupant from injury when the occupant experiences the ultimate inertia forces specified in § 23.561(b)(2). This regulation would not apply to airplanes that were manufactured prior to 1 year after the effective date of any final rule based on this proposed amendment and that do not have structural provisions for the attachment of shoulder harnesses. The proposal would require that a placard be installed on those airplanes stating that shoulder harnesses are not required in order to assure that this information is available to the pilots of these airplanes. It is also proposed to amend §§ 91.7 and 91.14 to require each occupant of a seat equipped with a shoulder harness to fasten his shoulder harness during takeoff and landing, and in the case of a flight crewmember, at all times while he is at his station.

The FAA has also received suggestions from Mr. Nader and the NTSB concerning other areas in which the protection of occupants from injury in a crash or emergency landing might be improved. In this connection it was suggested that the regulations be amended to require higher impact "g" force levels than are now prescribed, to require that the cockpit or cabin structure remain intact under those impact forces, to require the dynamic testing of seats, and to require further means to reduce potential ignition sources associated with accidents. Although the FAA's basic research and development programs and the data and recommendations submitted by those interested persons indicate possible future courses of action with regard to upgrading the crashworthiness of small airplanes in those areas, the information presently available is not sufficient to support rule-making action. The FAA is continuing its investigations in those areas and appropriate rule-making action will be initiated when sufficient data is available to provide a basis for rulemaking.

In consideration of the foregoing, it is proposed to amend Parts 23 and 91 of the Federal Aviation Regulations as follows:

1. Section 23.785 would be amended by amending the title and paragraphs (b) and (g) and by adding new paragraphs (h), (i), and (j) to read as follows:

§ 23.785 Seats, berths, safety belts, and harnesses.

* * * * *

(b) Each seat, berth, safety belt, and harness must be approved.

* * * * *

(g) Each occupant must be protected from head injury when he experiences the inertia forces prescribed in § 23.561 (b)(2) in—

(1) A forward facing seat (0° to 18° angle with the vertical plane containing the airplane centerline) by a safety belt and shoulder harness that is designed to prevent the head from contacting any injurious object.

(2) A rearward facing seat (0° to 18° angle with the vertical plane containing the airplane centerline) by a safety belt and an energy absorbing rest that is designed to support the arms, shoulders, head, and spine.

(3) A sideward facing seat (more than and 18° angle with the vertical plane containing the airplane centerline) by a safety belt and shoulder harness that will prevent the head from contacting any injurious object. In addition, sideward facing seats that are angled toward the rear of the airplane must have an energy absorbing rest that is designed to support the arms, shoulders, head, and spine.

(h) The shoulder harness installation at each flight crewmember station must permit the crewmember, when seated and with his safety belt and shoulder harness fastened, to perform all functions necessary for flight operations.

(i) There must be a means to secure each safety belt and shoulder harness, when not in use, so as to prevent interference with the operation of the airplane and with rapid egress in an emergency.

(j) The cabin area surrounding each seat, including the structure, interior walls, instrument panel, control wheel, pedals, and seats, within striking distance of the occupant's head, torso, arms, and legs (with the safety belt fastened), must be free of potentially injurious objects, sharp edges, protuberances, and hard surfaces. If energy absorbing design or devices are used to meet this requirement, they must protect the occupant from injury when the occupant experiences the ultimate inertia forces prescribed in § 23.561(b)(2).

2. Section 23.1307 would be amended by deleting present paragraph (a) and redesignating present paragraph (b) as follows:

§ 23.1307 Miscellaneous equipment.

The following equipment is required miscellaneous equipment:

(a) A master switch arrangement.
(b) An adequate source of electrical energy.
(c) Electrical protective devices.

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3. Section 91.7 would be amended by amending paragraph (b) and adding a new paragraph (c) to read as follows:

§ 91.7 Flight crewmembers at stations.

* * * * *

(b) Keep his safety belt fastened while at his station.

(c) After 1 year after the effective date of this amendment) in a U.S. registered small civil airplane, if the seat at his station is equipped with a shoulder harness, keep the shoulder harness fastened while at his station.

4. Section 91.14 would be amended by amending the title and by amending paragraphs (a) and (b) to read as follows:

§ 91.14 Fastening of safety belts and shoulder harnesses.

(a) Unless otherwise authorized by the Administrator—

(1) No pilot may take off or land a U.S. registered aircraft (except an airship) unless the pilot in command of that aircraft ensures that—

(i) Each person on board that aircraft has been instructed in the proper use of occupant restraint provisions.

(ii) Each person on board that aircraft has been notified to fasten his safety belt.

(iii) Each person on board that aircraft occupying a seat equipped with a shoulder harness has been notified to fasten his shoulder harness.

(iv) At each unoccupied seat, the safety belt and shoulder harness, if installed, are secured so as not to interfere with the operation of the aircraft and with rapid egress of occupants in an emergency.

(2) During the takeoff and landing of U.S. registered civil aircraft (except airships), each person on board that aircraft must occupy a seat or berth with a safety belt properly secured about him. However, a person who has not reached his second birthday may be held by an adult who is occupying a seat or berth, and a person on board for the purpose of engaging in sport parachuting may use the floor of the aircraft as a seat.

(3) During the takeoff and landing of a U.S. registered civil aircraft (except an airship), each person on board that aircraft occupying a seat equipped with a shoulder harness must properly secure the shoulder harness about him.

(b) This section does not apply to operations conducted under Parts 121, 123, or 127 of this chapter. Paragraphs (a)(2) and (a)(3) of this section do not apply to persons subject to § 91.7.

5. Section 91.33 would be amended by adding a new paragraph (b)(13) to read as follows:

§ 91.33 Powered civil aircraft with standard category U.S. airworthiness certificates; instrument and equipment requirements.

* * * * *

(b) * * *

(13) For small civil airplanes, except those manufactured prior to (1 year after the effective date of this amendment) that do not have structural provisions for the attachment of shoulder harnesses but have a placard installed that states "shoulder harnesses not required", after (1 year after the effective date of this amendment), approved shoulder harnesses that are designed to protect each occupant (except occupants of rearward facing seats described in § 23.785(g)(2)) from head injury when the occupant experiences the ultimate inertia forces specified in § 23.561(b)(2). For purposes of this section, the date of manufacture of an airplane is the date the inspection acceptance records reflect that the airplane is complete and meets the FAA approved type design data. The shoulder harness installation at each flight crewmember station must permit the crewmember, when seated and with his safety belt and shoulder harness fastened, to perform all functions necessary for flight operations.

6. Section 91.39 would be amended by adding a new paragraph (f) to read as follows:

§ 91.39 Restricted category civil aircraft; operating limitations.

* * * * *

(f) Except as to airplanes manufactured prior to (1 year after the effective date of this amendment) that do not have structural provision for the attachment of shoulder harnesses but have a placard installed that states "shoulder harnesses not required", after (1 year after the effective date of this amendment), no person may operate a small restricted category civil airplane unless approved shoulder harnesses are installed that are designed to protect each occupant (except occupants of rearward facing seats described in § 23.785(g)(2)), from head injury when the occupant experiences the ultimate inertia forces specified in § 23.561(b)(2). For purposes of this section, the date of manufacture of an airplane is the date the inspection acceptance records reflect that the airplane is complete and meets the FAA approved type design data. The shoulder harness installation at each flight crewmember station must permit the crewmember, when seated and with his safety belt and shoulder harness fastened, to perform all functions necessary for flight operations.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 18, 1973.

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

[FR Doc.73-1770 Filed 1-30-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72-GL-81]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Mackinac Island, Mich.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018. All communications received on or before March 2, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018.

A new public use instrument approach procedure has been developed for the Mackinac Island Airport, Mackinac Island, Mich. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Mackinac Island, Mich. The new procedure will become effective concurrently with the designation of the transition area.

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

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

MACKINAC ISLAND, MICH.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Mackinac Island Airport (latitude 45°51'55" N., longitude 84°38'20" W.).

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

Issued in Des Plaines, Ill., on January 8, 1973.

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

[FR Doc.73-1771 Filed 1-30-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72-GL-84]

TRANSITION AREAS

Proposed Deletion and Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the State of Michigan, Alpena, Bellaire, Charlevoix, Grayling, Ludington, Menominee, Oscoda, Roscommon,

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Traverse City, Escanaba, Gaylord, Marquette, Iron Mountain, and Pellston, Mich., transition areas, and deleting the Lake City, Mich., transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018. All communications received on or before March 2, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018.

The Minneapolis Center has a requirement for additional control area near Traverse City, Alpena, and Pellston, Mich., to radar vector and properly control the flow of traffic in this area. This action will consolidate 10 airspace citations for the transition area into one.

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

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

MICHIGAN

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Michigan south of parallel 45°45'.

In § 71.181 (38 FR 435), the following transition areas are amended by deleting reference to that airspace extending upward from 1,200 feet above the surface:

Alpena, Mich.	Menominee, Mich.
Bellaire, Mich.	Oscoda, Mich.
Charlevoix, Mich.	Roscommon, Mich.
Grayling, Mich.	Traverse City, Mich.
Luddington, Mich.	

In § 71.181 (38 FR 435), the following transition area is deleted: Lake City, Mich.

In § 71.181 (38 FR 435), the following transition areas are amended as indicated:

Escanaba, Mich.—add "excluding the portion south of parallel 45°45'."

Gaylord, Mich.—delete all after "(latitude 45°00'50" N., longitude 84°41'45" W.)."

Marquette, Mich.—add "and the portion south of parallel 45°45'."

Iron Mountain, Mich.—add "excluding the portion south of parallel 45°45'."

Pellston, Mich.—change to read as follows:

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Emmet County Airport (latitude 45°34'09" N., longitude 84°47'45" W.) and within 5 miles each side of the Pellston VORTAC 238° radial, extending from the 11-mile radius area to 22 miles southwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 19-mile radius of the Pellston VORTAC north of parallel 45°45' excluding the portion overlying the Sault Ste. Marie, Mich. transition area.

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

Issued in Des Plaines, Ill., on January 8, 1973.

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

[FR Doc.73-1772 Filed 1-30-73;8:45 am]

[14 CFR Part 73]

[Airspace Docket No. 72-SO-120]

ESTABLISHMENT OF RESTRICTED AREA

Notice of Proposed Rule Making

The Federal Aviation Administration (FAA) is considering an amendment to Part 73 of the Federal Aviation Regulations that would establish a restricted area, R-5315, in the vicinity of Cape Hatteras, N.C.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, GA 30320. All communications received on or before March 2, 1973, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

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

The proposed amendment would include the following restricted area in Part 73 of the Federal Aviation Regulations:

R-5315 CAPE HATTERAS, N.C.

Boundaries: Beginning at Lat. 35°31'00" N., Long. 76°00'00" W.; to Lat. 35°14'00" N., Long. 75°38'00" W.; to Lat. 34°54'00" N., Long. 76°16'00" W.; to Lat. 35°04'30" N., Long. 76°04'30" W.; to Lat. 35°18'15" N., Long. 76°16'40" W.; to Lat. 35°20'00" N., Long. 76°23'00" W.; to point of beginning.

Designated altitudes. From 4,000 feet MSL to but not including FL 180.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Washington, D.C., ARTC Center.

Using agency. Commander Naval Air Force, U.S. Atlantic Fleet, NAS Norfolk, Va.

The proposed restricted area would be used by the Department of the Navy to help satisfy its continuing urgent requirement to provide pilots with controlled training in air combat maneuvering at supersonic speeds. The restricted designation would be necessary because the type of training to be conducted would constitute a hazardous situation for nonparticipating aircraft. Monitoring devices would be installed to supervise and direct aircraft engagements and to evaluate individual pilot performance; however, the devices would not be able to ensure safety to other aircraft. High-speed maneuvers during engagements could produce sonic booms in the area. An Environmental Impact Study which is being conducted under the the auspices of the using agency would be completed prior to issuing the final rule.

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

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

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

[FR Doc.73-1773 Filed 1-30-73;8:45 am]

[14 CFR Part 135]

[Docket No. 12531; Notice 73-2]

LIMITED IFR AIR TAXI OPERATIONS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 135 of the Federal Aviation Regulations to make those sections dealing with limited IFR operations (§§ 135.75, 135.99, and 135.145) consistent with each other, with Terminal Instrument Procedures (TERPS), and with safe operating practices.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, DC 20590. All communications received on or before March 30, 1973, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the rules docket for examination by interested persons.

Subject to certain conditions, § 135.75 authorizes single pilot flight, with an

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IFR departure, IFR en route flight, and an IFR approach. Paragraph (b) thereof permits a pilot in command of an airplane carrying passengers to take off from the departure airport without a second in command pilot and in IFR conditions, if weather reports and forecasts indicate that the weather en route will permit flight under VFR or VFR over-the-top beginning at a point no more than 15 miles from the departure airport. However, paragraph (b)(1) of § 135.75 currently provides that after taking off, the pilot may continue to fly in IFR conditions to a point no more than 15 miles from the departure airport. Accordingly, under the present rule if a pilot finds he is still in IFR conditions when 15 miles from the departure airport, he must return to the departure airport and land in IFR conditions. This requires the pilot to reverse his course against the flow of IFR traffic and may disrupt the orderly and safe flow of outgoing and incoming traffic.

The FAA believes it would be a safer procedure in such circumstances to permit the pilot to continue flight in IFR conditions rather than risk disruption of the traffic flow. Accordingly, this proposal would delete the 15 miles limitation presently prescribed in § 135.75(b)(1).

Section 135.75(b)(2) allows the single pilot to make an IFR approach and land at the destination airport in IFR conditions if the approach is made with the use of radar, or if weather conditions allow flight and he flies clear of clouds until reaching the prescribed initial approach altitude over the final approach facility. The proposed amendment would allow IFR approach and landing if weather reports and forecasts indicate that the weather at the destination airport and within 15 miles of it allow flight clear of clouds until over that airport. The FAA believes this amendment would contribute to the efficient handling of traffic by ATC in the terminal area, and that these restrictions may be removed without compromising safety.

Section 135.99(a)(2) authorizes air taxi flights carrying passengers under VFR over-the-top conditions when weather reports and forecasts indicate that the weather at the destination airport allows an IFR approach and landing with flight clear of clouds until reaching the prescribed initial approach altitude over the final approach facility, unless the approach is made with the use of radar as provided in § 91.116(f).

Subparagraph (a)(2) would be amended by deleting "the prescribed initial approach altitude over the final approach facility", and the reference to the alternate approach under radar, and stating instead that over-the-top flight is authorized if the weather reports and forecasts indicate that the weather at the destination airport allows an IFR approach and landing in IFR conditions, with flight clear of clouds until over the destination airport.

This change would remove the language which is inconsistent with the terminology in TERPS, and allow greater flexibility and reliability in limited IFR air taxi operations.

Subject to certain conditions, subparagraphs (i) and (iv) of § 135.145(b)(2) authorize IFR takeoff and IFR en route flight to a point no more than 15 miles from the departure airport, and an IFR approach and landing at the destination airport in IFR conditions. These authorizations are valid if weather reports and forecasts indicate that weather along the planned route allows flight under VFR under a ceiling (if a ceiling exists) and is forecast to remain so at every point ahead on the route until at least 1 hour after the estimated time of arrival at the point.

Section 135.145(b)(2) would be amended to remove the restrictions on IFR takeoff and IFR landing, and otherwise be amended for consistency with § 135.75.

To summarize, these proposals would continue to allow IFR takeoffs and approaches through local IFR weather conditions without compliance with the two-pilot requirement or multiengine performance requirements when the probability is high that the flight will otherwise be conducted under VFR conditions. The proposed amendment would permit the continuation of limited IFR flights rather than require a return to the point of departure, or diversion to an alternate when the flight has reached a point at which the pilot cannot proceed in accordance with the regulations because existing conditions at that point are not consistent with weather reports and forecasts available at departure. Removal of the special restrictions on destination conditions will mean that flight planning can be more certain and air traffic control can be more efficient, because the flight need not be interrupted by weather conditions which may vary after commencement of the flight.

In consideration of the foregoing, it is proposed to amend Part 135 of the Federal Aviation Regulations as follows:

1. By amending § 135.75 to read as follows:

§ 135.75 Exception to second in command requirement: unforecast and limited IFR conditions.

Unless two pilots are required by this chapter for operations under VFR, the pilot in command of an airplane carrying passengers may operate an airplane without a second in command in IFR conditions encountered during en route operations if those IFR weather conditions were not forecast or reported at the time of takeoff; and that pilot may operate in IFR conditions during departures and approaches, if—

(a) Weather reports and forecasts at the time of takeoff indicate that—

(1) IFR weather conditions (if any) at the departure airport are local and do not extend more than 15 miles from the departure airport;

(2) Weather en route allows flight under VFR conditions under the ceiling (if any) to a point within 15 miles of the destination airport; and

(3) Weather at the destination airport and within 15 miles of it allows flight clear of clouds until over that airport; or

(b) Weather reports and forecasts at the time of takeoff indicate that—

(1) IFR weather conditions (if any) at the departure airport allow VFR over-the-top flight from a point within 15 miles of the departure airport;

(2) Weather en route allows VFR over-the-top flight at the planned flight altitude until over the destination airport, or weather en route allows a return to VFR from any point en route at least 15 miles from the destination; and

(3) Weather at the destination airport and within 15 miles of it allows flight clear of clouds until over that airport.

2. By amending the introductory statement in § 135.99 to read as follows and § 135.99(a)(2) to read as follows:

§ 135.99 VFR over-the-top carrying passengers: operating limitations.

No person may operate an aircraft carrying passengers VFR over-the-top when the pilot in command is subject to the VFR over-the-top limitations of § 135.123, unless:

(a) * * *

* * * * *

(2) Allows an IFR approach and landing with flight clear of clouds until over the destination airport.

* * * * *

3. By amending § 135.145(b)(2) to read as follows:

§ 135.145 Performance requirements: aircraft operated over-the-top or in IFR conditions.

* * * * *

(b) * * *

(2) A person may operate an airplane in VFR conditions over-the-top, and in IFR conditions encountered during en route operations if those IFR weather conditions were not forecast or reported at the time of takeoff, and a person may operate an airplane in IFR conditions during departures and approaches, if weather reports and forecasts at the time of takeoff indicate that—

(i) IFR weather conditions (if any) at the departure airport are local and do not extend more than 15 miles from the departure airport;

(ii) Weather en route allows flight under VFR conditions under the ceiling (if any) to a point within 15 miles of the destination airport; and

(iii) Weather at the destination airport and within 15 miles of it allows flight clear of clouds until over that airport.

(Secs. 307(c), 313(a), 601(a), and 604(a) Federal Aviation Act of 1958, 49 U.S.C. 1348(c), 1354(a), 1421(a), and 1424(a); sec. 6(c) Department of Transportation Act 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 18, 1973.

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

[FR Doc.73-1775 Filed 1-30-73;8:45 am]

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INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1048]

[Ex Parte No. MC-37 (Sub-No. 23)]

CLEVELAND, OHIO

Redefining Limits of Commercial Zone

JANUARY 26, 1973.

Petitioners: City of Mentor, Ohio, and the Mentor, Ohio, Chamber of Commerce.

Petitioner's representatives: Bruce E. Mitchell, 1600 First Federal Building, Atlanta, Ga. 30303.

By joint petition filed January 8, 1973, the above-named petitioners request that the Commission institute a rule making proceeding for the purpose of redefining the limits of the Cleveland, Ohio, commercial zone, which were most recently defined on March 23, 1948, in *Commercial Zones and Terminal Areas*, 48 M.C.C. 95, 97 (49 CFR 1048.22), as modified by order of September 6, 1972. Petitioners seek amendment of 49 CFR 1048.22 so as to include that portion of Lake County, Ohio, described as follows: "From the intersection of Ohio State Highway 2 and western boundary of Mentor, Ohio, over State Highway 2 to the eastern city line of Mentor, Ohio, thence southward on the eastern city line of Mentor, Ohio, to the junction Interstate Highway 90; thence over Interstate Highway 90 to the southwestern city line of Mentor, Ohio;

Thence northward over the city line of Mentor, Ohio, to junction State Highway 2. For reason of ease of interpretation the Commission may see fit, based on evidence deduced in the proceeding, to consider inclusion of all of the city of Mentor, Ohio, within the involved commercial zone. No oral hearing is contemplated at this time, but anyone wishing to make representations in favor, or against, the relief sought in the petition may do so by the submission of written data, views or arguments. An original and fifteen copies of each data, views, or arguments shall be filed with the Commission on or before March 16, 1973. A copy of each representation should be served upon petitioner's representative. Written material or suggestions submitted will be available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours. Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-1866 Filed 1-30-73;8:55 am]

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Notices

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

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 73-36]

PRECLEARANCE OPERATIONS

Reimbursable Excess Costs

JANUARY 24, 1973.

Notice is hereby given that pursuant to § 24.18(d), Customs regulations (19 CFR 24.18(d)), the bi-weekly reimbursable excess costs for each preclearance installation are determined to be as set forth below and will be effective with the period beginning February 4, 1973.

Installation	*Bi-weekly excess cost*
Montreal, Canada	$3,270
Toronto, Canada	7,717
Kindley Field, Bermuda	1,570
Nassau, Bahama Islands	3,504
Vancouver, Canada	1,073
Winnipeg, Canada	459

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.73-1892 Filed 1-30-73;8:45 am]

VITAMIN B-12

Approval of Tariff Classification

In a letter of August 16, 1971, H. Reisman Corp., an American wholesaler of vitamin B-12, through its attorneys, protested the Bureau ruling, abstracted as Treasury Decision 66-88(52), which classified vitamin B-12 made without the use of benzenoid precursors under the provision for synthetic vitamins in Item 437.82, Tariff Schedules of the United States (TSUS).

The complainant was informed that its complaint was considered, but on the basis of the evidence of record, the Bureau was satisfied that vitamin B-12 produced in the manner described was correctly classifiable in Item 437.82, TSUS.

In accordance with the provisions of section 516(c), Tariff Act of 1930, as amended, notice is hereby given that the named domestic wholesaler has given the notice contemplated by statute that he desires to contest the classification of vitamin B-12 made without the use of benzenoid sources. However, under section 516(d), Tariff Act of 1930, as amended, the practice of classifying vitamin B-12 made without the use of benzenoid precursors under Item 437.82, TSUS, will be continued so long as no decision of the U.S. Customs Court or the U.S. Court of Customs and Patent Appeals not in harmony with this decision is published.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: January 22, 1973.

Edward L. Morgan,
Assistant Secretary of the Treasury.

[FR Doc.73-1893 Filed 1-30-73;8:45 am]

Office of the Secretary

ELECTRONIC CERAMIC PACKAGES AND PARTS THEREOF FROM JAPAN

Tentative Discontinuance of Antidumping Investigation

Information was received on May 16, 1972, that electronic ceramic packages and parts thereof from Japan were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping proceeding notice" which was published in the FEDERAL REGISTER of June 20, 1972, on page 12164.

I hereby announce a tentative discontinuance of the antidumping investigation on electronic ceramic packages and parts thereof from Japan.

Statement of reasons on which this notice of tentative discontinuance of antidumping investigation is based: The investigation revealed that the proper basis of comparison for fair value purposes is between exporter's sales price and the adjusted home market price of such or similar merchandise.

Exporter's sales price was calculated by deducting from the f.o.b. Japan or f.o.b. San Francisco price, as appropriate, an amount equal to the expenses incurred by or for the account of the exporter in the United States in selling identical or substantially identical merchandise. Further deductions were made, where applicable, for air freight, insurance, U.S. Customs duty, Customs brokerage, handling, and selling commissions.

Adjusted home market price for such or similar merchandise was based upon the delivered to customer's plant price at which a preponderance of the merchandise was sold. For one particular size package for which there was no clear preponderance of merchandise sold at the same price, the adjusted home market price was based on the weighted average of delivered to customer's plant prices. From the preponderant or weighted-average prices, deductions were made for inland freight charges. Adjustments were made, as applicable, for selling expenses, differences in credit costs, differences in quantities, and differences in the merchandise.

Comparison between exporter's sales price and adjusted home market price revealed some instances where exporter's sales price was lower than the adjusted home market price of such or similar merchandise. However, these were determined to be minimal in terms of the volume of export sales involved.

In addition, formal assurances were received from the sole manufacturer investigated that it would make no future sales of electronic ceramic packages and parts thereof at less than fair value within the meaning of the Act. That manufacturer is believed to have accounted for all of the electronic ceramic packages and parts thereof imported from Japan during the period of the investigation.

The facts recited above constitute evidence warranting the discontinuance of the investigation.

Interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20229, in time to be received by his office not later than February 12, 1973. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than March 2, 1973.

Unless persuasive evidence or argument to the contrary is presented pursuant to the preceding paragraphs, a final notice will be published discontinuing the investigation.

This notice of tentative discontinuance of the antidumping investigation is published pursuant to § 153.15(b) of the Customs regulations (19 CFR 153.15(b)).

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

JANUARY 24, 1973.

[FR Doc.73-1968 Filed 1-30-73;8:45 am]

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. A 1102]

ARIZONA

Partial Termination of Classification of Public Lands for Multiple Use Management

JANUARY 23, 1973.

Arizona State Office, 3022 Federal Building, Phoenix, Ariz. 85025.

By notice published at 32 FR 14716, Tuesday, October 24, 1967, the public lands described below were classified, along with other lands, for multiple-use management. Publication of this notice had the effect of segregating the lands from appropriation under the agricultural land laws (43 U.S.C., parts 7 and 9 and 25 U.S.C. 334); from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171); and State Exchange (43 U.S.C. 315g(c)).

Pursuant to the authority delegated by BLM Order No. 701 dated July 23, 1964 (29 FR 10526), as amended, the notice of classification A 1102 and its segregative effect is hereby terminated as to the lands listed below.

ARIZONA

GILA AND SALT RIVER MERIDIAN

T. 12 S., R. 5 W.,
Sec. 7, lots 1 to 4, inclusive, E½W½, W½E½;
Sec. 30, lot 4.
T. 12 S., R. 6 W.,
Sec. 12, NE¼, E½SE¼.

The area described aggregates 755.05 acres.

The above lands are opened only to disposal by State Exchange as authorized by section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272) as amended (43 U.S.C. sec. 315g) in furtherance of a Federal land program.

JOE T. FALLINI,
State Director.

[FR Doc.73-1878 Filed 1-30-73;8:45 am]

Geological Survey

[Power Site Cancellation 301]

APPLEGATE RIVER BASIN, OREG.

Power Site Cancellation

Correction

In FR Doc. 72-21475 appearing on page 26621 of the issue for Thursday, December 14, 1972, in the description of Sec. 11 of the Willamette Meridian, the second set of coordinates in the second line, now reading "SE¼NW¼", should read "NW¼SE¼NW¼".

DEPARTMENT OF AGRICULTURE

Office of the Secretary

SAWTOOTH NATIONAL RECREATION AREA

Area Description

Pursuant to sec. 1(b) of the Sawtooth National Recreation Area Act, Public Law 92-400 (86 Stat. 612), a detailed description of the Sawtooth National Recreation Area, Idaho, and a map showing the boundaries of the area are hereby published.

SAWTOOTH NATIONAL RECREATION AREA

Area Description

IDAHO

Boise Meridian

T. 5 N., R. 12 E. (Unsurveyed—Protraction Diagram No. 96),
Secs. 3, 4, 5, 8, 9, 10, 16, 17, those parts in Leggit Creek drainage.

T. 5 N., R. 14 E. (Unsurveyed—Protraction Diagram No. 96),
Secs. 1, 2, 3, and 4 inclusive, those parts north of the divide between Salmon River and Big Smokey Creek, except that part of Sec. 4 west of the head of Frenchman Creek in NE¼NE¼.

T. 5 N., R. 15 E. (Unsurveyed—Protraction Diagram No. 95),
Sec. 1, that part north of a diagonal line extending from a prominent point approximately 1,800 feet southwest of Titus Lake in Sec. 18, T. 6 N., R. 15 E., to the confluence of Buccal Gulch and Baker Creek in Sec. 9, T. 5 N., R. 16 E.

T. 5 N., R. 16 E. (Unsurveyed—Protraction Diagram No. 95),
Secs. 1 to 5 inclusive;
Secs. 6 to 14 inclusive, except those parts south of a diagonal line extending from a prominent point approximately 1,800 feet southwest of Titus Lake in Sec. 18, T. 6 N., R. 15 E., to the confluence of Buccal Gulch and Baker Creek in Sec. 9, T. 5 N., R. 16 E.; thence east to the toe of the slope east of Baker Creek; thence generally along said toe of the slope in an easterly direction to the toe of the slope south of Big Wood River; thence easterly generally along the toe of the slope south of Big Wood River to the east township line of T. 5 N., R. 16 E.

T. 5 N., R. 17 E. (Unsurveyed—Protraction Diagram No. 94,
Secs. 3 to 10 inclusive, except those parts south and east of a line beginning at a point where the west township line of T. 5 N., R. 17 E., crosses the toe of the slope south of Big Wood River; thence generally along said toe of the slope to Corner No. 2 of tract 37; thence northeasterly along the north property line to Corner No. 3 of HES 124; thence northerly approximately ¼ mile to the toe of the slope east of the North Fork Big Wood River; thence northerly generally along said toe of the slope to the north township line of T. 5 N., R. 17 E.

T. 6 N., R. 11 E.,
Secs. 1 to 6 and 8 to 27 inclusive, except those parts of Secs. 5, 6, 8, 17 to 23, 26 and 27 inclusive, lying south and west of a line beginning at the point where the divide between Browns Creek and Little Queens River intersects the north line of said township; thence southerly along said divide approximately ¾ mile to a point in SE¼SE¼, Sec. 6; thence easterly down a ridge to a point on the old Little Queens River Trail, said point being approximately ¼ mile south of Scott Creek; thence southerly down said trail to the junction with the old main Queens River Trail in Sec. 20; thence easterly along the old trail along a south branch of Queens River to the east section line of Sec. 21; thence southeasterly across said south branch and up the ridge southwest of the south branch of Queens River to the old trial on the divide between said River and the Middle Fork Boise River at the head of Joe Daley Creek; thence southerly along said trail down Joe Daley Creek to its intersection with south line of Sec. 26; thence east along the section lines to the SE corner of Sec. 25, T. 6 N., R. 11 E.

T. 6 N., R. 12 E. (Unsurveyed—Protraction Diagram No. 96),
Secs. 1 to 23, 26 to 30, and 32 to 34 inclusive, except those parts of Secs. 29 to 32 southwest and those parts of Secs. 1, 11, 12, 14, 23, 26, 27, 33, and 34 southeast of a line beginning at the SE corner of Sec. 25, T. 6 N., R. 11 E.; thence east approximately 1½ miles to the divide between Grays Creek and Leggit Creek; thence southerly along said divide to the south township line of T. 6 N., R. 12 E.; thence east along said line to its intersection with the divide between Middle Fork Boise River and South Fork Boise and Salmon Rivers; thence northeasterly along said divide to its intersection with the divide north of Alturas Lake Creek in Sec. 1; thence northeasterly along the Alturas Lake Creek divide to the east township line of T. 6 N., R. 12 E.

T. 6 N., R. 13 E. (Unsurveyed—Protraction Diagram No. 96),
Secs. 1, 12, 13, and 24, those parts east of a line beginning at the SE corner of Sec. 31, T. 7 N., R. 14 E.; thence south to the south line of Sec. 24; thence east along said south line to the east township line of T. 6 N., R. 13 E.; Sec. 6, that part northwest of the divide north of Alturas Lake Creek.

T. 6 N., R. 14 E. (Unsurveyed—Protraction Diagram No. 96),
Secs. 1 to 28 and 33 to 36 inclusive, except those parts of 13, 14, 23, 26, 35, and 36 southeasterly and those parts of Secs. 28 and 33 inclusive west of a line beginning at the SW corner of Sec. 19; thence east along the section lines to the intersection with the road west of Frenchman Creek; thence southerly along said road approximately 1¼ miles to the forks of Frenchman Creek in Sec. 33; thence southerly up the east fork of said creek to the south township line of T. 6 N., R. 14 E.; thence east along said township line to its intersection with the divide between Salmon River and South Fork Boise River; thence northeasterly along said divide approximately ¼ mile to the trail at the head of the Salmon River; thence northerly approximately 1 mile from said point down the Salmon River to the toe of the slope on the east side of said Salmon River; thence northerly along said toe of the slope to a point in the SE¼ of Sec. 11, said point being west of a ridge located north of an unnamed stream west of Titus Lake; thence southeasterly up said ridge to east line of T. 6 N., R. 14 E.

T. 6 N., R. 15 E. (Unsurveyed—Protraction Diagram No. 95),
Secs. 1 to 28 and 34 to 36 inclusive, except those parts of Secs. 18 to 21, 27, 28, and 34 to 36 inclusive, southwest of a line beginning at the intersection of the ridge west of Titus Lake with the west township line of T. 6 N., R. 15 E., in Sec. 18; thence easterly up said ridge to the saddle west of Titus Lake; thence southwesterly along the ridge to a prominent point southwest of Titus Lake (elevation 9,971); thence southeasterly on a direct line ending at the confluence of Buccal Gulch and Baker Creek in Sec. 9, T. 5 N., R. 16 E.

T. 6 N., R. 16 E. (Unsurveyed—Protraction Diagram No. 95),
Secs. 1 to 36 inclusive.

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T. 6 N., R. 17 E. (Unsurveyed—Protraction Diagram No. 94),
Secs. 1 to 23 and 27 to 34 inclusive, except those parts of Secs. 1, 2, 12 to 14, 22, 23, 27, and 34 inclusive, generally east of a line beginning on the south township line in Sec. 34 at the point of intersection with the toe of the slope east of North Fork Wood River; thence in a northerly direction along said toe of the slope to the East Fork of the North Fork Wood River approximately in the center of Sec. 22; thence northeasterly up said East Fork of the North Fork Wood River to the east township line of T. 6 N., R. 16 E.; thence north along said township line to its intersection with the divide between Big Wood River and Big Lost River; thence northwesterly along said divide to its intersection with the north township line of T. 6 N., R. 17 E.
T. 6 N., R. 18 E. (Unsurveyed—Protraction Diagram No. 94),
Secs. 6 and 7, those parts west of a line beginning at the point of intersection of the East Fork of the North Fork Wood River and the west township line of T. 6 N., R. 18 E.; thence east up said East Fork to the divide between said East Fork of the North Fork Wood River and Trail Creek; thence northwesterly along said divide to its intersection with the divide between North Fork Wood River and Big Lost River; thence northwesterly along said divide to its intersection with the west township line of T. 6 N., R. 18 E.
T. 7 N., R. 10 E.,
Secs. 1, 2, 11, and 12, those parts north and east of the old Queens River Trail beginning in the NE¼NE¼, Sec. 2; thence southerly along said trail down Johnson Creek to a point in SE¼NE¼, Sec. 11; thence easterly from said point following the trail along a ridge north of Grouse Creek to the east of township line of T. 7 N., R. 10 E., in Sec. 12.
T. 7 N., R. 11 E. (Unsurveyed—Protraction Diagram No. 87),
Sec. 1 to 5 inclusive;
Sec. 8, that part north and east of old Queens River Trail;
Secs. 9 to 15 inclusive;
Secs. 16 and 17, those parts east of the old Queens River Trail;
Sec. 20, that part east of a line beginning at the intersection of the old Queens River Trail and the north section line; thence southerly along said trail to its intersection with the divide between Black Warrior Creek and Queens River; thence southerly down said divide to the south section line of Sec. 20;
Secs. 21 to 28 inclusive;
Secs. 29 and 32, those parts east of the divide between Black Warrior Creek and Queens River;
Secs. 33 to 36 inclusive.
T. 7 N., R. 12 E. (Unsurveyed—Protraction Diagram No. 87),
Secs. 1 to 36 inclusive.
T. 7 N., R. 13 E. (Unsurveyed—Protraction Diagram No. 87),
Secs. 1 to 36 inclusive.
T. 7 N., R. 14 E.,
Secs. 1 to 36 inclusive.
T. 7 N., R. 15 E. (Unsurveyed—Protraction Diagram No. 95A),
Secs. 1 to 36 inclusive.
T. 7 N., R. 16 E. (Unsurveyed—Protraction Diagram No. 95A),
Secs. 1 to 36 inclusive.
T. 7 N., R. 17 E. (Unsurveyed—Protraction Diagram No. 85),
Sec. 1, that part west of the divide between West Pass Creek and East Pass Creek;
Secs. 2 to 11 inclusive;
Secs. 12 and 13, those parts west of the divide between West Pass Creek and East Pass Creek-Big Lost River drainages;
Secs. 14 to 22 inclusive;
Secs. 23 to 26 inclusive; those parts west of the divide between West Pass Creek and Big Lost River;
Secs. 27 to 35 inclusive;
Sec. 36, that part west of the divide between West Pass Creek-North Fork Wood River and Big Lost River.
T. 8 N., R. 10 E.,
Secs. 1, 2, 3, and 10, those parts east of the divide between North Fork Boise River and Tenmile Creek;
Secs. 11 to 13 inclusive;
Secs. 14, 15, 22, and 23, those parts east of the divide between North Fork Boise River and Cow Creek;
Secs. 24 to 26 inclusive;
Secs. 27, 34, and 35, those parts east of a line beginning at the intersection of the divide between North Fork Boise River and Cow Creek with the north line Sec. 27; thence southerly along said divide to the old Queens River Trail at the mouth of Bayhorse Creek; thence following said trail up Bayhorse Creek to the south line of Sec. 35;
Sec. 36, all.
T. 8 N., R. 11 E. (unsurveyed—Protraction Diagram No. 87),
Secs. 1 to 5, 8 to 17, 20 to 29, and 32 to 36 inclusive.
T. 8 N., R. 12 E. (unsurveyed—Protraction Diagram No. 87),
Secs. 1 to 36 inclusive.
T. 8 N., R. 13 E. (unsurveyed—Protraction Diagram No. 87),
Secs. 1 to 36 inclusive.
T. 8 N., R. 14 E.,
Secs. 1 to 36 inclusive.
T. 8 N., R. 15 E. (unsurveyed—Protraction Diagram No. 86),
Secs. 1 to 36 inclusive.
T. 8 N., R. 16 E. (unsurveyed—Protraction Diagram No. 86),
Sec. 1, that part northwest of the divide between Wickiup Creek and Germania Creek;
Secs. 2 to 10 inclusive;
Secs. 11, 12, and 14 inclusive, those parts north and west of a line following the divide between Wickiup Creek and Germania Creek to a prominent point (elevation 9,912) on said divide approximately on south line of Sec. 11; thence southeasterly down the ridge between Chamberlain Creek and Germania Creek to the south line of Sec. 14;
Secs. 15 to 22 inclusive;
Secs. 23 to 36 inclusive, except those parts of Secs. 23 to 27 and 34 to 36 inclusive generally northeasterly of a line beginning at the intersection of the ridge between Chamberlain Creek and Germania Creek and the north line of Sec. 23; thence in a southeasterly direction along said ridge to the confluence of Chamberlain Creek and Germania Creek; thence southwesterly parallel to and 500 feet south of Germania Creek approximately 1½ miles to the crest of a ridge in Sec. 27; thence southeasterly up said ridge to a prominent point on the divide between Germania Creek and East Fork Salmon River in Sec. 35; thence northeasterly along said divide to a prominent point near the east line of Sec. 25; thence southeasterly along a ridge between two unnamed streams to a point on the east township line in Sec. 25, approximately 2,000 feet north of the southwest corner of Sec. 30, T. 8 N., R. 17 E.
T. 8 N., R. 17 E.,
Sec. 6, that part northwest of the divide between Wickiup Creek and East Fork Salmon River;
Secs. 26, 27, 28, 30, and 31 to 36 inclusive, those parts south of a line beginning at the intersection of the ridge on the west township line approximately 2,000 feet north of the southwest corner of Sec. 30; thence southeasterly down said ridge to a prominent point (elevation 7,015) in the NW¼NE¼, Sec. 31; thence southeast to Corner No. 10 of HES 597; thence northeasterly along the boundary of said homestead to its intersection with West Pass Creek; thence northeasterly and southeasterly along the divide north and east of West Pass Creek to its intersection with the south line of the SW¼SW¼, Sec. 36.
T. 9 N., R. 10 E.,
Secs. 23 to 26, 35, and 36 inclusive, those parts within the North Fork Boise River drainage.
T. 9 N., R. 11 E. (unsurveyed—Protraction Diagram No. 82),
Secs. 1 to 3, 10 to 16, 20 to 29, and 32 to 36 inclusive, except those parts of Secs. 3, 10, 15, 16, 20, 21, and 22 in Wapiti Creek drainage.
T. 9 N., R. 12 E. (unsurveyed—Protraction Diagram No. 82),
Secs. 1 to 36 inclusive.
T. 9 N., R. 13 E. (unsurveyed—Protraction Diagram No. 82),
Secs. 1 to 36 inclusive.
T. 9 N., R. 14 E.,
Secs. 1 to 36 inclusive.
T. 9 N., R. 15 E. (unsurveyed—Protraction Diagram No. 86),
Secs. 1 to 36 inclusive.
T. 9 N., R. 16 E. (unsurveyed—Protraction Diagram No. 86),
Secs. 1 to 36 inclusive.
T. 9 N., R. 17 E.,
Secs. 3 to 9 inclusive;
Secs. 17 to 20 inclusive;
Secs. 29 to 32 inclusive, except those parts of Secs. 31 and 32 south of the divide between Wickiup Creek and Germania Creek.
T. 10 N., R. 11 E. (unsurveyed—Protraction Diagram No. 82),
Secs. 1 to 3, 10 to 15, 23 to 28, and 33 to 36 inclusive, except those parts of Secs. 3, 10, 14, 15, 23, 26, 27, 28, 33, and 34 west of a line beginning at the intersection of the divide between Canyon Creek and Elk Creek with the north township line in Sec. 3; thence southerly along said divide to a prominent point in Sec. 23; thence southerly along the ridge between Bear Creek and Silver Creek to a prominent point in Sec. 26; thence southwesterly along the ridge between Bear Creek and Grandjean Creek to a point on the South Fork Payette River in Sec. 33, said point being approximately ½ mile east of the access road across said river to the Wapiti Creek Summer Homes area; thence in a southeasterly direction up the ridge between Wapiti Creek and South Fork Payette River to its intersection with the south township line, T. 10 N., R. 11 E., in Sec. 34.
T. 10 N., R. 12 E. (unsurveyed—Protraction Diagram No. 82),
Secs. 1 to 36 inclusive.
T. 10 N., R. 13 E.,
Secs. 1 to 36 inclusive.
T. 10 N., R. 14 E. (unsurveyed—Protraction Diagram No. 81),
Secs. 1 to 36 inclusive.
T. 10 N., R. 15 E. (unsurveyed—Protraction Diagram No. 81),
Secs. 1 to 36 inclusive.
T. 10 N., R. 16 E. (unsurveyed—Protraction Diagram No. 81),
Secs. 1 to 36 inclusive.
T. 10 N., R. 17 E.,
Secs. 1 to 11 inclusive;
Sec. 12, that part northwest of a diagonal line extending from the northeast corner to the southwest corner of said section;
Sec. 14, W½;
Secs. 15 to 22 inclusive;
Sec. 23, W½;
Secs. 26 to 34 inclusive;
Sec. 35, W½.

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T. 11 N., R. 11 E. (unsurveyed—Protraction Diagram No. 83),
Secs. 1, 2, 3, 9, and 10, those parts in Trap Creek drainage;
Secs. 11 to 14 inclusive;
Secs. 15 and 22, those parts in Valley Creek drainage;
Secs. 23 to 26 inclusive;
Secs. 27, 34, and 35, those parts in Valley Creek drainage;
Sec. 36, all.
T. 11 N., R. 12 E.,
Secs. 1 to 36 inclusive.
T. 11 N., R. 13 E.,
Secs. 3 to 6 inclusive, those parts southwest of the divide between Valley Creek and Basin Creek;
Sec. 7, all;
Secs. 8, 9, 10, and 15, those parts southwest of the divide between Valley Creek and Basin Creek;
Secs. 16 to 21 inclusive;
Sec. 22, those parts within Stanley Creek drainage;
Sec. 25, that part south of a line approximately ¼ mile north of and parallel to the Salmon River;
Secs. 27 to 36 inclusive, except those parts of Secs. 27, 28, and 34 in Joes Gulch drainage.
T. 11 N., R. 14 E.,
Secs. 19 to 24 inclusive, those parts south of a line ¼ mile north of and parallel to the Salmon River;
Secs. 25 to 29 inclusive;
Sec. 30, that part south of a line ¼ mile north of and parallel to the Salmon River;
Secs. 31 to 36 inclusive.
T. 11 N., R. 15 E. (unsurveyed—Protraction Diagram No. 81),
Secs. 19 to 22 and 25 to 27, those parts south of a line ¼ mile north of and parallel to the Salmon River, including HES 136;
Secs. 28 to 36 inclusive.
T. 11 N., R. 16 E.,
Secs. 25 to 30 inclusive, those parts south of a line ¼ mile north of and parallel to the Salmon River, including lot 5;
Sec. 25, and HES 322 and HES 583;
Secs. 31 to 36 inclusive.
T. 12 N., R. 11 E.,
Sec. 36, that part in Valley Creek drainage.
T. 12 N., R. 12 E. (unsurveyed—Protraction Diagram No. 77),
Secs. 25 to 29 and 31 to 36 inclusive, those parts south of a line beginning at the intersection of the divide between East Fork Valley Creek and Thompson Creek with the east line of Sec. 36; thence in a westerly direction along said divide to the intersection of Forest Service Roads in NW¼NW¼, Sec. 27; thence southwesterly along the divide between Marah Creek and Valley Creek to the west section line of Sec. 31.
T. 12 N., R. 13 E. (unsurveyed—Protraction Diagram No. 76),
Sec. 31, that part in Thompson Creek drainage.

Dated: January 23, 1973.

T. K. COWDEN,
Assistant Secretary.

[FR Doc.73-1685 Filed 1-30-73;8:45 am]

Soil Conservation Service

WATERSHED PLANNING

Notice of Authorization

This provides a notice of the authorization dated January 26, 1973, to concerned State conservationists of the Soil Conservation Service for providing planning assistance to specified local organizations on the indicated watersheds. The State conservationist now may proceed with the investigations and surveys, as may be necessary, to develop watershed work plans under authority of the Watershed Protection and Flood Prevention Act (Public Law 83-566).

Environmental statements will be prepared, pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, concurrently with the preparation of the proposed watershed work plans. Environmental statements will be made available to the general public, filed with the Council on Environmental Quality, and the notice of availability published in the FEDERAL REGISTER.

Persons interested in any of these projects may contact the local organizations or the concerned State conservationist as indicated below:

Hawaii: Honokaa Watershed; 12,600 acres; Hawaii County; Sponsors—Mauna Kea Soil and Water Conservation District, and the County of Hawaii; Mr. Fred A. Haughton, Jr., State Conservationist, Soil Conservation Service, 440 Alexander Young Building, Honolulu, Hawaii 96813.
Michigan: Rogue River Watershed; 155,760 acres; Newaygo and Kent Counties; Sponsors—Newaygo County Soil Conservation District, West Kent Soil Conservation District, Newaygo County Drain Commissioner, and Kent County Drain Commissioner; Mr. Arthur H. Cratty, State Conservationist, Soil Conservation Service, 1405 South Harrison Road, East Lansing, MI 48823.
Montana: Whitefish Lake Watershed; 104,200 acres; Flathead County; Sponsors—City of Whitefish, Flathead County Commissioners, and Flathead Conservation District; Mr. A. B. Linford, State Conservationist, Soil Conservation Service, Federal Building, Post Office Box 970, Bozeman, MT 59715.
Nebraska: Maple Creek Watershed; 250,000 acres; Colfax, Cuming, Dodge, Platte, and Stanton Counties; Sponsor—Lower Elkhorn Natural Resources District; Mr. Keith F. Myers, State Conservationist, Soil Conservation Service, 134 South 12th Street, Room 604, Lincoln, NE 68508.
Texas: Upper San Marcos River Watershed; 70,030 acres; Comal and Hays Counties; Sponsors—Comal, Hays, Guadalupe Soil and Water Conservation District, City of San Marcos, Hays County Commissioners Court, Upper San Marcos Reclamation and Flood Control District; Mr. Edward E. Thomas, State Conservationist, Soil Conservation Service, 16-20 South Main Street, Post Office Box 648, Temple, TX 76501.

KENNETH E. GRANT,
Administrator,
Soil Conservation Service.

JANUARY 26, 1973.

[FR Doc.73-1896 Filed 1-30-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-329]

BLACKSHIPS, INC.

Application for Operating-Differential Subsidy

Notice is hereby given that application has been filed under the Merchant Marine Act of 1936, as amended, for operating-differential subsidy with respect to bulk cargo carrying service in the U.S. foreign trade, principally between the United States and the Union of Soviet Socialist Republics, to expire on June 30, 1973 (unless extended only for subsidized voyages in progress on that date.) Inasmuch as the below listed applicant, and/or related persons or firms, employ ships in the domestic intercoastal or coastwise service, written permission of the Maritime Administration under section 805(a) of the Merchant Marine Act, 1936, as amended, will be required for each such applicant if its application for operating-differential subsidy is granted.

The following applicant has requested permission involving the domestic intercoastal or coastwise services described below:

Name of applicant. Blackships, Inc.

Description of domestic service and vessels. The applicant, Blackships, Inc., acting by and through Gulf Oil Corp., requests permission to continue operation of the following listed vessels in domestic intercoastal or coastwise service, as well as permission for all other vessels owned and/or operated by Gulf Oil and other related companies to continue operation in domestic intercoastal or coastwise service.

Gulf Deer	Gulf Knight
Gulf Lion	Gulf Crest
Gulf Tiger	Gulf Pride
Gulf King	Gulf Solar
Gulf Queen	Gulf Oil
Gulf Prince	

Written permission is now required by the applicant, Blackships, Inc., notwithstanding that a voyage in the proposed service for which subsidy is sought would not be eligible for subsidy if the vessel carried domestic commerce of the United States on that voyage.

Interested parties may inspect this application in the Office of the Secretary, Maritime Administration, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20235.

Any person, firm or corporation having any interest (within the meaning of section 805(a)) in the application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must, by close of business on February 7, 1973, file same with the Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for 10 a.m., February 9, 1973, in Room 4896, Department of Commerce

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Building, 14th and E Streets NW., Washington, D.C. 20235. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal services, or (b) would be prejudicial to the objects and policy of the Act.

Dated: January 26, 1972.

By order of the Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-1816 Filed 1-30-73;8:45 am]

National Oceanic and Atmospheric Administration

MARINE FISHERIES ADVISORY COMMITTEE

Notice of Public Meeting

Pursuant to section 10(a)(2) of Public Law 92-463, notice is hereby given of the meeting of the Marine Fisheries Advisory Committee on Tuesday, Wednesday, and Thursday, February 6, 7, and 8, 1973. The meeting will commence at 9 a.m. on February 6 and at 8:30 a.m. on February 7 and 8, at the Department of Commerce Building, 14th Street between E and Constitution Avenue NW., Washington, D.C., in Room 6802.

The items for discussion at the meeting will include the following:

FEBRUARY 6, 1973

9 a.m.: Workshop on NACOA Report (1); Workshop will continue through the day.

FEBRUARY 7, 1973

8:30 a.m.: Introductions and Announcements (1).
8:45 a.m.: Discussion, Comments and Recommendations on NACOA Report (2).
9 a.m.: NMFS Marketing Program—Progress Report (3).
10 a.m.: NMFS Sportfisheries Programs (4).
1:30 p.m.: Law of the Sea Progress Report (5).
2 p.m.: Coastal Zone Program (6).
3 p.m.: Marine Mammals Program (7).
4 p.m.: Response to Committee Requests at last meeting (8).
a. State-Federal Fisheries Management Program—Definition of Good Fisheries Management.
b. NOAA Marine Advisory Services—Progress Report.
c. Potential Use of Dogfish Shark.
d. California Fisheries Problems.
e. Cooperative Programs with U.S. Coast Guard—Progress Report.
f. Other items suggested by Committee Members.

FEBRUARY 8, 1973

8:30 a.m.: Great Lakes Fishery Problems (1).
9:30 a.m.: NMFS Financial Assistance Program—Progress Report (2).
11:00 a.m.: Budget consideration affecting NOAA fisheries related activities recommended by MAFAC at past meetings (3).

The meeting will be open to the public on February 6 and 7 and will be open to the public on February 8 from 8:30 a.m. to 11 a.m. The meeting will be closed to the public from 11 a.m. to 1 p.m. on February 8 to discuss agenda item No. 3 which is concerned with matters listed in 5 U.S.C. 552(b) and has been closed to the public as authorized by section 10(d) of Public Law 92-463 by a determination of the Assistant Secretary of Commerce for Administration dated January 24, 1973.

Dated: January 26, 1973.

ROBERT M. WHITE,
Administrator, National Oceanic and Atmospheric Administration.

[FR Doc.73-1822 Filed 1-30-73;8:45 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the GSA Patent Licensing Regulations.

Copies of patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Va. 22151, at the prices cited. Requests for copies of patent applications must include the PAT-APPL number and the title. Inquiries and requests for licensing information should be directed to the address cited on the first page of each copy of the patent application.

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231, at $0.50 each. Inquiries and requests for licensing information should be directed to the "assignee" as indicated on the copy of the patent.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. ATOMIC ENERGY COMMISSION

PATENT-3 634 033
Method for the Production of Single Crystals.
Filed June 10, 1970, Patented June 11, 1972
Not available NTIS

PATENT-3 634 704
Apparatus for the Production of Highly Stripped Ions.
Filed September 2, 1970, Patented January 11, 1972
Not available NTIS

PATENT-3 636 778
Method and Means for Dimensional Inspection of Tubing.
Filed June 5, 1970, Patented June 25, 1972
Not available NTIS

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

PAT APPL 289048
Totally Confined Explosive Welding.
Filed September 14, 1972
PC$3.00/MF$0.95
PAT APPL 289017
Grinding Arrangement for Ball Nose Milling Cutters.
Filed September 14, 1972
PC$3.00/MF$0.95
PAT APPL 287150
Flow Control Valve.
Filed September 7, 1972
PC$3.00/MF$0.95
PAT APPL 293726
Improved Diffusion Welding.
Filed September 29, 1972
PC$3.00/MF$0.95
PAT APPL 290021
Bonded Joint and Method.
Filed September 18, 1972
PC$3.00/MF$0.95
PAT APPL 297128
Differential Phase Shift Keyed Communication System.
Filed October 12, 1972
PC$3.50/MF$0.95

[FR Doc.73-1807 Filed 1-30-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[FAP 3B2866]

BORDEN CHEMICAL, DIVISION BORDEN, INC.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 3B2866) has been filed by Borden Chemical, Division Borden, Inc., Post Office Box 9524, Philadelphia, PA 19124, proposing that § 121.2520 *Adhesives* (21 CFR 121.2520) be amended in paragraph (c) to provide for the safe use of bis-(sodium 2-sulfoethyl) maleate as a stabilizing monomer in copolymers used in food-packaging adhesives.

Dated: January 22, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-1778 Filed 1-30-73;8:45 am]

[DESI 3205]

CALCIUM PANTOTHENATE, ORAL

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has considered a report from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group on Panthilon Tablets containing 10 mg. calcium pantothenate per tablet; Eli Lilly & Co., Post Office Box 618, Indianapolis, Ind. 46206 (NDA 3-205).

As presently constituted this article provides a level of pantothenic acid which is regarded as a dietary supplement. Therefore, the article is considered by the Food and Drug Administration

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to be a food and should be labeled as required for such products.

Though not provided for in the new drug application that had been submitted and approved for this product, physician-directed labeling containing therapeutic indications for the article was available in 1966 when the product was submitted by the NDA holder for Academy review. The conclusions of the Food and Drug Administration, taking into consideration the Academy's report as well as other available evidence, is that calcium pantothenate lacks substantial evidence of effectiveness when offered as a drug for treatment of burning foot syndrome due to pantothenic acid deficiency and for implied claims related to conditions characterized by weakness, fatigue, dizziness, psychoses, mood changes, unsteady gait, torpor, or stressful situations. Any such article which purports or is recommended to be useful in these conditions is subject to regulatory proceedings.

All identical, related, or similar products offered or intended for drug use and not the subject of an approved new drug application, are subject to this notice. See 21 CFR 130.40 (37 FR 23185, Oct. 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, MD 20852.

A copy of the Academy's report has been furnished to the firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 3205, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852:

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-66), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and the Administrative Procedure Act (5 U.S.C. 554), and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: January 23, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-1776 Filed 1-30-73;8:45 am]

[FAP 3B2867]

CIBA-GEIGY CORP.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 3B2867) has been filed by Ciba-Geigy Corp., Ardsley, NY 10502, proposing that § 121.2520 *Adhesives* (21 CFR 121.2520) be amended to provide for the safe use of thiodiethylene-bis(3,5, di-*tert*-butyl-4-hydroxyhydrocinnamate) as an antioxidant and/or stabilizer for thermoplastic and thermo-setting polymers used as adhesives for food-packaging materials.

Dated: January 23, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-1777 Filed 1-30-73;8:45 am]

COLOR ADDITIVES

Metallic Salts and Vegetable Substances in Hair Dye

This notice clarifies the status of metallic salts and vegetable substances when used as color components in hair dye.

Cosmetic product components consisting of metallic salts or vegetable substances capable of imparting color are "color additives" within the meaning of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 321(t). Except for investigational use by experts, 21 U.S.C. 376(a)(2), (f), 21 CFR 8.33, in the absence of an applicable permanent or provisional color additive listing promulgated by the Food and Drug Administration, such metallic salts or vegetable substances, when used as components of a cosmetic, are deemed "unsafe" for the purposes of 21 U.S.C. 361(e). 21 U.S.C. 376(a), section 203, title II, Public Law 86-618 (July 12, 1960).

21 U.S.C. 361(e) provides that a cosmetic shall be deemed to be adulterated "[i]f it is not a hair dye and it is, or it bears or contains, a color additive which is unsafe within the meaning of" 21 U.S.C. 376(a). The United States Court of Appeals for the Second Circuit has ruled that despite use of the introductory words "if it is not a hair dye," Congress did not mean to exempt non-coal-tar color additives used in hair dyes from the requirement of listing. Toilet Goods Assoc. v. Finch, 419 F.2d 21, 30 (C.A. 2, 1969).

Metallic salts and vegetable substances are not coal-tar derivatives. Thus, except for investigational use by experts, in the absence of a listing permitting use, any hair dye which contains a metallic salt or vegetable substance as a coloring component is an adulterated cosmetic. 21 U.S.C. 361(e).

Furthermore, any hair dye, including a coal-tar hair dye, which bears or contains a poisonous or deleterious metallic salt or vegetable substance which may render it injurious to users under the conditions of use prescribed in the labeling thereof, or under such conditions of use as are customary or usual, must be deemed adulterated (21 U.S.C. 361(a)). The exemption in 21 U.S.C. 361(a) does not apply to coloring ingredients which are not derived from coal-tar, such as metallic salts or vegetable substances (21 CFR 8.1(u)). TGA v. Finch, supra, 419 F. 2d at 29-30.

The Commissioner of Food and Drugs hereby gives notice that, on or before July 30, 1973, any person who desires to use as a coloring component in hair dye any metallic salt or vegetable substance not presently listed for such use, shall submit a petition proposing appropriate permanent listings.

After July 30, 1973, any marketed hair dye containing a metallic salt or vegetable substance for which there is no applicable listing or pending petition for listing will be liable to regulatory action. The Food and Drug Administration is provisionally listing metallic salts and vegetable substances used for these purposes on an interim basis. Only those color additives for which petitions are filed by July 30, 1973, will be retained on the provisional list at that time.

The FEDERAL REGISTER notice of December 10, 1963 (28 FR 13374) captioned "Color Additives; Metallic-Salt and Vegetable Hair Colors," which was based on regulations which have now been amended, is hereby rescinded.

Dated: January 29, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-2012 Filed 1-30-73;10:14 am]

Health Services and Mental Health Administration

COMPREHENSIVE HEALTH PLANNING TRAINING AND STUDIES REVIEW COMMITTEE

Notice of Meeting

The Acting Administrator, Health Services and Mental Health Administration, announces the meeting date and other required information for the following National Advisory body scheduled to assemble the month of February 1973.

Committee name	Date, time, place	Type of meeting and/or contact person
Comprehensive Health Planning Training and Studies Review Committee.	Feb. 5-7, 9 a.m., Ramada Inn, Bethesda, Md.	Closed. Contact Frank Juska, Room 7-31, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD Code 301—443-2390.

Purpose. The committee is charged with the review of grant applications with respect to the development of improved or more effective comprehensive health planning through training and education. Provides advice and assistance on programing goals and policies relating to comprehensive health planning training, studies and demonstrations.

Agenda. 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 Acting Administrator, Health Services and Mental Health Administration, pursuant to the

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provisions of Public Law 92–463, section 10(a)(2).

Items for discussion are subject to change due to priorities as directed by the President of the United States, or the Secretary of Health, Education, and Welfare.

A roster of members may be obtained from the contact person listed above.

Dated: January 23, 1973.

ANDREW J. CARDINAL,
Acting Associate Administrator for Management Health Services and Mental Health Administration.

[FR Doc.73–1779 Filed 1–30–73;8:45 am]

National Institutes of Health

ADULT DEVELOPMENT AND AGING RESEARCH AND TRAINING COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Adult Development and Aging Research and Training Committee, February 1–2, 1973, at 9 a.m., National Institutes of Health, Building 31, Conference Room 8. This meeting will be open to the public from 9 to 10 a.m., February 1, to discuss the general business of the committee. The meeting will be closed to the public from 10 a.m. to 5 p.m., February 1 and from 9 a.m. to 4 p.m., February 2, in accordance with the provisions set forth in section 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

Ms. Patricia Gabbett, Information Officer, NICHD, Landow Building, Room A–804B, National Institutes of Health, 496–5133, will furnish summaries of the meeting and rosters of the committee members. Substantive information may also be obtained from Dr. Walter Spieth, Executive Secretary of the Committee, Room 2A–51, Building 31, National Institutes of Health, 496–1033.

JOHN F. SHERMAN,
Deputy Director, National Institutes of Health.

JANUARY 22, 1973.

[FR Doc.73–1794 Filed 1–30–73;8:45 am]

ANIMAL RESOURCES ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Animal Resources Advisory Committee, February 5 and 6, 1973, at 9 a.m., National Institutes of Health, Building 31, Conference Room 5. The meeting will be open to the public on February 5 from 9 to 10:30 a.m. during which time there will be a brief staff presentation on the current status of the animal resources program. The Committee will select future meeting dates. The meeting will be closed to the public from 10:30 to 5 p.m. on February 5 and from 9 a.m. to 5 p.m. on February 6 to review, discuss, and evaluate and/or rank grant applications in accordance with the provisions set forth in section 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

The information officer who will furnish summaries of the meeting and roster of Committee members is Mr. James Augustine, Division of Research Resources, Building 31, Room 4B03, Bethesda, Md. 20014, 496–5545.

The Executive Secretary from whom substantive program information may be obtained is Dr. John E. Holman, Building 31, Room 5B35, Bethesda, Md. 20014, 496–5507.

JOHN F. SHERMAN,
Deputy Director, National Institutes of Health.

JANUARY 22, 1973.

[FR Doc.73–1804 Filed 1–30–73;8:45 am]

BIOMEDICAL LIBRARY REVIEW COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Biomedical Library Review Committee, February 6–8, 1973, from 8:30 a.m. to 5 p.m. This meeting will be open to the public all day February 6 for an audiovisual seminar, conducted by staff of the National Medical Audiovisual Center, at their offices located at 1600 Clifton Road NE., Atlanta, GA 30333. On February 7 the open meeting will continue at the Rodeway Inn, 1706 Clairmont Road, Decatur, GA 30033, from 8:30 to 9:30 a.m. for administrative reports. It will be closed to the public from 9:30 a.m. to 5 p.m. on February 7 and all day February 8, in accordance with the provisions set forth in section 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

The information officer, who will furnish summaries of both the open and closed meeting portions and a roster of committee members, is:

Mr. Robert B. Mehnert
Special Assistant to the Director for Communications Media
National Library of Medicine, Room M–122
8600 Rockville Pike
Bethesda, MD 20014
Telephone: 301—496–6308

The Executive Secretary from whom substantive information may be obtained is:

Mrs. Nina W. Matheson
Special Assistant to the Associate Director for Extramural Programs
National Library of Medicine, Room 1016 Federal Building
8600 Rockville Pike
Bethesda, MD 20014
Telephone: 301—496–4671

JOHN F. SHERMAN,
Deputy Director, National Institutes of Health.

JANUARY 22, 1973.

[FR Doc.73–1790 Filed 1–30–73;8:45 am]

BLADDER-PROSTATE CANCER ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Bladder-Prostate Cancer Advisory Committee, February 16–17, 1973, at the Crystal City Marriott Hotel, Arlington, Va. This meeting will be open to the public from 9 to 9:30 a.m., February 17, when Dr. Fridell will present an overview of the National Bladder Cancer Project, and closed to the public February 16 and from 9:30 a.m., February 17, in accordance with the provisions set forth in section 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301—496–1911) will furnish summaries of the open meeting and roster of committee members.

Dr. Thomas J. King, Westwood Building, Room 853, National Institutes of Health, Bethesda, Md. 20014 (301—496–7194) will provide substantive program information.

JOHN F. SHERMAN,
Deputy Director, National Institutes of Health.

JANUARY 22, 1973.

[FR Doc.73–1802 Filed 1–30–73;8:45 am]

BOARD OF SCIENTIFIC COUNSELORS

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, NICHD, February 5–6, 1973, at 9 a.m., National Institutes of Health, Building 31, Conference Room 6. This meeting will be open to the public from 9 to 10 a.m., February 5, for remarks by the Director and Scientific Director, NICHD, and closed to the public from 10:30 a.m. to 5 p.m., February 5 and 9 a.m. to 5 p.m. on February 6, in accordance with the provisions set forth in section 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

Ms. Patricia Gabbett, Information Officer, NICHD, Landow Building, Room A–804B, National Institutes of Health, 496–5133, will furnish summaries of the meeting and rosters of the committee members. Substantive information may also be obtained from Dr. Charles U. Lowe, Scientific Director, NICHD, Building 31, Room 2A–50, National Institutes of Health, 496–5035.

JOHN F. SHERMAN,
Deputy Director, National Institutes of Health.

JANUARY 22, 1973.

[FR Doc.73–1797 Filed 1–30–73;8:45 am]

CANCER RESEARCH CENTER REVIEW COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the

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Cancer Research Center Review Committee, February 9–10, 1973, at 8:30 a.m., National Institutes of Health, Building 31, Conference Room 6. This meeting will be open to the public from 8:30 to 9 a.m., at which time the Director, Division of Cancer Grants will discuss any new policy considerations involving the national cancer program, also information and guidelines for future support of cancer center programs will be discussed, and the meeting will be closed to the public from 9 a.m., February 9 until 5 p.m. February 10, in accordance with the provisions set forth in section 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301—496–1911) will furnish summaries of the open meeting and roster of committee members.

Dr. Arthur L. Schipper, Westwood Building, Room 820, National Institutes of Health, Bethesda, Md. 20014 (301—496–7721) will provide substantive program information.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

JANUARY 22, 1973.

[FR Doc.73–1801 Filed 1–30–73;8:45 am]

CANCER RESEARCH TRAINING COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Cancer Research Training Committee, February 1–2, 1973, at 8:30 a.m., National Institutes of Health, Building 31, Conference Room 6, Bethesda, Md. This meeting will be open to the public from 8:30 to 9 a.m., February 1, when there will be introductions and indoctrination of new members and discussion of the structure, purpose and functions of the Committee. The meeting will be closed to the public from 9 a.m., February 1 to 5 p.m., February 2, in accordance with the provisions set forth in section 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301—496–1911) will furnish summaries of the open meeting and roster of committee members.

Dr. Kenneth Potter, Westwood Building, Room 848, National Institutes of Health, Bethesda, Md. 20014 (301—496–7565) will provide substantive program information.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

JANUARY 22, 1973.

[FR Doc.73–1800 Filed 1–30–73;8:45 am]

EPIDEMIOLOGY ADVISORY AND MEDICAL CARE AND MEDICAL ECONOMICS ADVISORY COMMITTEES

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the joint meeting of the Epidemiology Advisory Committee and the Medical Care and Medical Economics Advisory Committee, February 8, 1973, at 8:30 a.m., National Institutes of Health, Building 31, Conference Room 8. This meeting will be open to the public to discuss a number of reports on preliminary findings of the Third National Cancer Survey and discussion by committee members on analysis and presentation of survey data and possible additional studies. Attendance by the public will be limited to space available.

Mr. Frank Karel, NCI Information Officer, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301—496–1911) will furnish summaries of the open meeting and roster of committee members.

Mr. Harvey Geller, Executive Secretary, Federal Building, Room 6C10A, National Institutes of Health, Bethesda, Md. 20014 (301—496–5251) will provide substantive program information.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

JANUARY 22, 1973.

[FR Doc.73–1799 Filed 1–30–73;8:45 am]

GENERAL CLINICAL RESEARCH CENTERS COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the General Clinical Research Centers Committee commencing at 9 a.m. on February 5 and 6, 1973, at the La Playa Hotel, Carmel, Calif. This meeting will be open to the public on February 5 from 9 to 9:30 a.m. for a general discussion regarding the chairman's report and a status report on program evaluation. The meeting will be closed to the public from 9:30 a.m. to 5 p.m. on February 5 and 9 a.m. to 5 p.m. on February 6, in accordance with the provisions set forth in section 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

The Information Officer who will furnish summaries of the meeting and roster of the Committee members is Mr. James Augustine, Division of Research Resources, Building 31, Room 4B03, Bethesda, Md. 20014, 496–5545.

The Executive Secretary from whom substantive information may be obtained is Dr. William DeCesare, Building 31, Room 4B13, Bethesda, Md. 20014, 496–6595.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

JANUARY 22, 1973.

[FR Doc.73–1803 Filed 1–30–73;8:45 am]

HEART AND LUNG PROGRAM—PROJECT COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the heart and lung program—project committee, February 2–3, 1973, at 8:30 a.m., National Institutes of Health, Building 31, Conference Room 4. This meeting will be open to the public from 8:30 to 9:30 a.m., February 2, 1973, while administrative details are being discussed; and closed to the public from 10 a.m., February 2, 1973 until the adjournment on February 3, 1973, in accordance with the provisions set forth in section 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

Dr. Jerome G. Green, Director, Division of Extramural Affairs, National Heart and Lung Institute, NIH Westwood Building, Room 5A18B, 496–7416, will furnish summaries of the meeting and rosters of the committee members. Substantive information may be obtained from the Executive Secretary, Dr. Arthur W. Merrick, NHLI, NIH Westwood Building, Room 6A05, 496–7486.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

JANUARY 22, 1973.

[FR Doc.73–1798 Filed 1–30–73;8:45 am]

MEDICAL DEVICES APPLICATIONS COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Medical Devices Applications Committee, February 13, 1973, at 9 a.m., National Institutes of Health, Building 31, Conference Room 8. This meeting will be open to the public from 9 a.m. to 5 p.m. The Committee will discuss (1) the role that devices, instrumentation and other technological applications of research can play in the diagnosis, monitoring and treatment of diseases of the heart, blood vessels, lung and blood; (2) the role that the Committee can play in achieving the goals of the National Heart and Lung Institute in these areas; and (3) other aspects of the activities of the Division of Technological Applications. Attendance by the public will be limited to space available.

Mr. Hugh Jackson, Information Officer, NHLI, Building 31, Room 4A10, National Institutes of Health, 496–4236, will furnish summaries of the meeting and rosters of the committee members. Substantive information may be obtained from the Executive Secretary, Mr. Philip Janus, NHLI, Westwood Building, Room 6A16A, NIH, 496–7306.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

JANUARY 22, 1973.

[FR Doc.73–1791 Filed 1–30–73;8:45 am]

MEDICAL EDUCATION REVIEW COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Medical Education Review Committee, February 13–15, 1973, at 8:30 a.m. to 5 p.m., National Institutes of Health, Building 31, Conference Room 10. This

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meeting will be open to the public from 8:30 to 9:30 a.m., February 13, to discuss the minutes, and other Committee business and closed to the public from 9:30 a.m. on February 13 to 5 p.m. on February 15, 1973, in accordance with the provisions set forth in section 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

The names, addresses, room numbers, and phone numbers of:

1. The Acting Executive Secretary who will furnish summaries of the meeting and rosters of committee members:

Dr. Robert Hendrickson
National Institutes of Health
Building 31, Room 4C–11
Area Code 301, 496–6801

2. The Acting Executive Secretary from whom substantive program information may be obtained:

Dr. Robert Hendrickson
National Institutes of Health
Building 31, Room 4C–11
Area Code 301, 496–6801

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

JANUARY 22, 1973.

[FR Doc.73–1805 Filed 1–30–73;8:45 am]

MENTAL RETARDATION RESEARCH AND TRAINING COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Mental Retardation Research and Training Committee, February 11–13, 1973, National Institutes of Health, Building 31, Conference Room 7. This meeting will be open to the public from 8 p.m. to 10 p.m., February 11, to discuss items relative to the Committee's activities including announcements by the Associate Director for NICHD, the head of the Mental Retardation Branch, and the Executive Secretary of the Committee. The meeting will be closed to the public from 9 a.m. to 5 p.m., February 12–13, in accordance with the provisions set forth in section 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

Ms. Patricia Gabbett, Information Officer, NICHD, Landow Building, Room A–804B, National Institutes of Health, 496–5133, will furnish summaries of the meeting and rosters of the committee members. Substantive information may also be obtained from Dr. Lyle Lloyd, Executive Secretary of the Committee, Room C–704A, Landow Building, National Institutes of Health, 496–1383.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

JANUARY 22, 1973.

[FR Doc.73–1795 Filed 1–30–73;8:45 am]

NATIONAL ADVISORY COUNCIL ON HEALTH PROFESSIONS EDUCATION

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Council on Health Professions Education, February 7–9, 1973, at 8:30 a.m., National Institutes of Health, Building 31, Conference Room 5. This meeting will be open to the public from 8:30 a.m., February 7, to discuss status reports by program administrators and closed to the public from 11 a.m., February 7, in accordance with the provisions set forth in section 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

The name, address, room number, and phone number of the Executive Secretary who will furnish summaries of the open meetings, rosters of Council members, and substantive program information is:

Ms. Lynn Stevens, Division of Physician and Health Professions Education, National Institutes of Health, Building 31, Room 4C–06, Phone: 496–5354.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

JANUARY 22, 1973.

[FR Doc.73–1793 Filed 1–30–73;8:45 am]

PERINATAL BIOLOGY AND INFANT MORTALITY RESEARCH AND TRAINING COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Perinatal Biology and Infant Mortality Research and Training Committee, February 5–6, 1973, at 9 a.m. at the Woodmont East Conference Room of the Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD. This meeting will be open to the public from 9 a.m. to 11 a.m., February 5, to discuss Institute Training Efforts in Perinatal Biology and Medicine. The meeting will be closed to the public from 11 a.m. to 5 p.m. on February 5 and from 9 a.m. to 1 p.m., on February 6, in accordance with the provisions set forth in section 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

Ms. Patricia Gabbett, Information Officer, NICHD, Landow Building, Room A–804B, National Institutes of Health, 496–5133, will furnish summaries of the meeting and rosters of the committee members. Substantive information may also be obtained from Mr. Jehu Hunter, Executive Secretary of the Committee, Room 2A–20, Building 31, National Institutes of Health, 496–1877.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

JANUARY 22, 1973.

[FR Doc.73–1796 Filed 1–30–73;8:45 am]

THROMBOSIS ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Thrombosis Advisory Committee, February 23, 1973, at 9 a.m., Lecture Room, Scott Hall of Basic Medical Science, Wayne State University, 540 East Canfield Street, Detroit, MI. This meeting will be open to the public from 9 a.m. to 5 p.m., February 23, and attendance will be limited to space available. This will be a meeting of the Specialized Center of Research in Thrombosis which will feature a program on initiators of coagulation and inhibitors of coagulation. There will also be a short business meeting of the Thrombosis Advisory Committee at the conclusion.

Mr. Hugh Jackson, Information Officer, NHLI, NIH Building 31, Room 4A10, 496–4236, will furnish summaries of the meeting and rosters of the committee members. Substantive information may be obtained from the Executive Secretary, Dr. James M. Stengle, NHLI, NIH Building 31, Room 4A03, 496–5911.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

JANUARY 22, 1973.

[FR Doc.73–1792 Filed 1–30–73;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON EDUCATION PROFESSIONS DEVELOPMENT

Notice of Public Meeting

Notice is hereby given, pursuant to Section 10(a)(2), Public Law 92–463, that the next meeting of the National Advisory Council on Education Professions Development will be held on February 1, 1973, 9 a.m. to 5 p.m., and February 2, 1973, 8:30 a.m. to 12 noon, local time, at the Dupont Plaza Hotel, Dupont Circle, NW., Washington, D.C.

The National Advisory Council on Education Professions Development is established under section 502 of the Education Professions Development Act (Public Law 90–35). The Council is charged with the review of the Education Professions Development Act and of all other Federal programs for the training and development of educational personnel.

The meeting of the Council shall be open to the public. The proposed agenda includes discussion of training of personnel in early childhood and vocational education; policies concerning evaluation of educational endeavors; and current status of educational personnel training programs. Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of Committee Management, located in Room 4158, F.O.B. 6, 400 Maryland Avenue SW., Washington, DC.

Signed at Washington, D.C. on January 26, 1973.

JOSEPH YOUNG,
Executive Director.

[FR Doc.73–1897 Filed 1–30–73;8:55 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50–348A, 50–364A]

ALABAMA POWER CO.

Order Correcting Record and Giving Notice of Hearing Room Location

By motion dated December 21, 1972, the Department of Justice has moved to

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correct the transcript of the prehearing conference held December 11, 1972, in the manner indicated in such motion. There was no opposition filed.

By order of this Board dated December 18, 1972, a third prehearing conference was scheduled for February 14, 1973, at an hour and location to be determined by further notice. *Accordingly, it is ordered*, That:

1. The motion of the Department of Justice to correct the prehearing transcript of December 11, 1972, is granted and corrections shall be made in accordance with § 2.750(b) of the rules of the Commission, said motion to constitute the appendix.

2. The prehearing conference scheduled by order of this Board dated December 18, 1972, shall be held at 9:30 a.m., February 14, 1973, at the U.S. Court of Claims, Courtroom No. 3, 717 Madison Place NW., Washington, DC 20005.

Issued at Washington, D.C., this 24th day of January 1973.

It is so ordered.

ATOMIC SAFETY AND LICENSING BOARD,
WALTER W. K. BENNETT,
Chairman.

[FR Doc.73-1813 Filed 1-30-73;8:45 am]

[Dockets Nos. 50-369; 50-370]

DUKE POWER CO.

Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this proceeding to consist of the following members:

William C. Parler, Chairman.
Michael C. Farrar, Member.
Dr. Lawrence R. Quarles, Member.

Dated: January 24, 1973.

WILLIAM L. WOODARD,
Executive Secretary, Atomic Safety and Licensing Appeal Panel.

[FR Doc.73-1811 Filed 1-30-73;8:45 am]

[Docket No. 50-269A, etc.]

DUKE POWER CO.

Notice and Order for Third Prehearing Conference

In the matter of Duke Power Co. (Oconee Units 1, 2, and 3; McGuire Units 1 and 2), Dockets Nos. 50-269A, 50-270A, 50-287A, 50-369A, 50-370A.

Take notice that the third prehearing conference in the above-captioned proceeding will be held commencing at 9:30 a.m., February 15, 1973, in the Lafayette Building, Veterans Administration, at 811 Vermont Avenue, Room 111, Washington, DC 20420.

Issued at Washington, D.C., this 24th day of January 1973.

It is so ordered.

ATOMIC SAFETY AND LICENSING BOARD,
WALTER W. K. BENNETT,
Chairman.

[FR Doc.73-1812 Filed 1-30-73;8:45 am]

[Docket No. 50-411]

GULF OIL CORP.

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

Please take notice that Gulf Oil Corp., San Diego, Calif., has submitted to the Atomic Energy Commission an application for a license to authorize the export of a pool-type research reactor to the Institute of Nuclear Technologies, Romanian State Committee for Nuclear Energy, Pietesti, Romania, 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, Chapter 1, 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.

On or before February 15, 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 determinations and findings noted above, cause to be issued to Gulf Oil 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, DC.

Dated at Bethesda, Md., this 19th day of January 1973.

For the Atomic Energy Commission.

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

[FR Doc.73-1783 Filed 1-30-73;8:45 am]

[Docket No. 50-367]

NORTHERN INDIANA PUBLIC SERVICE CO.

Notice and Order for Prehearing Conference

JANUARY 23, 1973.

Take notice, that in accordance with our order of January 12, 1973, denying joint intervenors' motion for additional time on contentions, a prehearing conference will be held in the subject proceeding on March 9, 1973, at 10 a.m., local time, in Room 2010, Federal Office Building No. 7, 726 Jackson Place NW. (17th Street Entrance), Washington, DC 20506.

The primary purposes of the prehearing conference are:

1. To rule on any contentions which may be filed by joint intervenors on or before February 12, 1973, in accordance with the provisions of a stipulation executed by three of the parties on October 31, 1972;

2. To determine the extent or scope of the burdens of proof for each of the parties;

3. To fix firm dates for conclusion of the discovery process and the start of further evidentiary hearings; and

4. To take whatever other steps are necessary to expedite this proceeding.

Issued at Washington, D.C., this 23d day of January 1973.

It is so ordered.

ATOMIC SAFETY AND LICENSING BOARD,
JEROME GARFINKEL,
Chairman.

[FR Doc.73-1784 Filed 1-30-73;8:45 am]

[Docket No. 50-59]

TEXAS A. & M. UNIVERSITY

Notice of Issuance of Facility License Amendment

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 December 15, 1972 (37 FR 26749), the Atomic Energy Commission (the Commission) has issued Amendment No. 10 to Facility License No. R-23 to the Texas A. & M. University as proposed in that notice. The amendment authorizes the university to operate its modified AGN-201 nuclear reactor located on its campus in College Station, Tex., at increased power levels of up to 5 watts (thermal) (from

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100 milliwatts) and redesignates the reactor as Model AGN–201M, in accordance with the university's application dated September 27, 1972.

The Commission has found that the application for the amendment to the facility license complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR Ch. I. The Commission has made the findings required by the Act and the Commission's regulations, which are set forth in the license amendment, and has concluded that the issuance of the license amendment will not be inimical to the common defense and security or to the health and safety of the public.

A copy of the license amendment and safety evaluation dated December 13, 1972, are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, or may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

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

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Operating Reactors, Directorate of Licensing.

[FR Doc.73-1782 Filed 1-30-73;8:45 am]

[Docket No. 50-397]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM

Assignment of Members of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this proceeding:

Alan S. Rosenthal, Chairman.
Dr. John H. Buck, Member.
Michael C. Farrar, Member.

Dated: January 24, 1973.

WILLIAM L. WOODARD,
Executive Secretary, Atomic Safety and Licensing Appeal Panel.

[FR Doc.73-1810 Filed 1-30-73;8:45 am]

[Dockets Nos. 50-390, 50-391]

WATTS BAR NUCLEAR PLANT

Notice of Issuance of Construction Permits

Notice is hereby given that, pursuant to the initial decision of the Atomic Safety and Licensing Board dated December 19, 1972, the Deputy Director for Reactor Projects, Directorate of Licensing, has issued Construction Permits Nos. CPPR–91 and CPPR–92 to the Tennessee Valley Authority for construction of two pressurized water nuclear reactors on the applicant's site in Rhea County, Tenn. The site is located on the west bank of the Tennessee River, approximately 50 miles northeast of Chatanooga. The proposed reactors, designated as the Watts Bar Nuclear Plant, Units 1 and 2, have a rated thermal output of 3,411 megawatts each.

Copies of the initial decision and construction permits are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Dayton Public Library, First Avenue, Dayton, Tenn. 37321. Copies of the construction permits may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 23d day of January 1973.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Directorate of Licensing.

[FR Doc.73-1869 Filed 1-30-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24812; Order 73-1-74]

AMERICAN AIRLINES, INC.

Order Denying Application for an Order To Show Cause and Setting Application for Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of January 1973.

On October 6, 1972, American Airlines, Inc. (American), filed an application to delete Douglas, Ariz., from its certificate of public convenience and necessity for route 4. In addition, American filed a motion requesting expeditious action on its application and, alternatively, requesting the Board to issue an order to show cause why its application in Docket 24812 should not be granted. American is presently authorized to suspend service temporarily at Douglas subject to a substitute service agreement with Cochise Airlines (Cochise).[1]

Answers in opposition to American's application and motion were filed by the Cities of Douglas, Sierra Vista, Bisbee, the State of Arizona and Cochise County and the Bisbee-Douglas Airport Commission alleging, inter alia, that the Douglas area is entitled to a hearing on the matters raised by American's deletion application.

Upon consideration of the pleadings and all the relevant facts, we have decided to deny American's request for a show cause order, and set for hearing American's application to delete Douglas. The community opposes American's application and we believe that under all the circumstances it is appropriate to consider on an evidentiary record all the matters raised by American's application.

Accordingly, it is ordered, That:

1. The motion of American Airlines, Inc., for an order to show cause, be and it hereby is denied;

2. The application of American Airlines, Inc., in Docket 24812, be and it hereby is set for hearing at a time and place to be hereafter designated; and

3. A copy of this order shall be served upon American Airlines, Inc., Cochise Airlines, the Mayors of the cities of Douglas, Bisbee, Sierra Vista, and Tucson, Ariz., Governor, State of Arizona, Arizona Corporation Commission, Arizona Department of Aeronautics, Douglas-Bisbee International Airport, Board of Supervisors of Cochise County, Bisbee-Douglas Airport Commission, and the U.S. Postal Service.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.73-1870 Filed 1-30-73;8:45 am]

[1] By Order 70-8-113, dated Aug. 28, 1970, American's temporary suspension at Douglas was continued until July 1, 1973, unless sooner terminated by the Board. In addition, the Board approved an air taxi service replacement agreement in which Apache Airlines would provide a substitute service at Douglas for American. By order 71-9-111, dated Sept. 28, 1971, Cochise was substituted as the replacement carrier. The Cochise agreement will expire on Oct. 1, 1973. See Order 72-9-115, Sept. 29, 1972.

[Docket No. 24488; Order 72-12-64]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Youth and Student Fares in Foreign Air Transportation

Correction

In FR Doc. 72-21824 appearing on page 28092 of the issue for Wednesday, December 20, 1972, in the 13th line of the 2d column, the figure "14" should read "24."

[Docket No. 24691]

SUPERIOR AIRWAYS LTD.

Postponement of Prehearing Conference and Hearing

In regard to Foreign Air Carrier Permit to engage in charter foreign air transportation between Canada and the United States.

Notice is hereby given that the prehearing conference now scheduled for January 30, 1973 (38 FR 1141, January 9, 1973), is hereby postponed to February 13, 1973, at 11 a.m. (local time) in room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned Administrative Law Judge.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before February 12, 1973.

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Dated at Washington, D.C., January 24, 1973.

[SEAL] JOSEPH L. FITZMAURICE,
Administrative Law Judge.

[FR Doc.73-1871 Filed 1-30-73;8:45 am]

[Docket No. 24250]

SUPERIOR AIRWAYS LTD.

Postponement of Prehearing Conference and Hearing

In regard to Foreign Air Carrier Permit for casual, occasional, and infrequent operations with aircraft having a maximum gross takeoff weight of 12,500 pounds.

Notice is hereby given that the prehearing conference now scheduled for January 30, 1973 (33 FR 1141, Jan. 9, 1973), is hereby postponed to February 13, 1973, at 10 a.m. (local time) in room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned Administrative Law Judge.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before February 12, 1973.

Dated at Washington, D.C., January 24, 1973.

[SEAL] JOSEPH L. FITZMAURICE,
Administrative Law Judge.

[FR Doc.73-1872 Filed 1-30-73;8:45 am]

COMMISSION ON CIVIL RIGHTS

FLORIDA STATE ADVISORY COMMITTEE

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 Florida State Advisory Committee will convene at 7:30 p.m. on February 1, 1973, and at 9 a.m. on February 2, 1973, in the Manger Motor Inn at 200 Ashley Drive, Tampa, FL 33602. This meeting shall be open to the public and the press.

The purpose of this meeting shall be to discuss Police-Minority Community Relations in Florida.

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

Dated at Washington, D.C., January 26, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-1902 Filed 1-30-73;8:45 am]

MARYLAND STATE ADVISORY COMMITTEE

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 Maryland State Advisory Committee will convene at 8 p.m. on February 1, 1973, in Room G-20, Social Security Administration Building, 6401 Security Boulevard, Woodlawn, MD 21235. This meeting shall be open to the public.

The purpose of this meeting shall be to receive a report of the Housing Task Force, discuss new projects to be undertaken by the Committee, and hold an election of committee officers.

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

Dated at Washington, D.C., January 17, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-1903 Filed 1-30-73;8:45 am]

VIRGINIA STATE ADVISORY COMMITTEE

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 Virginia State Advisory Committee will convene at 6 p.m. on February 7, 1973, in the Monroe Room of the John Marshall Hotel in Richmond, Va. 23213. This meeting shall be open to the public.

The purpose of this meeting shall be to continue with plans for a forthcoming open meeting on the process of selection of judges in the State of Virginia.

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

Dated at Washington, D.C., January 26, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-1904 Filed 1-30-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

PESTICIDE CONTROL ACT IMPLEMENTATION PLAN

Procedures; Plan for Solicitation of Public Comment

On January 9, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 1142) an Implementation Plan for the Pesticide Control Act of 1972. That document set forth the Agency's general plan for implementing the Act, informed the public as to the dates when the different sections became or become effective, and invited preliminary views as to form and content of the regulations. This notice is supplementary to the document published January 9, 1973. It explains in detail the procedures to be followed by the Agency in supplementing those major sections of the Act which become fully effective in from 1 to 4 years, and solicits comment from interested persons on specific questions and issues.

Notice is hereby given that the Environmental Protection Agency Task Force on Implementation of Public Law 92-516 (FEPCA), has designated six subgroups to consider in detail procedures for the implementation of sections 3, 4, 5, 7, 8, and 24 of the Act. The parent Task Force has outlined specific policy issues and questions to be considered by each subgroup. Initially, the responsibility of the subgroups is to suggest implementation procedures, and to make recommendations as to the content of regulations, to be promulgated later, within the times established by the legislation.

The subgroups are charged to explore the broadest possible range of opinion and interest. To that end, comments and suggestions from all interested parties are invited, on the issues outlined below, or on any other related questions. Comments should be directed to Lowell E. Miller, Chairman of EPA Task Force on Implementation of FEPCA, Office of Pesticides Programs, Environmental Protection Agency, Washington, D.C. 20460. Comments are requested as soon as possible, but on or before March 2, 1973.

Proposed regulations, when developed by the Task Force, will be published in the FEDERAL REGISTER, for public comment. However, the Environmental Protection Agency is seeking maximum input from interested parties before formal proposal of regulations.

A listing of the subgroups, their membership, and the issue areas suggested for consideration, follows:

I. SUBGROUP ON REGISTRATION OF PESTICIDES

Secs. 3, 24 (Regulations due within 2 years).

A. MEMBERSHIP

Harold Alford, Chairperson—Office of Pesticides Programs.

Henry S. Bussey—Office of Pesticides Programs—Registration Division.

Theodore Breton—Office of Planning and Evaluation.

Errett Deck—Consultant.

B. ISSUES AND QUESTIONS TO BE CONSIDERED BY SUBGROUP

1. Procedures for registration of products under new FIFRA, including procedures covering subject matters of section 3(c)(1)-3(c)(6) and internal procedures for processing applications.

2. Procedure for reregistration and classification of products previously registered under 1947 FIFRA.

3. Procedures for registration of intrastate products.

4. Procedures for making registration data available under section 3(c)(2).

5. Procedures for identifying the costs involved in producing test data and identifying such other information as might be pertinent to determining "reasonable compensation" for the purpose of section 3(c)(1)(D), and the accounting procedures registrants must follow in order to identify the "compensation" for "producing the test data."

6. To what extent, if any, may States have "duplicatory" registration programs? (Sec. 24)

7. Section 24(c)—State registration of pesticides to meet "special local needs."

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(a) How broadly should we construe this section? What is meant by "special local needs?"

(b) What kind of a program should be established for certification of States? What standards for certification? What procedures for State registrations?

8. Section 23(a)—Cooperative Agreements. Does section 23(a) contemplate cooperative agreements with respect to State registration activities? (The answer to this question will depend upon interpretation of word "enforcement".) If so, what type of delegations should be made and cooperative agreements entered into?

II. Subgroup on Classification of Pesticides

Section 3—(Regulations due within 2 years).

A. MEMBERSHIP

William Preston, Chairperson—Office of Pesticides Programs—Criteria and Evaluation Division.

Homer Fairchild—Office of Pesticides Programs.

Farley Fischer—Office of Toxic Substances.

B. ISSUES AND QUESTIONS TO BE CONSIDERED BY SUBGROUP

1. Criteria for classification of pesticides for "general use" or for "restricted use?" section 3(d)(1). The first classification division is between "general" and "restricted" use—what are the guidelines for this first classification?

2. What categories of "restricted use" pesticides should be established? section 3(d)(1)(C)

3. What special requirements should be made for the packaging and labeling of restricted use pesticides?

4. Advice to Subgroup No. 1 on classification under new FIFRA of previously registered products.

III. Subgroup on Use of Restricted Use Pesticides; Certified Applicators

Sections 4, 23—(Regulations due within 1 year).

A. MEMBERSHIP

James White, Chairperson—Office of Pesticides Programs—Operations Division.

Robert Evans—Office of Pesticides Programs—Operations Division.

Ivan Dodson—Region VIII.

W. Richard Hager—Office of Intergovernmental Relations.

B. ISSUES AND QUESTIONS TO BE CONSIDERED BY SUBGROUP

1. May there be Federal certification of applicators in the event a State plan is not submitted or approved? Should there be a Federal certification program? Does the Federal Government undertake to train State personnel if a State has no present capabilities or does not want to undertake to develop them?

2. What should be general standards prescribed by Administrator? Section 4(a) How broad should standards be? Applicability to Federal/State employees. Question of reciprocity.

3. Detailed procedures for submission, review, approval, or disapproval of State plans.

4. To what extent should EPA assist States in developing and administering State programs for training and certifications of applicators? Section 23(a)(2)

What would be acceptable facilities and capabilities for training? What categories of skills and experience need to be spelled out in the standards? What would be acceptable skills? Would State training fees be allowed? How do we relate to present standards in those States which have them?

5. To what extent should EPA enter into contracts with Federal or State agencies for the purpose of encouraging the training of certified applicators (Section 23(b))? What kinds of assistance other than contracts will the Federal Government offer States? How are we going to handle requests for contracts assistance?

6. If no grant money is available in fiscal year 1974, how should EPA propose to assist States to implement cooperative enforcement programs?

7. What modification of the interagency agreement with USDA/ES needs to be entered into for informing farmers and others of accepted uses and other regulations? What is to be the Regional role? How do we insure uniformity of distribution of information through cooperative State Extension Service?

IV Subgroup on Experimental Use Permits

Sec. 5—(Regulations due within 1 year.)

A. Although experimental use permits are directly related to registration, it is believed that a separate subgroup should be established to give policy guidance and draft proposed regulations and standards under section 5.

MEMBERSHIP

Charles Smith, Chairperson—Office of Pesticides Programs—Registration Division.

David Bowen—Office of Pesticides Programs—Registration Division.

Pat Critchlow—Office of Pesticides Programs—Registration Division.

Sam Colamaria—Region I.

B. ISSUES AND QUESTIONS TO BE CONSIDERED BY SUBGROUP

1. Draft proposed regulations for implementation of sections 5(a)–(e).

2. Propose standards for authorization of States to issue experimental use permits.

What should be scope of State experimental use permits program? What terms and conditions should Administrator prescribe with respect to authorizing States to conduct program? What should be the standards for State experimental use permits programs?

V. Subgroup on Registration of Establishments

Section 7 (Regulations due within 1 year)

A. MEMBERSHIP

Suzanne Howe, Chairperson—Office of General Enforcement.

John Wicklund—Region VII.

Alvin Chock—Office of Pesticides Programs—Registration Division.

B. ISSUES AND QUESTIONS TO BE CONSIDERED BY SUBGROUP

1. Procedures for registration of establishments, including—

(a) Approximation of the number of establishments to be registered.

(b) Revocation of registration.

(c) Time at which establishment registration number must be on label.

2. Development of a system for handling information submitted by producers, including definition of "current production."

3. Extent of State participation in establishment registration process and access to information submitted.

VI Subgroup on Books and Records

Section 8 (Regulations due within 1 year).

A. MEMBERSHIP

Anthony Dellavecchia, Chairperson—Office of General Enforcement.

Roy Clark—Region IV.

William Luneburg—Region I.

B. ISSUES AND QUESTIONS TO BE CONSIDERED BY SUBGROUP

1. Scope of the information required to be maintained by producers, including records to be maintained by exporters.

2. Policy on inspecting books and records.

3. Extent of State involvement in the inspection of books and records, including a policy with respect to negotiating cooperative enforcement agreements with States.

Dated: January 24, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.73-1806 Filed 1-30-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19544]

PUBLIC COAST RADIOTELEGRAPH STATIONS

Partial Extension of Time for Comments

Order. In the matter of inquiry into problems of public coast radiotelegraph stations, Docket No. 19544.

1. By letter dated January 5, 1973, the Communications Workers of America (CWA) requests an extension of time for a period of 90 days from the presently scheduled January 25, 1973, deadline in which to file reply comments in the above-captioned inquiry.[1]

2. Respondent alleges that it has not had sufficient time to complete its filing due to delays in the receipt of the comments of RCA Global Communications, Inc. and a copy of a 1970 cost allocation study cited in the ITT World Communications Inc. filing.

3. We cannot find that the Communications Workers of America has made a sufficient showing of good cause to justify the entire extension of time sought. However, we do believe that a partial grant of the CWA request is warranted.

4. *Accordingly, it is ordered,* Pursuant to § 0.303(c) of the Commission's rules pertaining to delegations of authority, that the request of Communications Workers of America is granted in part; and

(A) The time in which to file reply comments in Docket No. 19544 is extended until March 12, 1973; and

(B) Except to the extent granted above, the request of Communications Workers of America is denied.

Adopted: January 18, 1973.

Released: January 22, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
BERNARD STRASSBURG,
Chief, Common Carrier Bureau.

[SEAL] JAMES E. BARR,
Chief, Safety and Special Radio Services Bureau.

[FR Doc.73-1864 Filed 1-30-73;8:45 am]

[1] Notice of inquiry in this matter was published at 37 FR 15197 (July 28, 1972); extension of time for comments was published at 37 FR 18442 (Oct. 28, 1972).

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[Dockets Nos. 19473, 19474]

ROBERT COWAN WAGNER AND SOUTHEAST ARKANSAS RADIO, INC.

Memorandum Opinion and Order Enlarging Issues; Correction

In regard applications of Robert Cowan Wagner, Pineville, La., Docket No. 19473, File No. BP-18465; Southeast Arkansas Radio, Inc., Dermott, Ark., Docket No. 19474, File No. BP-18476; for construction permits.

1. The first sentence in paragraph 9 of the Review Board's memorandum opinion and order, FCC 73R-3, released January 5, 1973, and published at page 1526 in the issue of Monday, January 15, 1973, is corrected to read as follows: "The Review Board will deny the requested issues relating to Southeast's staffing proposal and principals' business interests." The last sentence in said paragraph is corrected by striking the words "and the issue will be added on a comparative basis only" and the cases cited thereafter;

2. The ordering clause of said memorandum opinion and order is corrected by striking issue 2 therein.

Adopted: January 11, 1973.

Released: January 16, 1973.

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

[FR Doc.73-1865 Filed 1-30-73;8:45 am]

FEDERAL MARITIME COMMISSION

PACIFIC COAST AUSTRALASIAN TARIFF BUREAU

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before February 20, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. A. H. Eber, Secretary, Pacific Coast Australasian Tariff Bureau, 635 Sacramento Street, San Francisco, CA 94111.

Agreement No. 50-24 modifies Article IX of the Pacific Coast Australasian Tariff Bureau's (PCATB) basic agreement to reflect an increase of the nonreturnable admission fee assessed new members from $1,000 to $5,000.

By order of the Federal Maritime Commission.

Dated: January 23, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-1834 Filed 1-30-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CI73-503]

AMERADA HESS CORP.

Notice of Application

JANUARY 26, 1973.

Take notice that on January 22, 1973, Amerada Hess Corp. (Applicant), Post Office Box 2040, Tulsa, OK 74102, filed in Docket No. CI73-503 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corp. from the Leleux Field, Vermilion Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 121,600 Mcf of gas per month at 35 cents per Mcf at 15.025 p.s.i.a. for 1 year within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-1837 Filed 1-30-73;8:45 am]

[Docket No. CI73-502]

AMERICAN LIBERTY OIL CO.

Notice of Application

JANUARY 26, 1973.

Take notice that on January 22, 1973, American Liberty Oil Co. (Applicant), 4100 First National Bank Building, Dallas, Tex. 75202, filed in Docket No. CI73-502 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transwestern Pipeline Co. from acreage in Eddy County, N. Mex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has commenced the sale of natural gas within the contemplation of § 157.29 of the regulations under the Natural Gas Act and that it proposes to continue said sale for 10 months from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell up to 5,000 Mcf of gas per day at 40.0 cents per Mcf at 14.65 p.s.i.a.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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