Rules and Regulations

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Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that one position of Private Secretary to the Deputy Assistant Secretary for Rural Development is excepted under schedule C.

Effective on May 22, 1973, § 213.3313(a) (33) is added as set out below.

§ 213.3313 Department of Agriculture.

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

(33) One Private Secretary to the Deputy Assistant Secretary for Rural Development.

* * * * *

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

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

[FR Doc.73-10174 Filed 5-21-73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3114 is amended to show that the expiration date of the schedule A authority covering temporary positions of field agent employed in connection with the 1972 Census of Governments has been extended from December 31, 1973, to June 30, 1974. This section is further amended to show that seven additional positions are excepted under the schedule A authority.

Effective on May 22, 1973, § 213.3114 (d) (3) is amended as set out below.

§ 213.3114 Department of Commerce

* * * * *

(d) *Bureau of the Census.* * * *

(3) Not to exceed 32 positions of field agent to compile data on taxable property values, governmental finance, and governmental employment in connection with the 1972 Census of Governments. Employment under this authority may not exceed June 30, 1974.

* * * * *

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

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

[FR Doc.73-10176 Filed 5-21-73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Administrator, National Institutes of Health, and one position of Special Assistant to the Assistant Secretary for Education are excepted under schedule C.

Effective on May 22, 1973, paragraphs (h) (11) and (r) are added to § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(h) *Office of the Assistant Secretary for Health and Scientific Affairs.* * * *

(11) Administrator, National Institutes of Health.

* * * * *

(r) *Office of the Assistant Secretary for Education.*—(1) One Special Assistant to the Assistant Secretary.

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

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

[FR Doc.73-10175 Filed 5-21-73;8:45 am]

Title 7—Agriculture

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

PART 981—HANDLING OF ALMONDS GROWN IN CALIFORNIA

Revision of Salable and Reserve Percentages for 1972–73 Crop Year

Notice was published in the April 18, 1973, issue of the FEDERAL REGISTER (38 FR 9592) regarding a proposal to revise the salable and reserve percentages for California almonds for the 1972–73 crop-year, from 55 and 45 percent, respectively, to 66 and 34 percent. No change was proposed in the export percentage of 100 percent also established for the 1972–73 crop-year at 37 FR 16678. The 1972–73 crop-year began July 1, 1972.

The percentages are based on the unanimous recommendation of the Almond Control Board and other available information in accordance with the applicable provisions of the marketing agreement, as amended, and the order No. 981, as amended (7 CFR pt. 981), regulating the handling of almonds grown in California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal. One comment was submitted within the prescribed time.

Until 1973 crop almonds become available, a number of domestic users do not have access to sufficient almonds to meet their current requirements. In fact, in the 1972–73 crop-year, demand generally was greater than supply. At the beginning of the season, the 1972 crop was officially estimated at 180 million pounds. The crop now is estimated at 145 million pounds.

With 1971–72 carryover stocks also in short supply, some handlers met part of their 1971–72 commitments with 1972 crop almonds or were forced to make other adjustments in their shipments. For example, at least one handler prorated both domestic and export sales at only a portion of his existing customers' previous year's purchases.

The purpose of this action is to make an additional quantity of 1972 crop California almonds available for disposition in domestic outlets during the remainder of this crop-year and the beginning of the 1973–74 crop-year until the 1973 crop becomes available.

In making its recommendation, the Board gave consideration to the following revised estimates (kernel weight basis) for the 1972–73 crop-year:

(1) Production of 145 million pounds;

(2) Trade demand for domestic almonds of 75 million pounds (which is based on a total demand of 75.2 million pounds less 200,000 pounds of imports for consumption);

(3) Handler carryover of 18.7 million pounds on July 1, 1972;

(4) Desirable handler carryover of 39.7 million pounds on June 30, 1973; and

(5) Trade demand and desirable handler carryover requirements for 1972 crop almonds of 96 million pounds (items 2 plus 4 minus 3).

The salable percentage is computed by dividing item (5) trade demand and desirable handler carryover, by item (1) production. The reserve percentage is equal to 100 percent minus the salable percentage. The percentages have been rounded to the nearest whole percent.

After consideration of all relative matter presented, including that in the notice, the written comment received pursuant to the notice, the information and recommendation submitted by the Board, and other available information, it is found that to establish revised salable and reserve percentages as hereinafter set forth will tend to effectuate the declared policy of the act. Therefore, the salable, reserve, and export percentages for almonds received by handlers for their own accounts during the 1972–73 crop-year are established as follows:

Section 981.222 is revised to read as follows:

§ 981.222 Salable, reserve, and export percentages for almonds during the crop-year beginning July 1, 1972.

The salable, reserve, and export percentages during the crop-year beginning July 1, 1972, shall be 66, 34, and 100 percent, respectively.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said marketing agreement and this part require that salable, reserve, and export percentages shall be applicable to all almonds received by handlers for their own accounts during such year, and (2) the current crop-year began on July 1, 1972, and the percentages established herein will apply to all such almonds beginning with such date.

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

Dated May 16, 1973.

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

[FR Doc.73-10107 Filed 5-21-73;8:45 am]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Subpart—Supplementary Orders Regulating Handling

DELETION OF CERTAIN PROVISIONS

This action deletes § 989.202 of Subpart—Supplementary Orders Regulating Handling (7 CFR 989.201–229) because the requirements therein are prescribed in the U.S. Standards for Grades of Processed Raisins (7 CFR 52.1841–52.1852).

This action was unanimously recommended by the Raisin Administrative Committee and is pursuant to the marketing agreement, as amended, and Order No. 989, as amended (7 CFR 989; 37 FR 19621, 20022), hereinafter referred to collectively as the "order," regulating the handling of raisins produced from grapes grown in California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Section 989.202 was published in the FEDERAL REGISTER on April 27, 1968 (33 FR 6462), and became effective on September 1, 1968. Said section changed the minimum grade standards prescribed under the order with respect to maturity and substandard raisins for packed raisins of the following varietal types: Natural Thompson Seedless, Golden Seedless, Sulfur Bleached, and Soda Dipped raisins.

Subsequently, an identical change (33 FR 11629) was made in the U.S. Standards for Grades of Processed Raisins (7 CFR 52.1841–52.1852). These standards are applicable under the order to such varietal types of raisins. Since § 989.59(a) of the order provides that no handler shall ship or otherwise make final disposition of packed raisins of such varietal types unless they at least meet U.S. Grade C as defined in the U.S. Standards for Grades of Processed Raisins, the change in § 989.202 became unnecessary when such standards were changed. Thus, § 989.202 should be deleted, effective July 1, 1973.

It is therefore ordered, that effective July 1, 1973, § 989.202 of the Subpart—Supplementary Orders Regulating Handling is deleted.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice of this action and engage in public rulemaking procedure (5 U.S.C. 553) in that this action deletes requirements from the rules and regulations of the order which are contained in the U.S. Standards for Grades of Processed Raisins, hence, no useful purpose would be served by giving preliminary notice.

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

Dated May 16, 1973, to become effective July 1, 1973.

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

[FR Doc.73-10108 Filed 5-21-73;8:45 am]

Title 9—Animals and Animal Products

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

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

PART 112—PACKAGING AND LABELS

Diluent Labels

Correction

In FR Doc 73-9213 appearing at page 12093 in the issue for Wednesday, May 9, 1973, in the second line of § 112.3(c), "(cm³)" should read "(cc)".

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPECTION), DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—MANDATORY MEAT INSPECTION

PART 317—LABELING, MARKING DEVICES, AND CONTAINERS

Declaration of Smoke Flavoring or Artificial Smoke Flavoring in the Ingredients Statement on the Labeling

The Department of Agriculture, pursuant to the authority conferred by the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), hereby amends § 317.2 of the meat inspection regulations (9 CFR 317.2) to extend ingredients statement labeling requirements for meat products containing approved smoke flavoring.

Statement of considerations.—Paragraph 317.2(j) of the meat inspection regulations (9 CFR 317.2(j)) requires that when smoke flavoring or artificial smoke flavoring is used as an ingredient in the formula of a meat food product, its presence must be declared on the label, contiguous to the name of the product, and when artificial smoke flavoring is used, it must also be listed in the ingredients statement on the labeling.

In compliance with sections 1(n) (7), (9), and (12) of the act, § 317.2(c) of the regulations is intended to require that smoke flavoring so used also be listed in the ingredients statement but this intent should be clarified. Administratively, the requirement to declare smoke flavoring in the ingredients statement has been enforced in the past and is being enforced at the present time. In the interest of clarification, § 317.2(j) (3) of the regulations is amended as set forth below:

§ 317.2 Labels: Definition; required features.

* * * * *

(j) * * *

(3) When an approved artificial smoke flavoring or an approved smoke flavoring is added as an ingredient in the formula of a meat food product, as permitted in part 318 of this subchapter, there shall appear on the label, in prominent letters and contiguous to the name of the product, a statement such as "Artificial Smoke Flavoring Added" or "Smoke Flavoring Added," as may be applicable, and the ingredient statement shall identify any artificial smoke flavoring or smoke flavoring so added as an ingredient in the formula of the meat food product.

* * * * *

(Sec. 21, 34 Stat. 1264, as amended, 21 U.S.C. 621; 37 FR 28464, 28477.)

The amendment is necessary to clarify the regulations and effectuate more fully the objectives of the applicable legislation, and should be made effective as soon as possible. Therefore, it is found upon good cause, under the administrative provisions in 5 U.S.C. 553, that notice and other public procedure with respect to this document are impracticable, unnecessary, and contrary to the public interest.

This amendment shall become effective June 24, 1973.

Done at Washington, D.C., on May 16, 1973.

JAMES H. LAKE,
Deputy Assistant Secretary.

[FR Doc.73-10109 Filed 5-21-73;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 73-670]

PART 526—LIMITATIONS ON RATE OF RETURN

Return on Certificates of $100,000 or More

MAY 17, 1973.

The Federal Home Loan Bank Board, after consulting with the Board of Governors of the Federal Reserve System and the Board of Directors of the Federal Deposit Insurance Corporation, considers it desirable to amend § 526.5-1 of the regulations for the Federal Home Loan Bank System (12 CFR 526.5-1) in order to remove the limitations contained in paragraph (a) of that section on the rate of return which a member institution may pay on certificate accounts of $100,000 or more. Accordingly, the Federal Home Loan Bank Board hereby amends said § 526.5-1 by deleting the word "Maximum" from the caption thereof and by revising paragraph (a) thereof to read as set forth below, effective May 17, 1973.

Since affording notice and public procedure on the above amendment would delay it from becoming effective for a period of time and since it is in the public interest that such amendment become effective as soon as possible, the Board hereby finds that notice and public procedure thereon are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(d); and the Board hereby finds that publication of such amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date thereof is unnecessary since it relieves restriction; and the Board hereby provides that such amendments shall become effective as hereinbefore set forth.

§ 526.5-1 Rate of return payable on certificate accounts of $100,000 or more.

(a) *Rate of return.*—Subject to the limitations contained in paragraph (b) of this section, no maximum rate of return is prescribed on any certificate account of $100,000 or more with a fixed or minimum term or qualifying period of not less than 60 days.

* * * * *

(Sec. 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, as amended by Public Law 91-151, sec. 2(b), 83 Stat. 371; sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1425b, 1437. Reorganization Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[FR Doc.73-10190 Filed 5-21-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73-SO-30; Amdt. 39-1640]

PART 39—AIRWORTHINESS DIRECTIVES

Luscombe Model 8 Airplanes

Airworthiness directive 55-24-1 published in 21 FR 9540 on December 4, 1956, as amended in 22 FR 2416 on April 11, 1957, and 37 FR 25486 on December 1, 1972, requires inspection of Luscombe 8 series airplanes for corrosion inside the fuselage spar carrythrough structures. After issuing this AD (airworthiness directive), the Administration determined that further clarification is necessary. Therefore, the AD is being further amended to provide for compliance times stated in terms of calendar months rather than annual inspections.

Since this amendment provides only a change in wording of compliance requirements and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of the Federal Aviation regulations, AD 55-24-1 is further amended by revising the first paragraph to read as follows:

To be accomplished by March 1, 1956 and thereafter at intervals not to exceed 12 calendar months from last inspection.

This amendment becomes effective May 22, 1973.

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

Issued in East Point, Ga., on May 8, 1973.

P. M. SWATEK,
Director, Southern Region.

[FR Doc.73-10106 Filed 5-21-73;8:45 am]

[Airworthiness Docket No. 73-WE-1-AD; Amdt. 39-1642]

PART 39—AIRWORTHINESS DIRECTIVES

International Inflatables Co. Regulator, Model No. 70003

A proposal to amend part 39 of the Federal Aviation regulations to include an airworthiness directive (AD) requiring a repetitive inspection of all International Inflatables Co. regulators, model 70003, installed in civil aircraft was published in 38 FR 6396.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all comments received in response to the above notice, insofar as they relate to matters within the scope of the notice.

One comment suggested that AD action requiring additional inspections is unwarranted. This suggestion was based on the results of the operator's inspections and planned retrofit program. The agency does not agree. One operator's experience will not necessarily be the same as another's. Therefore, it is necessary to issue an AD. To account for such experience as the operator's the AD allows "an equivalent inspection" be approved by the Chief, Aircraft Engineering Division, FAA, Western Region.

With a view to securing additional service information from a broad spectrum of operators, the agency is adding a reporting requirement as to corroded regulators only. This information will be evaluated for future AD action.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of the Federal Aviation regulations is amended by adding the following new airworthiness directive:

INTERNATIONAL INFLATABLES CO.: Applies to aircraft incorporating International Inflatables Co. regulator, P/N 70003.

NOTE: This regulator has been FAA-approved as a replacement for International Inflatables regulator P/N 68240, the subject of AD 71-14-3. Both regulators are used on various International Inflatables passenger evacuation slides, installed in but not limited to, BAC 1-11, B-707, B-720, B-727, DC-8, DC-9, and L-188 aircraft.

Compliance required as indicated.

To determine the presence of corrosion in regulator P/N 70003, accomplish the following:

(a) Within the next 60 days after the effective date of this AD, unless already accomplished within the last 60 days, and thereafter at intervals not to exceed 120 days from the last inspection, visually inspect the International Inflatables Co. regulator P/N 70003 for any evidence of corrosion both inside and outside of the regulator assembly, or an equivalent inspection approved by the Chief, Aircraft Engineering Division, FAA, Western Region. If there is any evidence of corrosion, replace the regulator prior to further flight with a previously inspected (per this AD) and corrosion-free regulator or an FAA-approved regulator. Do not return to service any regulator exhibiting evidence of corrosion.

(b) After the effective date of this AD, and prior to the installation of an International Inflatables Co. regulator P/N 70003 in an aircraft, inspect that regulator per (a), above.

(c) Submit a written report of the inspection results of each corroded regulator to the Chief, Aircraft Engineering Division, FAA, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, Calif. 90009. The report should include: serial number, date of manufacture, time in service, shelf time, date of last overhaul or inspection, and description of the corrosion. Inspection reports of regulators that are not corroded are not required. (Reporting approved by the Bureau of the Budget under BOB No. 04-R0174.)

This amendment becomes effective June 22, 1973.

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

Issued in Los Angeles, Calif., on May 10, 1973.

ARVIN O. BASNIGHT,
Director, FAA Western Region.

[FR Doc.73-10084 Filed 5-21-73;8:45 am]

[Airspace Docket No. 72-WA-55]

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

Alteration of VOR Federal Airways

Correction

In FR Doc. 73-8192 appearing on the page 10439 in the issue for Friday, April 27, 1973, and corrected in the issue for Friday, May 11, 1973 on page 12327, amendatory paragraph 1 (§ 71.123) should read as follows:

1. In V-3 "Kennebunk, Maine; Augusta, Maine;" is deleted and "INT Boston 015° and Pease, N.H. 185° radials; Pease; INT Pease 004° and Augusta, Maine 228° radials; Augusta;" is substituted therefor.

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

SUBCHAPTER A—GENERAL RULES

[Docket No. R-442; Order No. 474]

PART 2—GENERAL POLICY AND INTERPRETATION

SUBCHAPTER E—REGULATIONS UNDER NATURAL GAS ACT

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

Budget-type Applications, Field Gas Compression Facilities

MAY 9, 1973.

By notice issued May 5, 1972, and published in the FEDERAL REGISTER on May 11, 1972 (37 FR 9497), in docket No. R-442 pursuant to section 553 of title 5 of the United States Code, and sections 7 (b), (c), (d), and (e) and 16 of the Natural Gas Act, as amended,[1] the Commission proposed to amend § 157.7 of "Part 157—Applications for Certificates of Public Convenience and Necessity and for Orders Permitting and Approving Abandonment under section 7 of the Natural Gas Act," "Subchapter E—Regulations under the Natural Gas Act," chapter 1, title 18 of the Code of Federal Regulations, by adding a new subsection[2] which would permit natural gas companies to file budget-type applications for certificates of public convenience and necessity authorizing relocation and construction of certain gas purchase facilities and for orders permitting and approving abandonment of facilities under section 7 of the Natural Gas Act.

Budget-type certificates are presently issued by the Commission authorizing construction for a limited period of time and operation of gas purchase, gas sales, and underground storage facilities, pursuant to paragraphs (b), (c), and (d), respectively, of § 157.7 of the regulations under the Natural Gas Act. Budget-type orders are also issued by the Commission under paragraph (e) of § 157.7 of the regulations permitting and approving abandonment of service and direct sales facilities during a given 12-month period. There is no provision, under the Commission's regulations for budget-type certificates specifically authorizing relocation and construction of gas purchase field compression facilities. Although the Commission has occasionally certificated the relocation and construction of such facilities for a limited period of time and permitted abandonment thereof, pursuant to paragraph (b) of § 157.7, such action by the Commission will be discontinued in view of the present action promulgating an appropriate rule in this area.[3]

This proceeding was instituted because it has become apparent to the Commission that such a rule is needed. The Commission therefore proposed the amendment herein which will permit natural gas companies to file budget-type applications authorizing the relocation and construction of field gas compression facilities and for orders permitting and approving abandonment and removal of such facilities. The new rule will provide the much needed flexibility for jurisdictional pipelines to adapt rapidly to changing conditions in producing fields by the deployment of facilities necessary to maintain adequate field line pressures.

Responses to the notice of proposed rulemaking have been received from Southern Natural Gas Co., Panhandle Eastern Pipe Line Co., El Paso Natural Gas Co., Columbia Gas Transmission Corp., Columbia Gulf Transmission Co., Northern Natural Gas Co., Cities Service Gas Co., Tennessee Gas Pipeline Co., and Transcontinental Gas Pipe Line Corp. All of the responding companies express support for the proposed rule but request modifications as set forth below.

Most of the respondents propose that the amendment under consideration include construction of new or additional field compressors, as well as relocation of existing compressors, in fields already attached to the company's system. It is contended by these respondents that they may not have sufficient compressors on hand to meet compression requirements in the areas of relocation. In addition to the proposed abandonment of existing compressors, they request that the removal, relocation, and construction of measuring stations and appurtenances be permitted where related to such compressors.

Such suggestions are acceptable; however, we emphasize that the Commission is not here authorizing attachment of new producers and new sources of supply. Such attachments are now permitted under the existing gas purchase budget regulations in § 157.7(b). The new rule relates only to changes in facilities at existing sources of natural gas supply, which are gas producing fields, reservoirs, wells or formations from which the company was receiving gas at the date of filing its application, except those used exclusively for emergency gas delivered under §§ 157.22 and 157.29 of the regulations under the Natural Gas Act and §§ 2.68 and 2.70 of the Commission's general policy and interpretations. It is further emphasized that budget authorization to abandon or relocate compressor and related facilities under the new rule does not imply authority to abandon completely an existing source of supply or service from a producer. Such an abandonment will continue to require separate authority under section 7(b) of the Natural Gas Act.

Several respondents request that the rule apply to fields where pipeline companies produce and exchange gas, as well as purchase gas, including offshore areas. The Commission agrees. Declining field pressures occur in all producing areas and the proposed amendment is intended to alleviate such a situation as rapidly as possible.

The cost limitation of $1 million was considered too low by virtually all of the respondents for most of the companies that will seek to use the budget-type authorization. A sliding scale similar to that found in § 157.7(b) of the regulations was suggested by some of the companies; other suggested limitations ranging between $2 million and $5 million. Specific language for waiver of the cost limitation when necessary was also proposed. One respondent stated that the cost limitation should be applied only to the out-of-pocket expenses and not to the original cost of relocated or abandoned facilities. It was also suggested that the proposed amendment's limitation on the methods or means of financing the costs should be removed.

The Commission agrees that the cost limitation of $1 million may be on the low side for those companies that will make most use of the rule based on certificate applications filed in the past. The suggestion of some respondents that the Commission adopt a cost limitation based upon a sliding scale similar to that found in § 157.7(b) of the regulations is appropriate. We will therefore provide that the total cost of construction of new or additional field compression and related metering and appurtenant facilities and the total out-of-pocket cost of abandoning, removing, and relocating existing compression and related metering and appurtenant facilities will not exceed in aggregate 2 percent of an applicant's gas plant account (Account 101, Uniform System of Accounts Prescribed for Natural Gas Companies) or $3 million, whichever is less. An applicant with less than $10 million in its gas

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[1] 52 Stat. 824, 825, 830 (1938); 56 Stat. 83, 84 (1942); 61 Stat. 459 (1947); 15 U.S.C. 717f, 717o.

[2] The notice of this proceeding designated the proposed amendment as subsection (f). However, prior to issuance of this order, the designation (f) was pre-empted in Commission Order No. 415-C, issued December 18, 1972. Accordingly, the amendment prescribed herein is entitled paragraph (g).

[3] Opinion No. 409, East Tennessee Natural Gas Co., docket No. CP73-212 (30 FPC 1197).