federal register

MONDAY, JUNE 25, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 121

Pages 16625–16766

PART I

(Part II begins on page 16725)

HIGHLIGHTS OF THIS ISSUE

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

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REMINDERS

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

Rules Going Into Effect Today

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

page no. and date

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OEP—Community Action Programs; goals of legal services program..... 13746; 5–25–73

PATENT OFFICE—Secrecy of certain inventions and licenses to file applications in foreign counties; interference practice. 10004; 4–23–73

federal register

Area Code 202 Phone 962-8626

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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List of CFR Parts Affected

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

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

Rules and Regulations

Title 7—Agriculture

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amendment No. 14]

PART 730—RICE

Subpart—Rice Marketing Quota Regulations for 1967 and Subsequent Crop Years

1973 RATE OF PENALTY

Basis and purpose.—The amendment herein is issued under and in accordance with the provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.).

The purpose of this amendment is to announce the rate of penalty applicable to excess rice produced in the 1973 crop-year.

Under the act, the penalty rate per pound on the farm marketing excess is equal to 65 percent of the parity price per pound for rice as of June 15 of the calendar year in which the crop is produced.

Since rice will shortly be harvested in some parts of the rice-producing areas and since the rate of penalty is essential in computing the amount of penalty on any excess rice production, it is important that this amendment be issued and made effective as soon as possible. In addition, calculation of the rate of penalty is a mathematical determination. Accordingly, it is hereby found that compliance with the notice, public procedure, and effective date requirements of 5 U.S.C. 553 is unnecessary and contrary to the public interest, and this amendment shall become effective as provided herein.

The subpart—Rice Marketing Quota Regulations for 1967 and Subsequent Crop Years (32 FR 8666), as amended, is amended as follows:

Section 730.22 is amended by adding at the end thereof a new sentence to read as follows:

§ 730.22 **Rate of penalty.**

* * * The rate of penalty applicable to the 1973 crop of rice shall be 5.93 cents per pound. This is 65 percent of the parity price as of June 15, 1973, which is determined to be $9.13 per cwt, or 9.13 cents per pound.

(Secs. 356, 375, 52 Stat. 62, as amended, 66, as amended; 7 U.S.C. 1356, 1375.)

Effective date.—June 22, 1973.

Signed at Washington, D.C., on June 18, 1973.

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

[FR Doc.73-12683 Filed 6-22-73;8:45 am]

SUBCHAPTER C—SPECIAL PROGRAM

[Amendment 1]

PART 760—INDEMNITY PAYMENT PROGRAMS

Subpart—Beekeeper Indemnity Payment Program

RESTORATION OF COLONY TO NORMAL STRENGTH

On April 12, 1973, a notice of proposed rulemaking regarding amendments to the beekeeper indemnity payment program regulations was published in the FEDERAL REGISTER (38 FR 9234).

Interested persons were given until April 27, 1973, to submit written comments, suggestions, or objections regarding the proposed amendments. Comments received from the notice of proposed rulemaking were generally negative regarding the proposal to limit payments to $10 per year on a colony of bees which suffered successive damage within the same calendar year. No further action is being taken on that proposed change. With respect to the proposal to establish a 5-week period for a colony to be restored to normal strength between moderate losses, comments were generally to the effect that a somewhat shorter period of time is required than was proposed. The regulations are, therefore, changed to provide that after a colony has suffered a moderate or severe damage, a minimum period of 4 weeks and 6 weeks, respectively, must have elapsed before that colony can qualify for a subsequent indemnification payment. In either case, however, it must be determined that the colony was restored to normal strength before the subsequent pesticide loss, regardless of the time element.

In view of the foregoing, the last paragraph of § 760.109 is amended to read as follows:

§ 760.109 **Computation of payment.**

* * * * *

Beginning with 1973, if a colony suffers either moderate or severe damage from pesticides, that colony is not eligible for further indemnification until a minimum period of 4 or 6 weeks, respectively, has elapsed after the date of inspection of the loss, and to be eligible for such indemnification, the colony must have been restored to normal strength prior to any subsequent damage by pesticides. A determination as to what constitutes normal strength of a colony shall be made by the State ASC committee on the basis of weather conditions, time of year, amount of brood, and other conditions prevailing in the part of the State where the honeybees are maintained. In no case may the total indemnification exceed $15 per damage colony per year.

Effective date.—June 25, 1973.

Signed at Washington, D.C., on June 18, 1973.

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

[FR Doc.73-12728 Filed 6-22-73;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

PART 1427—COTTON

Subpart—Seed Cotton Loan Program Regulations

Correction

In FR Doc. 73-11247 appearing at page 14816 in the issue of Wednesday, June 6, 1973, the section now designated as "§ 1427.16" should be designated as "§ 1427.163".

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—LOANS PRIMARILY FOR PRODUCTION PURPOSES

[FHA Instruction 441.2]

PART 1832—EMERGENCY LOANS

Subpart A—Emergency Loan Policies and Authorizations

Loan Limitations

Section 1832.8(q) is deleted from chapter XVIII of title 7 of the Code of Federal Regulations (37 FR 7293), thereby removing the prohibition against making emergency loans to presently indebted farm ownership and operating loan borrowers who have expanded their farming and ranching operations beyond family size.

In accordance with 5 U.S.C. 553, this deletion is being published without notice of proposed rulemaking since a delay

in implementing the effects of this deletion would be contrary to the public interest.

(Sec. 339, 75 Stat. 318, 7 U.S.C. 1989; sec. 510, 63 Stat. 437, 42 U.S.C. 1480; sec. 4, 64 Stat. 100, 40 U.S.C. 442; sec. 301, 80 Stat. 379, 5 U.S.C. 301; orders of Acting Secretary of Agriculture, 36 FR 21529; 37 FR 22008; order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 FR 21529.)

Effective date.—This deletion shall become effective on June 25, 1973.

Dated June 4, 1973.

FRANK B. ELLIOTT,
Acting Administrator,
Farmers Home Administration.

[FR Doc.73-12685 Filed 6-22-73;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

Miscellaneous Amendments

Pursuant to 5 U.S.C. 552 and the authority contained in 8 U.S.C. 1103 and 8 CFR 2.1, miscellaneous amendments, as set forth herein, are prescribed in parts 100, 212, 238, and 216a of chapter I of title 8 of the Code of Federal Regulations.

In part 100, § 100.4(d) is amended to reflect the elimination of existing Border Patrol sector No. 20—Port Isabel, Tex., and the relocation and reassignment of certain specified Border Patrol stations. Corollary amendments are made in § 100.4(a).

In part 212, § 212.7(b)(2)(1) is amended to require that the medical report of an applicant for a waiver of certain grounds of inadmissibility under section 212(g) of the act shall include a chest X-ray report only if the alien is 15 years of age or over; the regulation currently requires such X-ray report if the alien is 11 years of age or over.

In part 238, § 238.3(b) is amended by adding specified transportation lines to the listing therein. In part 316a, §§ 316a.2 and 316a.4 are amended by adding to and deleting from the listings therein specified American institutions of research and public international organizations.

The following amendments to chapter I of title 8, Code of Federal Regulations, are hereby prescribed:

PART 100—STATEMENT OF ORGANIZATION

1. In § 100.4, paragraph (a) is amended in the following respects: The second sentence is amended by changing Border Patrol sectors "21 and 22" to read "20 and 21", respectively; and the fourth sentence is amended by deleting therefrom the reference to Border Patrol sector "20". As amended, § 100.4(a) reads as set forth below.

2. In § 100.4, paragraph (d) is amended in the following respects: Sector No. 2 is amended by deleting therefrom "Newport, Vt." and by substituting "Derby Line, Vt." in lieu thereof; sector No. 18 is amended by adding thereto in alphabetical sequence "Corpus Christi, Tex." and "Galveston, Tex."; sector No. 19 is amended by adding thereto in alphabetical sequence "Brownsville, Tex.", "Harlingen, Tex." and "Kingsville, Tex."; existing sector No. 20 is deleted; and existing sectors No. 21 and No. 22 are redesignated sectors No. 20 and No. 21, respectively. As amended, § 100.4(d) reads, in pertinent part, as follows:

§ 100.4 Field Service.

* * * * *

(a) *Regional Offices.*—The Northeast Regional Office, located in Burlington, Vt., has jurisdiction over districts 1, 2, 3, 7, 21, 22, and 23 and Border Patrol sectors 1, 2, 3, and 4. The Southeast Regional Office, located in Richmond, Va., has jurisdiction over districts 4, 5, 6, 24, 25, 26, 27, and 28 and Border Patrol sectors 20 and 21. The Northwest Regional Office, located in St. Paul, Minn., has jurisdiction over districts 8, 9, 10, 11, 12, 29, 30, 31, and 32 and Border Patrol sectors 5, 6, 7, 8, and 9. The Southwest Regional Office, located in San Pedro, Calif., has jurisdiction over districts 13, 14, 15, 16, 17, 18, 19, 35, and 36 and Border Patrol sectors 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19.

* * * * *

(d) *Border Patrol Sectors.*—Border Patrol sector beadquarters and stations are situated at the following locations:

* * * * *

SECTOR NO. 2—SWANTON, VT.

Beecher Falls, Vt.
Derby Line, Vt.
Richford, Vt.
Rouses Point, N.Y.
Swanton, Vt.
Whitehall, N.Y.

* * * * *

SECTOR NO. 18—LAREDO, TEX.

Corpus Christi, Tex.
Cotulla, Tex.
Galveston, Tex.
Hebbronville, Tex.
Laredo, Tex.

SECTOR NO. 19—MCALLEN, TEX.

Brownsville, Tex.
Falfurrias, Tex.
Harlingen, Tex.
Kingsville, Tex.
McAllen, Tex.
Mercedes, Tex.
Rio Grande City, Tex.

SECTOR NO. 20—NEW ORLEANS, LA.

Baton Rouge, La.
Gulfport, Miss.
Lake Charles, La.
Little Rock, Ark.
Miami, Okla.
Mobile, Ala.
New Orleans, La.
Pensacola, Fla.

SECTOR NO. 21—MIAMI, FLA.

Jacksonville, Fla.
Miami, Fla.
Orlando, Fla.
Tampa, Fla.
West Palm Beach, Fla.

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

In § 212.7, the second sentence of paragraph (b)(2)(i) is amended. As amended, § 212.7(b)(2)(i) reads as follows:

§ 212.7 Waiver of certain grounds of excludability.

* * * * *

(b) *Section 212(g) (tuberculosis and certain mental conditions).* * * *

(2) *Section 212(a) (1) or (3) (certain mental conditions)*—(i) *Arrangements for submission of medical report.*—If the alien is excludable under section 212(a)(1) or (3) (because of mental retardation or because of a past history of mental illness) he or his sponsoring family member shall submit an executed Form I-601 to the consular or Service office with a statement that arrangements have been made for the submission to that office of a medical report. The medical report shall contain a complete medical history of the alien, including details of any hospitalization or institutional care or treatment for any physical or mental condition; findings as to the current physical condition of the alien, including reports of chest X-ray examination and of serologic test for syphilis if the alien is 15 years of age or over, and other pertinent diagnostic tests; and findings as to the current mental condition of the alien, with information as to prognosis and life expectancy and with a report of a psychiatric examination conducted by a psychiatrist who shall, in case of mental retardation, also provide an evaluation of the alien's intelligence. For an alien with a past history of mental illness, the medical report shall also contain available information on which the U.S. Public Health Service can base a finding as to whether the alien has been free of such mental illness for a period of time sufficient in the light of such history to demonstrate recovery. Upon receipt of the medical report, the consular or Service office shall refer it to the U.S. Public Health Service for review.

* * * * *

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.3 [Amended]

The listing of transportation lines in paragraph (b) *Signatory lines of* § 238.3 *Aliens in immediate and continuous transit* is amended by adding the following transportation lines in alphabetical sequence: "Britannia Airways Limited" and "The Eastern & Australian Steamship Co. Ltd."

PART 316a—RESIDENCE, PHYSICAL PRESENCE AND ABSENCE

§ 316a.2 [Amended]

1. The listing of American institutions of research in § 316a.2, American institutions of research is amended by adding

the following institution of research in alphabetic sequence: "New York Zoological Society."

§ 316a.4 [Amended]

2. The listing of public international organizations in § 316a.4, International Organizations Immunities Act designations is amended by adding the following organization in alphabetical sequence: "International Telecommunications Satellite Organization (INTELSAT) (E.O. 11718, May 14, 1973)"; and by deleting the following two organizations: "Interim Communication Satellite Committee (E.O. 11227, Jun 2, 1965)" and "International Telecommunications Satellite Consortium (E.O. 11277, April 30, 1966)".

Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383) as to notice of proposed rulemaking and delayed effective date is unnecessary in this instance because the amendments to § 100.4 relate to agency management; the amendment to § 212.7(b) relates to agency procedure; the amendment to § 238.3(b) adds transportation lines to the listing; the amendment to § 316a.2 adds an institution of research to the listing; and the amendment to § 316a.4 deletes two, and adds one, public international organization to the listing.

Effective date.—This order shall become effective on July 1, 1973.

Dated June 19, 1973.

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

[FR Doc.73-12679 Filed 6-22-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-NW-12]

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

Alteration of Control Zone

Correction

In FR Doc. 73-11702 appearing on page 15503 of the issue for Wednesday, June 13, 1973, the following description of the Troutdale, Oreg., control zone should be added following the signature:

In § 71.171 (38 FR 351) the following control zone is amended to read:

TROUTDALE, OREG.

That airspace, bounded on the north by a 5-mile-radius area centered on the Portland-Troutdale Airport (lat. 45°33'30" N., long. 122°23'49" W.), on the south and east by a line parallel to and 3 miles southwest and northeast of the 119° bearing from the Lake LOM (lat. 45°32'38" N., long. 122°27'49" W.), extending from the LOM to 8 miles southeast, and on the west by the 154° radial of the Portland VORTAC. This control zone shall be effective from 0700 to 2300 hours, local time daily.

[Airspace Docket No. 73-SO-9]

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

Alteration of VOR Federal Airway

On March 30, 1973, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (38 FR 8278) stating that the Federal Aviation Administration (FAA) was considering an amendment to part 71 of the Federal Aviation Regulations that would alter Federal Airway No. V-159 and revoke V-159W between Ocala, Fla., and Greenville, Fla.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. Four comments were received. The Department of Transportation of the State of Florida and the city of Gainesville, Fla., objected to the proposal stating it would present an unwarranted economic burden on civil general aviation airspace users in the Gainesville, Fla., area. The above parties withdrew their objections after they were assured that this burden would be alleviated by leaving an airway between Gainesville and Greenville, Fla., with a maximum authorized altitude (MAA) of 7,000 ft m.s.l. Also, they had no objection to lowering the Moody Intensive Student Jet Training Area (ISJTA) No. 2 to 8,000 feet m.s.l. The existing Federal Airway (V-159) between Ocala and Greenville (via Gainesville), Fla., will be redesignated as V-159E, and the existing Federal Airway (V-159W) between Ocala and Greenville (via Cross City, Fla.) will be redesignated as V-159. Redesignation of these airways will route traffic, not originating in Gainesville, clear of the Moody ISJTA No. 2 at all altitudes, and increase flying safety and reduce controller workload.

The Navy Regional Airspace Office, Atlanta, Ga., and the Air Transport Association of America concurred in the proposal.

In consideration of the foregoing, part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 16, 1973, as hereinafter set forth.

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

In V-159 "Ocala, Fla., including a west alternate via INT Orlando 283° and Ocala 156° radials; Gainesville, Fla.; Greenville, Fla., including a west alternate from Ocala to Greenville via Cross City, Fla.;" is deleted and "Ocala, Fla.; including a west alternate via INT Orlando 283° and Ocala 156° radials; Cross City, Fla.; Greenville, Fla.; including an east alternate from Ocala to Greenville via Gainesville, Fla., excluding that airspace above 7,000 feet m.s.l. between Gainesville, and Greenville;" is substituted therefor.

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

Issued in Washington, D.C., on June 15, 1973.

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

[FR Doc.73-12647 Filed 6-22-73;8:45 am]

[Airspace Docket No. 73-EA-24]

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

Alteration of Control Zone and Transition Area

On page 10956 of the FEDERAL REGISTER for May 3, 1973, the Federal Aviation Administration published proposed regulations which would alter the Syracuse, N.Y., control zone (38 FR 425) and transition area (38 FR 585).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted, effective 0901 G.m.t., August 16, 1973.

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348); sec. 6(c) of the Department of Transportation Act, 49 U.S.C. 1655(c).)

Issued in Jamaica, N.Y., on June 13, 1973.

ROBERT H. STANTON,
Acting Director, Eastern Region.

1. Amend § 71.171 of part 71, Federal Aviation Regulations so as to delete the description of the Syracuse, N.Y., control zone and substituting the following in lieu thereof:

SYRACUSE, N.Y.

Within a 5-mile radius of the center, latitude 43°06'50" N., longitude 76°06'35" W., of Syracuse Hancock International Airport extending clockwise from a 200° bearing to a 160° bearing from the airport; within a 6.5-mile radius of the center of the airport extending clockwise from 160° to a 200° bearing from the airport; within 2.5 miles each side of the Syracuse Hancock International Airport Runway 10 ILS localizer back course extending from the localizer to a point 5 miles west of the localizer and within 1.5 miles each side of the Syracuse VORTAC 300° radial extending from the 5-mile-radius area to the VORTAC excluding that airspace within a 0.5-mile radius of the center 43°10'45" N., 76°07'30" W. of Michael Field, Cicero, N.Y.

2. Amend § 71.181 of part 71, Federal Aviation Regulations so as to delete the description of the Syracuse, N.Y., 700-foot floor transition area and substituting the following in lieu thereof:

SYRACUSE, N.Y.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center latitude 43°06'50" N., longitude 76°06'35" W., of Syracuse Hancock International Airport extending clockwise from a 270° bearing to a 090° bearing from the airport; within a 16-mile radius of the center of the airport extending clockwise

from a 090° bearing to a 270° bearing from the airport; within 9.5 miles north and 4.5 miles south of the Syracuse Hancock International Airport Runway 28 ILS localizer course extending from the OM to 18.5 miles east of the OM; within 9.5 miles north and 4.5 miles south of the Syracuse Hancock International Airport Runway 10 ILS localizer back course extending from the localizer to 26 miles west of the localizer; within 5 miles each side of the Syracuse VORTAC 283° radial extending from the VORTAC to a point 16 miles west of the VORTAC; and within 5 miles each side of the Syracuse VORTAC 242° radial extending from the VORTAC to a point 16 miles southwest of the VORTAC.

[FR Doc.73-12651 Filed 6-22-73;8:45 am]

[Airspace Docket No. 73-EA-28]

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

Alteration of Control Zone and Transition Area

On page 10957 of the FEDERAL REGISTER for May 3, 1973, the Federal Aviation Administration published proposed regulations which would alter the Weyers Cave, Va., control zone (38 FR 431) and transition area (38 FR 598).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted, effective 0901 G.m.t., August 16, 1973.

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348); sec. 6(c) of the Department of Transportation Act, 49 U.S.C. 1655(c).)

Issued in Jamaica, N.Y., on June 13, 1973.

ROBERT H. STANTON,
Acting Director, Eastern Region.

1. Amend § 71.171 of part 71 of the Federal Aviation Regulations by deleting in the description of the Weyers Cave, Va., control zone, the following; "3 miles each side of the 218° bearing and the 038° bearing from the Staunton LOM extending from the 5-mile-radius zone to 8.5 miles southwest of the LOM," and by substituting the following in lieu thereof: "3.5 miles each side of the Shenandoah Valley Airport ILS localizer southwest course, extending from the 5-mile-radius zone to 11.5 miles southwest of the OM."

2. Amend § 71.181 of part 71 of the Federal Aviation Regulations by deleting in the description of the Weyers Cave, Va., transition area, the following; "6.5 miles northwest of the 218° bearing from the Staunton LOM extending from the LOM to 11.5 miles southwest", and by substituting the following in lieu thereof: "9.5 miles northwest of the Shenandoah Valley Airport ILS localizer southwest course, extending from the localizer to 18.5 miles southwest of the OM."

[FR Doc.73-12649 Filed 6-22-73;8:45 am]

[Airspace Docket No. 73-EA-22]

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

Alteration of Control Zone and Transition Area

On page 9515 of the FEDERAL REGISTER for April 17, 1973, the Federal Aviation Administration published a proposed rule which would alter the Allentown, Pa., control zone (38 FR 353) and transition area (38 FR 438).

Interested parties were given 30 days after publication in which to submit written data or views, and a Mr. J. A. Johnston as manager of Slatington Airport, Slatington, Pa., requested consideration of deleting the portion of the transition area overlying the airport. A review of the airspace has permitted a slight reduction, but the major portion overlying the airport must be retained to provide controlled airspace protection. The deletions are less restrictive and therefore notice and public procedure thereon are unnecessary.

In view of the foregoing, the proposed regulations are hereby adopted, effective 0901 G.m.t., August 16, 1973, except as follows:

1. Amend item 2 as follows: Delete "a 16.5-mile radius of the center, 40°-39'16" N., 75°26'11" W. of Allentown-Bethlehem-Easton Airport, Allentown, Pa., extending clockwise from a 311° bearing to a 028° bearing from the airport" and substitute in lieu thereof: "a 15-mile radius of the center, 40°39'16" N., 75°26'11" W. of Allentown-Bethlehem-Easton Airport, Allentown, Pa., extending clockwise from a 311° bearing to a 001° bearing from the airport; within a 16.5-mile radius of the center of the airport, extending clockwise from a 001° bearing to a 028° bearing from the airport."

(Sec. 307(a) of the Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c) of the Department of Transportation Act, 49 U.S.C. 1655(c).)

Issued in Jamaica, N.Y., on June 11, 1973.

ROBERT H. STANTON,
Acting Director, Eastern Region.

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

Within a 5.5-mile radius of the center 40°39'16" N., 75°26'11" W. of Allentown-Bethlehem-Easton Airport, Allentown, Pa., extending clockwise from a 042° bearing to 103° bearing from the airport; within a 6.5-mile radius of the center of the airport, extending clockwise from a 103° bearing to a 209° bearing from the airport; within a 5.5-mile radius of the center of the airport, extending clockwise from a 209° bearing to a 291° bearing from the airport; within a 6.5-mile radius of the center of the airport, extending clockwise from a 291° bearing to a 042° bearing from the airport; within a 1.5-mile radius of the center 40°34'13" N., 75°29'19" W. of Allentown-Queen City Municipal Airport, Allentown, Pa.; within 2 miles each side of the Allentown-Bethlehem-Easton Airport localizer southwest course extending from the localizer to 1 mile northeast of the OM; within 3 miles each side of the Allentown-Bethlehem-Easton Airport localizer northeast course, extending from the localizer to 12.5 miles northeast of the localizer; within 3.5 miles each side of the Allentown VORTAC 178° and 358° radials, extending from 1 mile south to 5 miles north of the VORTAC.

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

That airspace extending upward from 700 feet above the surface within "a 15-mile radius of the center, 40°39'16" N., 75°26'11" W. of Allentown-Bethlehem-Easton Airport, Allentown, Pa., extending clockwise from a 311° bearing to a 001° bearing from the airport; within a 16.5-mile radius of the center of the airport, extending clockwise from a 001° bearing to a 028° bearing from the airport"; within a 12.5-mile radius of the center of the airport, extending clockwise from a 028° bearing to a 311° bearing from the airport; within a 9-mile radius of the center, 40°34'13" N., 75°29'19" W. of Allentown-Queen City Municipal Airport, Allentown, Pa.; within 3.5 miles each side of the Allentown-Bethlehem-Easton Airport localizer southwest course, extending from the OM to 11 miles southwest of the OM; within 4.5 miles west and 6.5 miles east of the Allentown VORTAC 358° radial extending from the VORTAC to 17.5 miles north of the VORTAC; within 5 miles each side of the East Texas VORTAC 103° and 283° radials, extending from 1 mile east of the VORTAC to 8.5 miles west of the VORTAC; within 5 miles each side of the East Texas VORTAC 095° radial, extending from the 9-mile-radius area to the East Texas VORTAC; within a 15-mile radius of the Allentown VORTAC extending clockwise from the Allentown VORTAC 358° radial to the Allentown VORTAC 104° radial; within 5 miles each side of the Allentown-Bethlehem-Easton Airport localizer northeast course, extending from the localizer to 16 miles northeast of the localizer.

[FR Doc.73-12652 Filed 6-22-73;8:45 am]

[Airspace Docket No. 73-EA-29]

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

Alteration of Control Zone and Transition Area

On page 10957 of the FEDERAL REGISTER for May 3, 1973, the Federal Aviation Administration published proposed regulations which would alter the Roanoke, Va., control zone (38 FR 416) and transition area (38 FR 567).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted, effective 0901 G.m.t., August 16, 1973.

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348); sec. 6(c) of the Department of Transportation Act, 49 U.S.C. 1655(c).)

Issued in Jamaica, N.Y., on June 13, 1973.

ROBERT H. STANTON,
Acting Director, Eastern Region.

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

Within a 7-mile radius of the center 37°19'-30" N., 79°58'35" W., of the Roanoke Municipal Airport, Roanoke, Va.; within an 8-mile radius of the center of the airport, extending clockwise from a 237° bearing to a 258° bearing from the airport; within a 13.5-mile radius of the center of the airport, extending clockwise from a 258° bearing to a 302° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 302° bearing to a 336° bearing from the airport; within a 9-mile radius of the center of the airport, extending clockwise from a 336° bearing to a 007° bearing from the airport and within 2.5 miles each side of the Roanoke Municipal Airport ILS localizer southeast course, extending from the localizer to 2 miles southeast of the OM.

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

That airspace extending upward from 700 feet above the surface within an 18-mile radius of the center 37°19'30" N., 79°58'35" W., of Roanoke Municipal Airport, Roanoke, Va.; within a 23.5-mile radius of the center of the airport, extending clockwise from a 203° bearing to a 296° bearing from the airport; within a 19.5-mile radius of the center of the airport, extending clockwise from a 296° bearing to a 307° bearing from the airport, excluding the portion within the Blacksburg, Va., transition area.

[FR Doc.73-12648 Filed 6-22-73;8:45 am]

[Airspace Docket No. 73-EA-25]

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

Alteration of Transition Area

On page 10958 of the FEDERAL REGISTER for May 3, 1973, the Federal Aviation Administration published a proposed rule which would alter the Winchester, Va., transition area (38 FR 601).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t., August 16, 1973.

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348); sec. 6(c) of the Department of Transportation Act, 49 U.S.C. 1655(c).)

Issued in Jamaica, N.Y., on June 13, 1973.

ROBERT H. STANTON,
Acting Director, Eastern Region.

1. Amend § 71.181 of part 71 of the Federal Aviation regulations by deleting the description of the Winchester, Va., transition area and by substituting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center 39°08'30" N., 78°08'30" W. of Winchester Municipal Airport; within a 9.5-mile radius of the center of the airport, extending clockwise from a 187° bearing to a 008° bearing from the airport; within 3.5 miles each side of the Front Royal, Va., VORTAC 223° radial, extending from the VORTAC to 11.5 miles southwest of the VORTAC.

[FR Doc.73-12650 Filed 6-22-73;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER X—OFFICE OF FOREIGN DIRECT INVESTMENTS, DEPARTMENT OF COMMERCE

PART 1000—FOREIGN DIRECT INVESTMENT REGULATIONS

Miscellaneous Amendments

EDITORIAL NOTE: The Foreign Direct Investment Regulations appear in title 15, chapter X, part 1000 of the Code of Federal Regulations (CFR). All sections of the Foreign Direct Investment Regulations contained in CFR are preceded by the designation "1000" (e.g., § 1000.312). The "1000" prefix has, for convenience, been eliminated from the section references contained in the explanatory material below. The abreviations "DI" and "AFN" are used to refer to "direct investor" and "affiliated foreign national."

The Office of Foreign Direct Investments (the Office) has adopted certain amendments to the Foreign Direct Investment Regulations (the regulations).

Notice of proposed rulemaking was published in the FEDERAL REGISTER on May 17 (38 FR 12928), and June 6, 1973 (38 FR 14864), with respect to certain proposed amendments to the regulations. After consideration by the Office of all comments and suggestions presented by interested persons, the amendments are hereby adopted in final form. The only change from the amendments as published in proposed form is an amendment to section 506(a)(4) substituting $2 million for the amount of the minimum allowable in the computation of the section 506 incremental earnings allowable. This amendment is described more fully in paragraph No. 6, below.

These amendments shall apply to all affected transactions entered into on or after January 1, 1973.

In addition to the change mentioned above, the amendments (i) increase the section 503 worldwide minimum allowable from $2 million to $6 million for 1973, (ii) revoke the section 507 alternative minimum and schedule A supplemental allowable, (iii) permit allocation during 1973 of proceeds of long-term foreign borrowing that were expended in making transfers of capital to AFNs during 1965, 1966, or 1967, (iv) exclude, from the definition of transfer of capital, the acquisition by a DI of an equity interest in or a debt obligation of an AFN, from a person within the United States who was not a DI in the AFN immediately prior to the transaction, (v) permit a deduction, from positive direct investment made during 1973, in an amount equal to available proceeds of long-term foreign borrowing (or proceeds borrowing from an overseas finance subsidiary) made on or before February 28, 1974, that are allocated to such positive direct investment, (vi) clarify the exclusion, from the definition of transfer of capital, of a combination of DIs or a combination of a DI and a person within the United States, (vii) permit a DI electing the section 503 allowable to use negative direct investment to satisfy, in whole or in part, carried-forward repayment charges under section 1003, and (viii) clarify the reporting and recordkeeping requirements of the regulations. In addition, corrections and other editorial changes are made.

The amendments are described in greater detail as follows:

1. *Allocation of proceeds expended during 1965, 1966, or 1967.* Prior to 1973, section 203(d)(2) provided that DIs could change the scheduled area in which proceeds of long-term foreign borrowing are considered invested if such proceeds were expended in making transfers of capital to AFNs in 1968 or subsequent years. On the other hand, DIs that expended proceeds in making transfers of capital to AFNs during 1965, 1966, or 1967 were required to make deductions under section 313(d)(1) in calculating the net transfer of capital during those years (for purposes of the Base Period Report, Form FDI-101), but have not been permitted to allocate such proceeds to positive direct investment in another scheduled area during program years.

The amendment to section 203(d)(2) permits a DI to make such an allocation, provided that the long-term foreign borrowing, the proceeds of which were expended in making transfers of capital in 1965, 1966, or 1967, was made by the DI during 1965 or succeeding years and is still outstanding at the time the allocation is made pursuant to section 203(d)(2). When such an allocation is made, the DI must recognize a transfer of capital to the scheduled area from which the proceeds are being allocated.

2. *Section 503 worldwide minimum allowable.* The annual amount of positive direct investment that a DI may make in 1973 under the section 503 worldwide minimum allowable is increased from $2 million to $6 million.

3. *Revocation of section 507.* The consolidation of alternative minimum worldwide allowables, announced on January 2, 1973, is accomplished by increasing the section 503 worldwide minimum allowable from $2 million to $6 million for 1973. There is, therefore, no need to retain the schedular complexity of section 507, and that section is revoked.

4. The following sections are revised to conform to the revocation of section 507:

(a) Section 306(e)(3) (schedular apportionment of deductions for allocation to positive direct investment calculated on a combined Schedule B/C basis under section 507);

(b) Section 502 (election of allowable);

(c) Section 506(c) (incremental earnings allowable);

(d) Paragraphs (c)(2) and (d) of section 1003 (effect of transfers of capital in repayment of borrowings).

5. The following sections are revoked to conform to the revocation of section 507:

(a) Paragraphs (b)(2) (ii) and (iii) of section 905 (limitation on the amount of positive direct investment in group AFNs made by members of an associated group electing the section 507 allowable);

(b) Paragraphs (b)(3) (iii) and (iv) of section 906 (limitation on the amount of positive direct investment made in AFNs of the principal DI by consenting owners that elect the section 507 allowable);

(c) Section 1003(c)(5) (effect of transfers of capital in repayment of borrowings).

6. *Computation of the incremental earnings allowable.* In computing the incremental earnings allowable under section 506(a)(4) prior to this amendment, DIs were required to subtract, from 40 percent of incremental earnings, the greatest of the section 503 minimum allowable, the section 504(a) historical allowable or the section 504(b) earnings allowable. The increase in the minimum allowable from $2 million to $6 million for 1973, therefore, would have operated to decrease the amount of the incremental earnings allowable for some DIs because it would have increased the amount by which 40 percent of incremental earnings would have been reduced in reaching the incremental earnings allowable. In order to avoid this reduction of the amount of the incremental earnings allowable for 1973, the amendment to section 506(a)(4) eliminates the reference to the section 503 minimum allowable and substitutes the figure of $2 million in its place.

7. *Allocation, on or before February 28, 1974, of available proceeds to positive direct investment made during 1973.* The amendment to section 306(e)(1) permits a DI to deduct from positive direct investment made during 1973 an amount equal to any available proceeds of long-term foreign borrowing (or proceeds borrowing from the DI's overseas finance subsidiary) made on or before Feburary 28, 1974, that are allocated to such positive direct investment, provided (1) the DI makes the appropriate bookkeeping entries for allocation, (2) the allocation and deduction are reported on the DI's Form FDI–102F for 1973, and (3) the proceeds, as of February 28, 1974, are not held, directly or indirectly, in any form of foreign property. However, the proceeds may be expended by the DI in making a transfer of capital to an AFN at any time.

Thus, a DI may reduce positive direct investment made during 1973 by allocating available proceeds of any long-term foreign borrowing that is outstanding on February 28, 1974. Such borrowing may be made during January or February 1974, or may have been made by the DI during 1973 or a prior year. The regular 12-month maturity test of section 324 for long-term foreign borrowing will, of course, apply to any borrowing of which available proceeds are allocated, that is, such borrowings, including those that are refinanced, must be continuously outstanding for at least 12 months.

This additional flexibility in the use of proceeds to reduce positive direct investment was first adopted in 1971 by an amendment to section 306(e)(1) that was applicable only to that year. A similar amendment was adopted for the 1972 Program, and the amendment to section 306(e)(1) continues that flexibility for the 1973 Program.

8. *Use of negative direct investment to offset carried-forward repayment charges.* Under the Regulations, if a repayment charge incurred by a DI under section 1003 exceeds the DI's Subpart E allowables for the year in which the borrowing is repaid, the excess is carried forward and charged against the DI's allowables in succeeding years until reductions equal the amount of the repayment. The amount carried forward in this manner may exceed the DI's allowables for the year, in which event the allowables are reduced to zero and the remainder of the repayment charge is carried forward to the following year. Where the DI elected the section 503 allowable in a year in which the carried-forward repayment charge exceeded that allowable, section 1003 did not permit the DI to use worldwide negative direct investment during that year to satisfy any of the repayment charge. Such a DI therefore could not reduce the amount of the repayment charge to be carried forward into the following year, nor could it carry forward the benefit of its negative direct investment to offset the repayment charge in that year.

The amendment to paragraph (c)(1) of section 1003 permits a DI electing the section 503 allowable and making negative direct investment during 1973 to use such negative direct investment to satisfy, in whole or in part, a repayment charge carried forward from a prior year. For example, if a DI electing section 503 in 1973 has carried forward $8 million of repayment charge from 1972, its 1973 section 503 allowable is reduced from $6 million to zero. Prior to this amendment, the additional $2 million of repayment charge would be carried over into 1974. If, however, the DI makes negative direct investment of $2 million in 1973 (resulting from aggregate AFN losses of $1 million and a negative net transfer of capital of $1 million), the amendment permits use of that $2 million to satisfy the repayment charge in 1973.

9. *Acquisition by a DI, of an equity interest in or debt obligation of an AFN, from a person within the United States.* Section 312(c)(1)(i) provides that the acquisition by a DI, of an equity interest in or debt obligation of an AFN, *from another DI in the same AFN* does not involve a transfer of capital. But if the interest was acquired from a person within the United States that was *not a DI in the AFN* immediately prior to the transaction, the acquisition was a transfer of capital. (Upon application for specific authorization, the positive direct investment resulting from such transfer of capital has regularly been specifically authorized.) The amendment to section 312(c)(1)(i) provides that such an acquisition does not involve a transfer of capital. (It should be noted, however, that the adjustments to direct investment and earnings calculations provided by this subparagraph will continue to apply only where the acquisition is from a person that was, immediately prior to the acquisition, a DI in the AFN.)

10. *Combination of DIs or of a DI and a person within the United States.* Under section 312(c)(1)(ii), when two or more DIs combine by merger, consolidation, reorganization, or otherwise, no transfer of capital is involved, and the surviving DI must file Form FDI–107 reporting aggregate direct investment activity and liquid foreign balance holdings of the DIs involved in the combination. The amendment clarifies section 312(c)(1)(ii) in these respects: (a) An acquisition by a DI (from a person within the United States) of another DI, which thereby becomes an affiliate as defined in section 903(a), is a combination of DIs for purposes of this subparagraph. (b) The acquisition of a DI, by a person within the United States which prior to such acquisition was not a DI, is also a combination for purposes of this subparagraph. (c) The surviving DI is in compliance with the liquid foreign balance limitations, for the months prior to the combination in the year of combination, if each combining DI was in compliance with those limitations during such months.

11. *Filing of reports.* Paragraph (b)(3) of section 602 is amended to take account of the liberalized reporting exemptions set forth in the Instructions to Cumulative Quarterly and Annual Report, Form FDI–102/102F; paragraph (b)(4) is amended to delete reference to the election of the section 507 allowable; paragraph (b)(5) is amended to delete the reference to publication in the FEDERAL REGISTER; and paragraph (e) is amended to delete the reference to Commerce Department field offices, which no longer maintain a supply of OFDI forms and instructions.

12. *Recordkeeping.* Section 601 requires DIs to keep records of transactions for at least 3 years after the filing of any report relating to the transactions. Through criteria stated in the Instructions to the Quarterly and Annual Report, Form FDI–102/102F, exemptions from filing have been significantly liberalized since 1972, with the result that large numbers of DIs will not actually be filing such reports. Nevertheless, as is made clear in the amendment to section 601, all DIs, whether or not exempted from the filing of quarterly or annual reports, must continue to maintain records for 3 years from the due date of the annual report relating to the

year during which the transactions occurred. Moreover, where information that is included in a later report filed by the DI (or that would be included in a later report filed by the DI but for a reporting exemption) relates to, or is based upon transactions occurring in an earlier year, records covering such transactions must be kept for 3 years after the later report is filed (or would have been filed). For example, if a DI elected the earnings allowable set forth in section 504(b) for the year 1973, records regarding the annual earnings of AFNs for the year 1972, on which the 1973 earnings allowable is based, must be kept for 3 years after the date on which the 1973 annual report is filed, rather than for 3 years after the date on which the 1972 annual report was due.

13. *Specific authorization for Schedule B/C or Schedule A repayment charges.* To preserve the Schedule A supplemental allowable for new or increased investment in Schedule A, paragraphs (c)(2), (c)(5), and (d) of section 1003 have provided, under certain circumstances, special treatment of repayment charges for DIs electing the section 507 allowable. Any DI adversely affected by the revocation of section 507 and the conforming changes to section 1003 may request a specific authorization.

The text of the amendments is as follows:

a. Paragraph (d)(2) of § 1000.203 is amended to read as follows:

§ 1000.203 Liquid foreign balances.

* * * * *

(d) * * *

(2) A direct investor which expended proceeds of long-term foreign borrowing made during 1965 or any succeeding year and deducted the amount of such proceeds from net transfer of capital to a scheduled area under § 1000.313(d)(1) may thereafter deduct, during 1973 or any succeeding year, from positive direct investment in a different scheduled area, an amount equal to all or a part of such expended proceeds as are allocated pursuant to this subparagraph. Proceeds shall be allocated in a different scheduled area pursuant to this subparagraph if (i) an entry is made in the books and records maintained by the direct investor under paragraph (b) of this section and § 1000.601; (ii) the allocation and the deduction from positive direct investment in a different scheduled area are reported on the next annual report of the direct investor (Form FDI–102F) filed for the year for which the deduction is made; and (iii) the proceeds with respect to which such deduction is made, as of the end of the year for which the deduction is made and thereafter, are not held, directly or indirectly, in the form of foreign balances or in the form of securities (including debt obligations, equity interests and any other type of investment contract) of foreign nationals or in the form of any other foreign property: *Provided*, That such proceeds may remain expended in an affiliated foreign national or again be expended at any time in making transfers of capital to affiliated foreign nationals. The direct investor shall be deemed at the time of such deduction from positive direct investment in a different scheduled area to have made a transfer of capital equal to the amount of such deduction to the scheduled area in which the deduction from net transfer of capital under §1000.313(d)(1) was previously made. The direct investor may thereafter continue to change the scheduled area in which a deduction from positive direct investment is made, up to the amount of proceeds of long-term foreign borrowing expended in making the original transfer of capital for which a deduction under § 1000.313(d)(1) was made: *Provided*, That each time such change occurs, the direct investor shall be deemed to have made a transfer of capital to the immediately previous scheduled area in the amount of the deduction from positive direct investment in the subsequent scheduled area.

b. Paragraphs (e)(1) and (e)(3) of § 1000.306 are amended to read as follows:

§ 1000.306 Positive and negative direct investment.

* * * * *

(e)(1) There shall be deducted from positive direct investment in a scheduled area during any year, as calculated under paragraph (a) of this section, an amount equal to any availble proceeds (as defined in § 1000.324(d)) allocated by the direct investor to such positive direct investment for such year. Available proceeds shall be allocated to such positive direct investment for such year if (i) an entry is made in the books and records maintained by the direct investor under §§ 1000.203(b) and 1000.601; (ii) the allocation and deduction is reported on the next annual report of the direct investor (Form FDI–102F) filed for the year for which the deduction is made; and (iii) the proceeds, as of the end of the year for which the deduction is made and thereafter, are not held, directly or indirectly, in the form of foreign balances or in the form of securities (including debt obligations, equity interests, and any other type of investment contract) of foreign nationals or in the form of any other foreign property: *Provided*, That proceeds so allocated may at any time be expended in making transfers of capital to affiliated foreign nationals. In addition, available proceeds of long-term foregin borrowing made on or before February 28, 1974 (including available proceeds so treated under § 1000.1403(a)(1) as the result of proceeds borrowing made on or before February 28, 1974) shall be allocated to such positive direct investment for the year 1973 if bookkeeping entries and a report on Form FDI–102F for 1973 are made with respect to such allocation, as required under this section, and such proceeds, as of February 28, 1974, are not held, directly or indirectly, in the form of foreign balances or in the form of securities of foreign nationals or in the form of any other foreign property: *Provided*, That proceeds so allocated may at any time be expended in making transfers of capital to affiliated foreign nationals.

* * * * *

(3) A deduction made pursuant to subparagraph (1) of this paragraph from positive direct investment in all scheduled areas by a direct investor electing to be governed by § 1000.503 for any year, commencing with the year 1969, shall be deemed to have been made in each scheduled area in the same proportions as the amount of positive direct investment (calculated as provided in paragraph (a) of this section and, in the case of positive direct investment in the year 1969, disregarding each scheduled area's proportionate share of aggregate annual losses, as defined in § 1000.503(b) in effect for the year 1969) in such scheduled area during such year. A deduction made pursuant to subparagraph (1) of this paragraph or § 1000.203(d)(2) or (3) from positive direct investment in Schedules B and C by a direct investor that elected to be governed by § 1000.507 for any year shall be deemed to have been made in each such scheduled area in the same proportions as the amount of positive direct investment (calculated as provided in paragraph (a) of this section) made by the direct investor in such scheduled area during such year. The Secretary may, upon application pursuant to § 1000.801, permit a direct investor to apportion such deductions in some other manner reasonably reflecting the direct investor's interests in each scheduled area during such year.

c. Paragraph (c)(1) of § 1000.312 is amended to read as follows:

§ 1000.312 Transfers of capital.

* * * * *

(c) * * *

(1)(i) An acquisition by a direct investor described in paragraph (a)(1) of this section if the acquisition is from a person within the United States acting for its own account. If the acquisition is of an equity interest from a person within the United States which was immediately prior to the transaction a direct investor in the affiliated foreign national, and the acquiring and divesting direct investors each file Form FDI–107 on or before the end of the month following the close of the calendar quarter during which the acquisition occurs, direct investment made by the divesting direct investor in 1965, 1966, and the year of the acquisition that corresponds to the interest transferred shall be deemed to have been made by the acquiring direct investor (except that the provisions of §§ 1000.203(d)(2) and (3), 1000.306(e)(1) and 1000.313(d)(1) shall be disregarded in calculating such direct investment unless the acquiring direct investor shall have assumed the obligation to repay long-term foreign borrowing in connection with which deductions under such sections were made), and annual earnings (as defined in § 1000.504(b)(4)) in 1966, 1967, and the year immediately

preceding the year of acquisition that correspond to the interest transferred shall be attributed to the acquiring direct investor.

(ii) A transfer of capital shall not be deemed to occur in connection with or as the result of any combination of two or more direct investors or of a direct investor and a person within the United States. For purposes of this subparagraph, such combination shall include merger, consolidation, reorganization, acquisition (from a person within the United States acting for its own account) of a direct investor which thereby becomes an affiliate, or other combination. The surviving direct investor shall file Form FDI–107 on or before the end of the month following the close of the calendar quarter during which the combination occurs. The aggregate amount of direct investment made by each of the direct investors involved in the combination in 1965, 1966, and the year in which the combination occurs shall be deemed to have been made by the surviving direct investor. The aggregate amount of annual earnings (as defined in § 1000.504 (b)(4)) of each of the direct investors involved in the combination in 1966, 1967, and the year immediately preceding the year in which the combination occurs shall be attributed to the surviving direct investor. The aggregate amount of liquid foreign balances held by each of the direct investors involved in the combination in 1965 and 1966 and each month commencing with the month during which the combination occurs shall be attributed to the surviving direct investor.

* * * * *

d. Section 1000.502 is amended to read as follows:

§ 1000.502 Elections with respect to §§ 1000.503 and 1000.504.

(a) A direct investor shall elect for each year, commencing with the year 1973, to be governed by the provisions of

(1) Section 1000.503, or

(2) Section 1000.504 (a) and (c), or

(3) Section 1000.504(b).

(4) [Revoked]

(b) The election made pursuant to this paragraph shall be binding and effective as to all (and not less than all) scheduled areas and as to the year for which the election is made, and shall be made on Form FDI–102F timely filed by the direct investor pursuant to § 1000.602 (b)(3) for the year for which the election is made.

(c) [Revoked]

(d) [Revoked]

e. Paragraph (a) of § 1000.503 is amended to read as follows:

§ 1000.503 Positive direct investment not exceeding $6 million; minimum allowable.

(a) If for any year commencing with the year 1973 a direct investor elects under § 1000.502(a)(1), positive direct investment is authorized for such year in all scheduled areas in an aggregate amount not exceeding $6 million.

f. Paragraphs (a)(4) and (c) of § 1000.506 are amended to read as follows:

§ 1000.506 Additional authorized positive direct investment in any one or more scheduled areas; incremental earnings allowable.

(a) * * *

* * * * *

(4) The term "incremental earnings allowable" means, with respect to each year beginning with the year 1973 in which there are incremental earnings, the amount by which 40 percent of the incremental earnings for such year exceeds the greatest of the following (computed without regard to the reduction provisions of § 1000.1003 or any authorization, exemption, ruling, compliance settlement or order, and without regard to any election made under § 1000.502(a)): (i) $2 million, or (ii) the amount of positive direct investment, if any, authorized to be made by the direct investor during such year in all scheduled areas under § 1000.504(a) (1), (2), and (3), or (iii) the amount of positive direct investment, if any, authorized to be made by the direct investor during such year in all scheduled areas under § 1000.504(b) (1), (2), and (3).

* * * * *

(c) For any year, commencing with the year 1973, a direct investor that elects under § 1000.502(a)(2) or (3) may make additional positive direct investment in excess of that authorized by § 1000.504 in any scheduled area in an amount not exceeding the direct investor's incremental earnings allowable for such year: *Provided*, That the aggregate of positive direct investment made pursuant to this paragraph in all scheduled areas shall not exceed the incremental earnings allowable. Additional positive direct investment made in Schedule C for such year pursuant to this section shall be computed in accordance with § 1000.504(e).

* * * * *

g. Section 1000.507 is revoked:

§ 1000.507 Alternative minimum and Schedule A supplemental allowable. [Revoked]

h. Section 1000.601 is amended to read as follows:

§ 1000.601 Records.

Every person subject to the provisions of this part shall keep in the United States a full and accurate record of each transaction engaged in by it which is subject to the provisions of this part, regardless of whether such transaction is effected pursuant to authorization or otherwise, and of every other transaction between such person and an affiliated foreign national. Such records (including, but not limited to, source materials, journals or other books of original entry, ledgers, financial statements, work papers, regardless of by whom prepared, and minute books) shall be retained for the greater of (a) 3 years after the date on which an annual report, relating to the year in which the transaction is effected, is due, irrespective of whether such person is exempt from filing such report and irrespective of whether there is a reporting requirement with respect to such transaction, or (b) 3 years after the due date for the filing of an annual report relating to or containing information concerning or based upon such transaction, whether or not the transaction is individually identified.

i. Paragraphs (b)(3), (b)(4), (b)(5) and (e) of § 1000.602 are amended to read as follows:

§ 1000.602 Reports.

* * * * *

(b) * * *

(3) *Form FDI–102F, Annual Report.* Each direct investor must file this report (on Form FDI–102/102F) for each year on or before April 30 of the succeeding year, unless the direct investor is exempt from filing as provided in the instructions to this report or is exempt from filing a Base Period Report on Form FDI–101 as provided in the instructions to such report.

(4) *Form FDI–102F/S, Annual Report: Short Form.* If a direct investor elects pursuant to § 1000.502(a)(1) to be governed by the provisions of § 1000.503 and satisfies other criteria specified in the instructions to this report, it may file its Annual Report on Form FDI–102F/S in lieu of Form FDI–102F on or before April 30 of the year succeeding the year for which the report is filed.

(5) *Form FDI–105, AFN Financial Structure and Related Data.* Each direct investor must file this report on or before the date specified in the instructions to this report.

* * * * *

(e) Copies of all necessary forms, and instructions as to their preparation and filing, may be obtained from the Office of Foreign Direct Investments, Department of Commerce, Washington, D.C. 20230.

j. Paragraphs (b)(2) (ii) and (iii) of § 1000.905 are revoked:

§ 1000.905 Associated groups.

* * * * *

(b) * * *

(2) * * *

(ii) [Revoked]

(iii) [Revoked]

* * * * *

k. Paragraphs (b)(3) (iii) and (iv) of § 1000.906 are revoked:

§ 1000.906 Ownership of direct investors.

* * * * *

(b) * * *

(3) * * *

(iii) [Revoked]

(iv) [Revoked]

* * * * *

l. Paragraphs (c) (1) and (2), and (d) of § 1000.1003 are amended and paragraph (c)(5) of that section is revoked as follows:

§ 1000.1003 Effect of transfers of capital in repayment of borrowings.

* * * * *

(c)(1) In any year, commencing with the year 1973, in which a repayment charge is incurred, the amount of positive direct investment authorized to be made by the direct investor shall be reduced and, except as hereinafter provided, such reduction shall be made first in the amount of positive direct investment authorized under Subpart E of this part in the scheduled area in which the positive direct investment under § 1000.1002 was made, and, to the extent that the repayment charge exceeds the amount of positive direct investment so authorized in such scheduled area, further reduction shall be made in the amount of positive direct investment authorized under Subpart E of this part in Schedules C, B, and A, in that order, and then in the amount of positive direct investment authorized under Subpart M of this part: *Provided*, That a direct investor electing to be governed by § 1000.503 that makes negative direct investment, as defined in § 1000.306, may decrease the amount of the repayment charge in the amount of such negative direct investment: *And provided further*, That the amount of the reduction of the amount of positive direct investment authorized under Subpart E or M of this part shall not exceed the repayment charge (as decreased by negative direct investment), and that such reduction shall not reduce authorized positive direct investment under said subparts in any year to an amount less than zero.

(2) Reductions under subparagraph (1) of this paragraph in the amount of positive direct investment authorized under Subpart E of this part shall be made first in the aggregate amount of positive direct investment authorized under § 1000.503 or § 1000.504, whichever is elected by the direct investor for the year, and then in the amount of positive direct investment authorized under § 1000.506.

* * * * *

(5) [Revoked]

(d) If the repayment charge incurred in any year exceeds the amount of authorized positive direct investment reduced under this section, reductions shall be made in each succeeding year in the same manner and order as set forth in paragraph (c) of this section.

* * * * *

These amendments shall be effective as of the date of publication in final form in the FEDERAL REGISTER and shall apply to all affected transactions on or after January 1, 1973.

(Sec. 5, Act of Oct. 6, 1917; 40 Stat. 415, as amended, 12 U.S.C. 95a; Executive Order 11387, Jan. 1, 1968, 33 FR 47.)

ROBERT A. ANTHONY,
Director, Office of Foreign Direct Investments.

JUNE 19, 1973.

[FR Doc.73-12607 Filed 6-22-73;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER C—DRUGS

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 151b—BACITRACIN

Sterile Zinc Bacitracin

The Commissioner of Food and Drugs has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act, with respect to approval of sterile zinc bacitracin and he has concluded that the regulations should be amended to provide for the certification of this drug.

Currently, other zinc bacitracin preparations are being certified under parts 141 and 146. As it is the intention of the Food and Drug Administration to update and recodify the regulations regarding antibiotics, a new part 151b is being established at this time to provide for certification of the subject drug rather than by amending the existing regulations in parts 141 and 146. When the updating and recodification is completed, all bacitracin preparations will be included in part 151b.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), part 141 is amended in § 141.2(d) and a new part 151b is established as follows:

1. Part 141 is amended in § 141.2(d) by adding a new subparagraph (6), to read as follows:

§ 141.2 Sterility test methods and procedures.

* * * * *

(d) * * *

(6) *Diluting fluid F.*—To each liter of diluting fluid A add 20 grams of disodium edetate, and adjust with NaOH so that after sterilization the final pH will be 7.1±0.1. Dispense in flasks and sterilize as described in paragraph (c) of this section.

2. New part 151b is added to title 21, chapter I, as follows:

§§ 151b.1–151b.2 [Reserved]

§ 151b.3 Sterile zinc bacitracin.

(a) *Requirements for certification.*—(1) *Standards of identity, strength, quality, and purity.*—Sterile zinc bacitracin is the zinc salt of a kind of bacitracin or a mixture of two or more such salts. It is so purified and dried that:

(i) It contains not less than 40 units of bacitracin per milligram.

(ii) It is sterile.

(iii) It passes the safety test.

(iv) Its loss on drying is not more than 5.0 percent.

(v) Its pH is not less than 6.0 and not more than 7.5.

(vi) Its zinc content is not more than 10 percent by weight on a moisture-free basis.

(2) *Labeling.*—In addition to the labeling requirements of § 148.3 of this chapter, each package shall bear on the outside wrapper or container and the immediate container the statement "For use in the manufacture of topical drugs only".

(3) *Requests for certification; samples.*—In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, safety, loss on drying, pH, and zinc content.

(ii) Samples required:

(*a*) For all tests except sterility: Six packages, each containing approximately 1.0 gram.

(*b*) For sterility testing: 20 packages, each containing approximately 500 milligrams.

(b) *Tests and methods of assay.*—(1) *Potency.*—Proceed as directed for bacitracin in § 141.110 of this chapter, except add to each standard response line concentration sufficient 0.01*N* hydrochloric acid to yield the same ratio of 0.01 *N* hydrochloric acid to 1 percent potassium phosphate buffer, pH 6.0 (solution 1) as present in the sample solution diluted to the reference concentration. Prepare the sample for assay as follows: Dissolve an accurately weighed sample (usually 25 to 35 milligrams) in sufficient 0.01 *N* hydrochloric acid to give a bacitracin concentration of 100 units per milliliter (estimated). Further dilute with solution 1 to the reference concentration of 1.0 unit of bacitracin per milliliter (estimated).

(2) *Sterility.*—Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except use diluting fluid F in lieu of diluting fluid A.

(3) *Safety.*—Proceed as directed in § 141.5 of this chapter.

(4) *Loss on drying.*—Proceed as directed in § 141.501(b) of this chapter.

(5) *pH.*—Proceed as directed in § 141.503 of this chapter, using a saturated solution (approximately 100 milligrams of the sample per milliliter).

(6) *Zinc content.*—(i) *Reagents.*—(*a*) *Aqueous working solution.*—Dissolve 3.11 grams of the zinc oxide in sufficient 1 *N* HCl and dilute to 250 milliliters with water. Remove a suitable aliquot and dilute with water to obtain a 0.1 percent solution.

(*b*) *Alkaline buffer solution.*—Mix one part 10 *N* ammonium hydroxide and 4.5 parts of 1 *N* ammonium chloride.

(*c*) *One percent phenolphthalein in absolute alcohol.*

(*d*) *Ethylenediaminetetraacetic acid sodium working solution.*—Dissolve 3.72 grams of ethylenediaminetetraacetic acid sodium in 100 milliliters of water. Remove an aliquot and prepare a 1:25 dilution using water as the diluent.

(*e*) *1-(1-hydroxy-2-naphthylazo)-5-nitro-2-naphthol-4-sulfonic acid sodium salt indicator solution.*—Prepare daily a 1 percent solution in alkaline buffer.

(ii) *Preparation of sample.*—Using 2 milliliters of 10 percent acetic acid and 5 milliliters of water, wash an amount of the sample containing approximately 2 milligrams of zinc (usually 40 milligrams to 50 milligrams) into a titration flask. Add 1 drop of phenolphthalein solution. Add 1 *N* NaOH, dropwise, until a heavy precipitate of bacitracin appears and a faint pink color persists.

(iii) *Preparation of standard.*—Place 2-milliliter aliquots of the 0.1 percent working solution into two titration flasks, respectively, and add one drop of phenolphthalein solution.

(iv) *Procedure.* — To all titration flasks (standard and sample) add 2 milliliters of alkaline buffer solution, 50 milliliters of water, and 0.1 milliliter of 1-(1-hydroxy-2-naphthylazo)-5-nitro - 2-naphthol-4-sulfonic acid sodium salt indicator solution. Titrate with ethylenediaminetetraacetic acid working solution from a burgundy-red color to a blue endpoint.

(v) *Calculation.*—From the standards, calculate the milligram equivalent of the ethylenediaminetetraacetic acid solution per milliliter (F):

$$\text{Percent zinc} = \frac{F \times \text{milliliters of ethylenediaminetetraacetic acid (sample)} \times 100}{\text{Weight of samples in milligrams (on anhydrous basis)}}$$

(Secs. 507, 512(n), 59 Stat. 463, as amended, 82 Stat. 350–351; 21 U.S.C. 357, 360b(n).)

Since the conditions prerequisite to providing for certification of subject antibiotic drug have been complied with and since the matter is noncontroversial, notice and public procedure and delayed effective date are not prerequisite to this promulgation.

Effective date.—This order shall be effective June 25, 1973.

Dated June 19, 1973.

MARY A. MCENIRY,
Assistant to the Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.73-12678 Filed 6-22-73;8:45 am]

Title 29—Labor

CHAPTER XIV—EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PART 1601—PROCEDURE REGULATIONS

Deferral of Employment Discrimination Charges

By virtue of the authority vested in it by section 713(a) of title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e–12(a), 78 Stat. 365, the Equal Employment Opportunity Commission (hereinafter referred to as the Commission) hereby amends title 29, chapter XIV, part 1601 of the Code of Federal Regulations.

The amendments set forth changes necessary to implement section 706 of the act which requires the deferral of charges of employment discrimination to appropriate State or local authorities (706(c)) and the according by the Commission of substantial weight to final findings and orders made by State and local authorities (706(b)).

Before a State or local authority can be designated "a 706 agency," it must follow the procedures outlined and meet the criteria established by the Commission and enunciated in § 1601.12 (e) and (f). Those prospective 706 agencies which have not as yet been designated are categorized by the Commission as provision 706 agencies (§ 1601.12(d)(1)) and provisional notice agencies (§ 1601.12(d)(2)). The Commission defers charges to provisional 706 agencies but does not accord substantial weight to their findings, while the Commission in the case of provisional notice agencies merely notifies said agencies of the receipt of charges filed within their jurisdiction. These categories, when originally contemplated, were to remain in effect only until July 1, 1973, by which time it was hoped that those State and local agencies desirous of becoming 706 agencies would have met the necessary criteria and been so designated.

This time period has not proven sufficiently long to enable many prospective 706 agencies to satisfy the substantive and procedural prerequisites to designation. Therefore, the time period, during which prospective 706 agencies may function in the categories enunciated above, has been extended until July 1, 1974.

1. Section 1601.12 (d)(1) and (d)(2) are amended to read as follows:

§ 1601.12 Referrals to State and local authorities.

* * * * * * *

(d) * * *

(1) *Provisional 706 agencies.*—Until July 1, 1974, the Commission will defer charges alleging employment discrimination on the grounds of race, color, religion, sex, or national origin against covered public or private employers, unless otherwise indicated by public notice, arising in the jurisdiction of provisional 706 agencies. Agencies may be added as provisional 706 agencies by subsequent public notices issued by the Commission.

(2) *Provisional notice agencies.*—Until July 1, 1974, with respect to the jurisdictions of provisional notice agencies, the Commission will not defer, but will, with respect to charges alleging employment discrimination on the grounds of race, color, religion, national origin, and/or where indicated in the public notice which designated the agency a provisional notice agency, sex: (i) Note receipt of said charges and serve notice thereof upon the respondent or respondents; (ii) schedule the charge for investigation; and (iii) inform the appropriate agency or person of the receipt of the charge. Agencies may be added as provisional notice agencies by subsequent public notices issued by the Commission.

* * * * * * *

(Sec. 713(a), 76 Stat. 265, 42 U.S.C.; sec. 2000e–12(a).)

This amendment is effective June 25, 1973.

Signed at Washington, D.C., this 18th day of June 1973.

WILLIAM H. BROWN III,
Chairman.

[FR Doc.73-12669 Filed 6-22-73;8:45 am]

Title 32—National Defense

CHAPTER XIV—RENEGOTIATION BOARD

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

RENEGOTIATION REGULATIONS

Simplification

The Board hereby adopts the proposed amendments to parts 1464, 1470, 1471, and 1499 which were published on March 20, 1973 (38 FR 7343–7347), certain changes having been made therein as follows:

1. In § 1464.22, a new sentence was added at the end of paragraph (b) to provide that the term "stock," as used in connection with the ownership of members of a related group, shall have the same meaning that it has with respect to the ownership of affiliated group members.

2. In § 1464.26, paragraph (b)(3) was revised to make it clear that a new member of a previously consolidated related group must join in and continue in the consolidation without regard to whether its fiscal year conforms with that of the group.

Said regulations, as adopted, read as set forth below.

Dated June 20, 1973.

RICHARD T. BURRES,
Chairman.

PART 1464—CONSOLIDATED RENEGOTIATION OF AFFILIATED GROUPS AND RELATED GROUPS

32 CFR part 1464 is amended in the following respects:

1. The heading "Subpart A—Fiscal Years Ending On or Before June 30, 1973" is inserted before § 1464.1.

§§ 1464.90, 1464.91 [Redesignated]

2. Sections 1464.90 and 1464.91 are renumbered §§ 1464.18 and 1464.19.

3. Subpart B, consisting of new §§ 1464.21 to 1464.90, is added to read as follows:

Subpart B—Fiscal Years Ending After June 30, 1973

Sec.
1464.21 Affiliated group.
1464.22 Related group.
1464.23 Consolidated renegotiation; when granted.
1464.24 Consolidated group.
1464.25 Partial fiscal years.
1464.26 Effect of consolidation.
1464.27 Request for consolidation; designation of agent; commencement of proceeding.
1464.28 Allocation of excessive profits.
1464.29 Liability of members of a consolidated group.

Sec.
1464.30 Separate renegotiation of partial fiscal years.
1464.31 Renegotiation losses of consolidated contractors.

FORMS

1464.90 Letter form of request for renegotiation on consolidated basis.

AUTHORITY.—Sec. 109, 65 Stat. 22; 50 U.S.A., App. Sec. 1219.

§ 1464.21 Affiliated group.

(a) *Statutory provision.*—Section 105 (a) of the act provides in part as follows:

* * * Renegotiation shall be conducted on a consolidated basis with a parent and its subsidiary corporations which constitute an affiliated group under section 141(d) of the Internal Revenue Code if all of the corporations included in such affiliated group request renegotiation on such basis and consent to such regulations as the Board shall prescribe with respect to (1) the determination and elimination of excessive profits of such affiliated group, and (2) the determination of the amount of the excessive profits of such affiliated group allocated, for the purposes of section 3806 of the Internal Revenue Code, to each corporation included in such affiliated group.

(b) *Definition of "affiliated group."*—(1) The term "affiliated group" as used in this part means a group of corporations which qualify as such under the Internal Revenue Code.

(2) Section 1504(a) of the Internal Revenue Code of 1954 (corresponding with section 141(d) of the Internal Revenue Code of 1939 and incorporated in the act by the provisions of section 7852 (b) of the Internal Revenue Code of 1954) provides as follows:

(a) Definition of "affiliated group". As used in this chapter, the term "affiliated group" means one or more chains of includible corporations connected through stock ownership with a common parent corporation which is an includible corporation if—

(1) Stock possessing at least 80 perecnt of the voting power of all classes of stock and at least 80 percent of each class of the nonvoting stock of each of the includible corporations (except the common parent corporation) is owned directly by one or more of the other includible corporations; and

(2) The common parent corporation owns directly stock possessing at least 80 percent of the voting power of all classes of stock and at least 80 percent of each class of the nonvoting stock of at least one of the other includible corporations.

As used in this subsection, the term "stock" does not include nonvoting stock which is limited and preferred as to dividends.

§ 1464.22 Related group.

(a) *Statutory provision.*—Section 105 (a) of the act provides in part as follows:

* * * By agreement with any contractor or subcontractor, and pursuant to regulations promulgated by it, the Board may in its discretion conduct renegotiation on a consolidated basis in order properly to reflect excessive profits of two or more related contractors or subcontractors.

(b) *Definition of "related group."*—The term "related group" as used in this part means a group of persons (including corporations, partnerships, joint ventures, associations, and sole proprietorships, and any combination of some or all of these) in which stock possessing at least 80 percent of the voting power of all classes of stock and at least 80 percent of each class of nonvoting stock of each corporate member of the group (except the common parent, if any), and the right to at least 80 percent of the profits of each unincorporated member of the group (except the common parent, if any), are owned directly or indirectly by one or more of the other members of the group, or by the same person or persons other than a member or members of the group. As used in this paragraph, the term "stock" does not include nonvoting stock which is limited and preferred as to dividends.

§ 1464.23 Consolidated renegotiation; when granted.

(a) *Affiliated group.*—Any two or more persons who are members of an affiliated group will be consolidated for purposes of renegotiation for a fiscal year upon the filing of a request therefor at the time and in the form prescribed in this part, if such persons include (1) the common parent corporation and (2) all members of the group who had renegotiable sales or costs in such fiscal year; and if each such member, for the first fiscal year for which such member is to be included in the proposed consolidation, had a fiscal year conforming with that of the common parent corporation.

(b) *Related group.*—Any two or more persons who are members of a related group will be consolidated for purposes of renegotiation for a fiscal year upon the filing of a request therefor at the time and in form prescribed in this part, if such persons include all members of the group who had renegotiable sales or costs in such fiscal year, and if each such person, for the first fiscal year for which such person is to be included in the proposed consolidation, had a fiscal year conforming with that of the member designated as agent of the group pursuant to § 1464.27(c).

(c) *Limitation.*—A member of an affiliated or related group requesting consolidated renegotiation for a fiscal year, who had no renegotiable sales or costs in such fiscal year, shall be entitled, but is not required, to join in such request. To facilitate renegotiation, the group is urged to limit such request, to the extent practicable, to members that had renegotiable sales or costs in such fiscal year.

§ 1464.24 Consolidated group.

(a) *Definition.*—As used in this part, the term "consolidated group" means those members of an affiliated or related group who have requested and have been granted renegotiation on a consolidated basis pursuant to the regulations in this part.

(b) *Fiscal year.*—For the purpose of consolidated renegotiation, the fiscal year of a consolidated group shall be the fiscal year of the member of such group designated as agent in accordance with § 1464.27(c).

§ 1464.25 Partial fiscal years.

(a) *In general.*—Except as provided in paragraph (b) of this section, in any consolidated renegotiation conducted pursuant to this part, amounts received or accrued by any person who was a member of an affiliated or related group during only a portion of the fiscal year of such member shall be included only to the extent that such amounts were received or accrued during such portion of its fiscal year.

(b) *Periods not exceeding 30 days.*—If a member of an affiliated or related group is entitled to be included in a consolidated renegotiation, but for only a portion of its fiscal year, and the period during which it was or was not a member of the group did not exceed 30 days, amounts received or accrued by such member during such period may, by agreement with the Board, be excluded from or, as the case may be, included in the consolidated renegotiation of the group. The preceding sentence shall not apply if the exclusion or inclusion of such amounts would be significant in determining, pursuant to section 105(f) of the act, whether any amounts received or accrued by any person may be renegotiated under this act.

(c) *Other receipts or accruals.*—Amounts received or accrued by a member of a consolidated group during the fiscal year of such member, but not included in the consolidated renegotiation of such group under paragraphs (a) and (b) of this section, shall be reported and renegotiated separately in accordance with the provisions of § 1464.30.

§ 1464.26 Effect of consolidation.

(a) *In general.*—Once the Board has granted a request for renegotiation on a consolidated basis for a fiscal year, then, except as otherwise provided in this section and in § 1467.55(b) of this chapter, the group shall remain consolidated for all purposes under the act for such fiscal year and all fiscal years thereafter, without regard to whether a clearance is issued or excessive profits are determined by agreement or order for any such year are less than the applicable minimum amount prescribed in section 105(f) of the act.

(b) *Procedure for subsequent fiscal years.*—(1) Except as otherwise provided in this section, the members of a consolidated group shall be entitled, without further request on their part, and unless otherwise authorized by the Board shall be required, to file a consolidated standard form of contractor's report (see § 1470.3(h) of this chapter) and be renegotiated on a consolidated basis for each fiscal year thereafter with respect to which the aggregate receipts of accruials of the group exceed the applicable minimum amount prescribed in section 105(f) of the act.

(2) If a member of a consolidated group ceases to qualify under this part in a subsequent fiscal year for consolidation with the other members of the group, it shall not be necessary for such

other members to file a new request for consolidation for such fiscal year.

(3) If in a subsequent fiscal year a new member is added to a group that has been previously consolidated, it shall not be necessary for the new group to file a request for consolidation for such fiscal year, but the consolidated financial statement of the new group (see § 1470.3(h) of this chapter) shall include a statement subscribed by such new member wherein, with respect to such fiscal year and all fiscal years of the consolidated group thereafter, and whether or not the fiscal year of such new member conforms to the fiscal year of the consolidated group, such new member joins in and adopts the request for consolidation theretofore filed by the previously consolidated group.

(4) A consolidated financial statement filed on behalf of a previously consolidated group shall include a statement describing any changes in the composition of the group since the close of the last fiscal year for which a consolidated filing was made.

(c) *Discontinuance.*—On request of any member of a consolidated group, the Board at any time, in its discretion, may dissolve the consolidated group; or the Board may so act at any time on its own motion if satisfied that the consolidation was not properly effected pursuant to the regulations in this part. In any such event, if a renegotiation proceeding shall theretofore have been commenced with the consolidated group for any fiscal year, but not concluded, the Board may discontinue such proceeding and convert it to separate renegotiation proceedings or may permit consolidation of a different group.

§ 1464.27 Request for consolidation; designation of agent; commencement of proceeding.

(a) *Form of request.*—A request for consolidated renegotiation shall be made in the form prescribed by § 1464.90. The request shall be executed by each member of the group. The request shall constitute a consent by each member of the consolidated group to the regulations governing consolidated renegotiation.

(b) *Time for filing request.*—A request for consolidation shall be filed with the Board on or before the first date on which any member of the group files its standard form of contractor's report for the fiscal year involved. The Board may, in its discretion, grant a request filed after that date for good cause shown (see § 1472.6(e)(4) of this chapter).

(c) *Designation of agent of group.*—A request for consolidation shall designate one member to act as agent of the consolidated group for purposes of renegotiation. In the case of an affiliated group, the common parent corporation shall be designated as agent. The agent so designated shall be authorized to act in its own name for all members of the group for all purposes in connection with renegotiation under these regulations, including commencement of renegotiation, notices, meetings, submission of data, administrative review, and the making and execution of renegotiation agreements. Such designation and authorization shall be irrevocable and not subject to change, except by permission of the Board, as long as the group remains consolidated pursuant to this part.

(d) *Commencement of consolidated renegotiation.*—The Board will commence renegotiation on a consolidated basis by sending a registered letter to the member of the consolidated group designated as agent pursuant to paragraph (c) of this section, and the mailing of such letter will constitute the commencement of renegotiation with each member of such group, jointly and severally. Such mailing also will constitute the granting by the Board of a request for renegotiation on a consolidated basis, unless the Board has previously granted such request. The issuance of a notice of clearance without assignment (see § 1498.6(b) of this chapter) to the agent of a group that has requested consolidated renegotiation will constitute the granting of such request, unless the Board has previously granted such request.

§ 1464.28 Allocation of excessive profits.

Excessive profits, whether determined by agreement or by order, will be allocated by the Board among the members of a consolidated group in an equitable manner, and the agreement or order will set forth the allocation.

§ 1464.29 Liability of members of a consolidated group.

Although excessive profits to be eliminated for a fiscal year will be allocated to members of a consolidated group, each member of the group in such fiscal year shall be jointly and severally liable for the total amount of excessive profits, if any, to be eliminated as determined in the consolidated proceeding.

§ 1464.30 Separate renegotiation of partial fiscal years.

When amounts received or accrued during a portion of a contractor's fiscal year are included in a consolidated renegotiation, such contractor shall file a standard form of contractor's report for its entire fiscal year (see § 1470.3(h) of this chapter). The standard form of contractor's report shall reflect separately the receipts or accruals that are, and those that are not, included in the consolidation. The receipts or accruals that are not included in the consolidation will be renegotiated separately.

§ 1464.31 Renegotiation losses of consolidated contractors.

(a) *Scope and effect of section.*—This section explains how a renegotiation loss sustained by a contractor in a fiscal year prior to the fiscal year under review will be treated pursuant to section 103(m) of the act when such contractor (1) was a member of a consolidated group in the loss year, or (2) is a member of a consolidated group in the fiscal year under review. For regulations pertaining to the carryforward of a renegotation loss sustained by a single contractor, see § 1457.9 of this subchapter.

(b) *Definitions.*—As used in this section:

(1) The term "consolidated renegotiation loss" means the amount by which the aggregate costs paid or incurred by the members of a consolidated group with respect to renegotiable receipts or accruals in a fiscal year exceed the aggregate renegotiable receipts or accruals of such group in such fiscal year.

(2) The term "loss member" means a contractor which sustains a renegotiation loss for a fiscal year in which it is a member of a group that sustains a consolidated renegotiation loss.

(c) *Carryforward for loss member of a consolidated group.*—If a contractor who was the sole-loss member of a consolidated group in a loss year ceases to be a member of the group at any time within the 5 fiscal years following the loss year, the amount of the consolidated renegotiation loss sustained by the group, after reduction for any part thereof already absorbed by renegotiable profits of the group in any of such 5 fiscal years, shall be a renegotiation loss carryforward for such contractor, subject to the provisions of this section and § 1457.9 of this subchapter. If the group included more than one loss member, the consolidated renegotiation loss, reduced as aforesaid, will be allocated among the loss members in proportion to the amount of loss sustained by each, and the share so allocated to each loss member shall be a renegotiation loss carryforward for such contractor, subject to the provisions of this section and § 1457.9 of this subchapter.

Example.—In year 1, A, B, and C were members of a consolidated group. A realized renegotiable profits of $240,000; B sustained a renegotiation loss of $300,000; and C sustained a renegotiation loss of $100,000. The consolidated renegotiation loss of the group was $160,000. In year 2, the group realizes consolidated renegotiable profits of $60,000, which absorb $60,000 of the year 1 loss. At the end of year 2, B and C are sold and the group is dissolved, with $100,000 still available as a carryforward. In year 3, in which the members are all renegotiated separately, $75,000 will be allowed as a cost to B and $25,000 to C. No amount of a consolidated renegotiation loss will be allowed as a carryforward (1) if such loss resulted from gross inefficiency; and (2) unless it is shown that any loss member of such group has reasonably pursued available remedies for obtaining relief from such loss.

(d) *Carryforward to consolidated group.*—(1) *When group was identical in loss year.*—If a group consolidated in the fiscal year under review sustained a consolidated renegotiation loss as a group of identical membership in a prior fiscal year, the amount of such loss shall be a renegotiation loss carryforward for the group to each of the 5 fiscal years following the loss year, and shall be carried forward in the manner provided in this section and § 1457.9 of this subchapter. For the purposes of this paragraph, the Board will disregard (i) any differences in the membership of the group occasioned by the incorporation or dissolution of a member between the beginning of

the loss year and the close of the fiscal year under review, or (ii) the fact that a member, although in existence in both such years, did not have any renegotiable sales or costs in one of such years.

(2) *When members were separate in loss year.*—If the members of a group consolidated in the fiscal year under review were renegotiated separately in a prior fiscal year in which one or more of such contractors sustained renegotiation losses, such losses shall be carried forward as provided in this section and § 1457.9 of this subchapter. Such losses will be allowed as carryforwards to the consolidated group in the fiscal year under review; but no such amount will be so allowed unless the members of such group would all have qualified for consolidation as a group in the loss year, and the aggregate amount so allowed will be limited to the amount, if any, which would have been the consolidated renegotiation loss of such group in the loss year. In computing such amount, if any member of the consolidated group was not a renegotiable contractor in the loss year, but succeeded thereafter to the business of a renegotiable contractor and was owned during the fiscal year under review by the same person or substantially the same persons who owned such predecessor in the loss year, the receipts or accruals and costs of such predecessor will be included in the computation. The following example illustrates how the limitation in this subparagraph is computed and applied:

Example.—In year 1, A, B, and C, a partnership, would have qualified for consolidated renegotiation, but were not consolidated. A realized renegotiable profits of $340,000 and made a renegotiation refund of $100,000, retaining $240,000 after renegotiation; B sustained a renegotiation loss of $200,000; and C sustained a renegotiation loss of $100,000. If A, B, and C were renegotiated separately in year 2, $200,000 would be allowed as a cost to B and $100,000 to C. However, A, B, and C are a consolidated group in year 2, with renegotiable profits of $40,000. Had they been consolidated in year 1, the consolidated renegotiation loss of the group would have been only $60,000. It is this amount of $60,000, and not the aggregate of $300,000 of renegotiation losses sustained by B and C, which is allowed as a cost to the consolidated group in year 2. At the end of year 2, the partners dissolve C and form a corporation D, which continues the partnership business. The $20,000 of loss remaining is carried forward to year 3 and is allowed as a cost to the consolidated group of A, B, and D in that year.

(e) *Carryforward upon acquisition of business.*—The provisions of § 1457.9(e) of this chapter shall apply to the carryforward of losses under this section.

FORMS

§ 1464.90 Letter form of request for renegotiation on consolidated basis.

The following letter is prescribed for requesting consolidated renegotiation:

THE RENEGOTIATION BOARD,
Washington, D.C.

GENTLEMEN: 1. Pursuant to the provisions of section 105(a) of the Renegotiation Act of 1951 and subpart B of part 1464 of the Renegotiation Board Regulation (RBR) the undersigned hereby request renegotiation on a consolidated basis for the fiscal year ended ____ (hereinafter referred to as "the first consolidated fiscal year").

2. The undersigned represent that they are members of (an "affiliated group" as that term is defined in RBR 1464.21(b)) (a "related group" as that term is defined in RBR 1464.22(b)) (delete inapplicable language), and that each of the undersigned had a fiscal year conforming with the first consolidated fiscal year. (For the purpose of the preceding sentence, disregard any differences resulting solely from the organization or dissolution of a member during the first consolidated fiscal year, but attach a statement reporting such differences.)

3. Each of the undersigned hereby consents, for the first consolidated fiscal year and all fiscal years thereafter, to the Renegotiation Board Regulations with respect to (a) the determination and elimination of excessive profits of the group, and (b) the determination of the amount of the excessive profits of the group allocable, for the purposes of section 1481 of the Internal Revenue Code, to each of the undersigned.

4. The undersigned understand and agree that if this request is granted, the undersigned shall remain a consolidated group for all purposes under the act for the first consolidated fiscal year and all fiscal years thereafter, except as otherwise provided in the Renegotiation Board Regulations.

5. _____ (one of the undersigned) is hereby designated as agent of the group and is hereby authorized to represent all members of the group for all purposes in connection with renegotiation under the Renegotiation Board Regulations for the first consolidated fiscal year and all fiscal years thereafter, except as otherwise provided in such regulations. It is understood that this designation and authoriaztion shall be irrevocable and not subject to change, except by permission of the Board, as long as the group remains consolidated pursuant to such regulations.

NOTE.—An affiliated group must designate the common parent corporation as agent. In the case of a related group, any member may be designated as agent.

6. The undersigned agree that the addition of a new member to the group for a subsequent fiscal year shall not impair, or otherwise affect any of the obligations, commitments or liabilities of any of the undersigned under this request or the Renegotiation Board regulations, and that all such obligations, commitments, and liabilities shall continue in full force and effect with respect to renegotiation proceedings for such subsequent fiscal year and all fiscal years thereafter with the group as so enlarged.

7. The undersigned represent that the first consolidated fiscal year is the taxable year, under the Internal Revenue Code, of the agent designated in paragraph 5 hereof.

8. The person signing this request on behalf of each of the undersigned declares, under the criminal penalties provided in section 105(e)(1) of the Renegotiation Act of 1951, that such undersigned has authorized him to sign this request on its behalf.

In witness whereof, the undersigned have executed this request as of the ——— day of _____, 19——, in their proper persons or by their duly authorized representatives.

_____
(Contractor)

Attest: _____ By _____
(Secretary) (Authorized representative)

_____
(Title of authorized representative)

_____
(Contractor)

Attest:

_____
(Secretary)

By _____
(Authorized representative)

_____
(Title of authorized representative)

PART 1470 INFORMATION REQUIRED BY CONTRACTORS

This part 1470 is amended by deleting § 1470.3(h) Filing on a consolidated basis in its entirety and inserting in lieu thereof the following:

§ 1470.3 Filing of financial statement.

* * * * *

(h) *Filing on a consolidated basis.*—(1) Contractors desiring to be consolidated for purposes of renegotiation under the act shall file, together with their request for consolidated renegotiation (see §§ 1464.27(a) and 1464.90 of this chapter), a consolidated standard form of contractors' report for the fiscal year for which consolidation is initially requested, and each such contractor having renegotiable business shall file a separate and complete standard form of contractor's report for its own fiscal year included in whole or in part in such consolidation.

(2) Unless otherwise authorized by the Board (see § 1464.26(b)(1) of this chapter), contractors constituting a consolidated group for a fiscal year shall file a consolidated standard form of contractor's report for each fiscal year of the consolidated group thereafter with respect to which the aggregate renegotiable receipts or accruals of the group exceed the minimum amount prescribed in section 105(f) of the act; and each such contractor having renegotiable business shall file a separate and complete standard form of contractor's report for its own fiscal year included in whole or in part in such consolidation.

(3) A consolidated standard form of contractor's report shall include (i) a statement of the consolidated financial information of the consolidated group, made in the same manner as if such group were a single contractor; and (ii) a consolidating income account showing separately the renegotiable and nonrenegotiable business of each member of the consolidated group in the detail specified in the standard form of contractor's report, except that for all members having no renegotiable sales or costs such detail may be shown on an aggregate basis.

(4) No member of a previously consolidated group (see § 1464.24(a) of this chapter) shall file a statement of nonapplicability; but if each member of a previously consolidated group would otherwise be entitled to file such a statement, such group shall be entitled to file a consolidated statement of nonapplicability, executed by the member designated as agent of the group pursuant to § 1464.27(c). A group not consolidated for a prior fiscal year shall not be entitled to file a consolidated statement of nonapplicability, and any such statement so filed will be rejected and returned.

(5) A consolidated standard form of contractor's report or statement of nonapplicability filed by a group, some of whose members were previously consolidated for renegotiation, shall include a statement describing any changes in the composition of the group since the close of the last fiscal year for which a consolidated filing was made and, if a new member has been added, shall include a statement subscribed by such new member joining in and adopting, with respect to the fiscal year under review and all fiscal years thereafter, the request for consolidation theretofore filed by the previously consolidated group (see § 1464.26(b)(3) and (4) of this chapter).

PART 1471—ASSIGNMENT OF CONTRACTORS FOR RENEGOTIATION

§ 1471.2 [Amended]

This part 1471 is amended by deleting in its entirety paragraph (e) of § 1471.2 "How Assignment is made," and redesignating paragraph (f) as paragraph (e).

PART 1499—RENEGOTIATION RULINGS AND BULLETINS

§ 1499.2–18 [Amended]

This part is amended by inserting in § 1499.2–18 Renegotiation Bulletin No. 18: Concurrent renegotiation, immediately after the heading, the following: (Limited to fiscal years ending on or before June 30, 1973.)

(Sec. 109, 65 Stat. 22; 50 U.S.C.A., App. sec. 1219)

[FR Doc.73-12731 Filed 6-22-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Thiabendazole

A petition (PP 2F1237) was filed by Merck Sharp & Dohme, division of Merck & Co., Inc., Rahway, N.J. 07065, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance for residues of the fungicide thiabendazole (2-(4-thiazolyl) benzimidazole) in or on the raw agricultural commodity sugar beet tops at 10 parts per million.

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The fungicide is useful for the purpose for which the tolerance is being established.

2. The established tolerance of 0.1 part per million for combined residues of thiabendazole and its metabolite 5-hydroxythiabendazole in milk is adequate to cover residues resulting from this use, as well as existing uses.

3. There is no reasonable expectation of residues in eggs, meat, or poultry and § 180.6(a)(3) applies.

4. The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.242 is amended by revising the paragraph "10 parts per million * * *," to read as follows:

§ 180.242 Thiabendazole; tolerances for residues.

* * * * *

10 parts per million in or on apples and pears (from postharvest application) and sugar beet tops.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before July 25, 1973, file with the Hearing Clerk, Environmental Protection Agency, room 3902A, Fourth and M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date.—This order shall become effective on June 25, 1973.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2).)

Dated June 20, 1973.

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

[FR Doc.73-12689 Filed 6-22-73;8:45 am]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER G—OCCUPATIONAL SAFETY AND HEALTH RESEARCH AND RELATED ACTIVITIES

PART 80—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Tuition Fees for Direct Training

Section 21(a)(1) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 670(a)(1)) authorizes the Secretary of Health, Education, and Welfare, among other things, to conduct education programs to provide an adequate supply of qualified personnel to carry out the purposes of the act.

On April 23, 1973, a notice was published in the FEDERAL REGISTER (38 FR 10010) to amend title 42, Code of Federal Regulations, by establishing a new part 80 and setting out a policy that, beginning July 1, 1973, training conducted by the National Institute for Occupational Safety and Health will be on a reimbursable basis. A tuition fee schedule which implements the policy was also set forth.

Interested persons were invited to participate in the rulemaking through the submission of comments and a substantial number of comments were received from State agencies, private industry, labor unions, and universities. Due consideration has been given to all material presented.

The large majority of the comments objected to the policy of instituting fees on the grounds that Government training should be given free of charge and that the charging of fees will act as a deterrent to those who need and who would otherwise particpate in such training courses. An administrative decision has been made that beginning next fiscal year, direct training will be on a reimbursable basis and this decision is being applied throughout the Federal Government.

With respect to training in occupational safety and health, it is anticipated that since the Government will no longer offer such training free of charge, there will be an expansion of occupational safety and health training courses available from the private sector. During the period that courses were offered by NIOSH without charge, others having training capability could not compete successfully with the Government. Thus, it is expected that training opportunities will be increased in the non-Government sector.

A number of comments concerning the reasonableness of the proposed fee schedule to implement the policy have resulted in a change in the schedule. The schedule, as set forth in § 80.44, has been made more flexible by providing that such fees will be based on the cost to the Government which generally will range from $30 to $70 per student day.

There are two categories of direct training. The first is training conducted solely by the Institute for which tuition fees are expected to be higher, since all the costs of such a course will be borne by the Institute. The other category involves joint training, where the Institute participates jointly with other sponsoring groups. In such cases, the Federal charge will be calculated for each such course based on the cost to the Government of NIOSH participation. Thus, where an institution or State agency provides the facility or materials for a course to be sponsored jointly with the Institute, the Federal tuition fee would, of course, be less than if the Institute were to bear the total cost of the training. The total tuition charges for each

course will be set forth in the course announcement.

Therefore, a new part 80 is established and the regulations as set forth below are adopted, effective on June 25, 1973.

Dated June 6, 1973.

FREDERICK L. STONE,
Acting Administrator, Health Services and Mental Health Administration.

Approved June 20, 1973.

CASPAR W. WEINBERGER,
Secretary.

Subparts A–C [Reserved]

Subpart D—Tuition Fees for Direct Training

Sec.
80.41 Applicability.
80.42 Definitions.
80.43 Tuition fees.
80.44 Schedule of fees.
80.45 Procedure for payment.
80.46 Refunds.

AUTHORITY.—Sec. 501, 65 Stat. 290; 31 U.S.C. 483a.

§ 80.41 Applicability.

The provisions of this subpart set forth the policies of the National Institute for Occupational Safety and Health with respect to its charging fees for direct training in occupational safety or health.

§ 80.42 Definitions.

Any term not defined herein shall have the same meaning as given it in the act. As used in this subpart:

(a) "Act" means the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

(b) "Direct training" means all technical training courses conducted directly by NIOSH for personnel of State and local governmental agencies, other Federal agencies, private industries, universities, and other non-NIOSH agencies and organizations.

(c) "NIOSH" or "Institute" means the National Institute for Occupational Safety and Health.

(d) "Registration Office" means the Direct Training Registration Office, NIOSH, 1014 Broadway, Cincinnati, Ohio 45202.

§ 80.43 Tuition fees.

In accordance with the provisions of the subpart, the National Institute for Occupational Safety and Health will charge fees for all students attending NIOSH direct training courses which commence on or after July 1, 1973.

§ 80.44 Schedule of fees.

(a) Tuition fees will be computed on the basis of the cost to the Government for the Institute's participation in the course, as determined by the Director of the Institute.

(b) Total tuition charges for each course will be set forth in the course announcement.

§ 80.45 Procedure for payment.

(a) Applications for direct training courses shall be completed and submitted to the registration office in accordance with the instructions issued by that office.

(b) Federal agency personnel shall, upon notification of their acceptance, submit a letter identifying the agency and office to be billed, the agency order number, and any code numbers or other information necessary for billing purposes.

(c) All other applicants shall, upon notification of their acceptance by NIOSH, submit a check payable to the National Institute for Occupational Safety and Health in the amount indicated by the course announcement prior to the commencement of the training course.

§ 80.46 Refunds.

An applicant may withdraw his application and receive full reimbursement of the fee provided that written notification to the registration office is mailed no later than 10 days before the commence of the course for which registration has been submitted.

[FR Doc.73-12677 Filed 6-22-73;8:45 am]

Title 45—Public Welfare

CHAPTER X—OFFICE OF ECONOMIC OPPORTUNITY

PART 1061—CHARACTER AND SCOPE OF SPECIFIC COMMUNITY ACTION PROGRAMS

Subpart—Educational and Public Relations Activities

Correction

In FR Doc. 73-11206 appearing at page 14689 in the issue of Monday, June 4, 1973, in § 1061.10-3 delete the eighth line.

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 73-652]

PART 0—COMMISSION ORGANIZATION

Organization of Cable Television Bureau

1. Implementation of the Commission's cable television regulatory program has been entrusted to the Cable Television Bureau and its predecessor CATV task force since late 1966.[1] When the Bureau was established in January 1970 to replace the task force, the Commission indicated that staff and organization would be determined at a later date. With the adoption of the Cable Television report and order in February 1972, the wisdom and necessity of formally organizing the Bureau to implement the new cable program became apparent. To aid in this task, the Commission awarded the management consulting firm of Harbridge House, Inc., of Boston, Mass., a contract to perform an organization and procedures study of the Bureau. The final Harbridge House report was submitted on March 30, 1973.

2. We have examined Harbridge House's organizational recommendations and are in substantial agreement with them. The Commission has concluded that the Bureau should be organized into four divisions with a separate Office of the Chief. These divisions will be designated as follows: Certificates of Compliance Division; Special Relief and Microwave Division; Policy Review and Development Division; and Research Division. In addition, the first two divisions will be subdivided into appropriate branches.

3. We believe that the proposed organization will facilitate execution of the Bureau's mission, and will promote greater efficiency and effectiveness in Commission operations. Hence, we are amending part 0 of the rules accordingly. Since this amendment relates to internal Commission organization and practice, the prior notice provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply, and the amendment can be made effective immediately.

Authority for the amendment adopted herein is contained in sections 4 (f) and (i) and 5(b) of the Communications Act of 1934, as amended.

Accordingly, *it is ordered*, That effective June 25, 1973, part 0 of the Commission's rules and regulations is amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303.)

Adopted June 13, 1973.

Released June 18, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Chapter I, part 0 of title 47 of the Code of Federal Regulations is amended as follows:

A new § 0.86 is added to subpart A, to read as follows:

§ 0.86 Units in the Bureau.

The Cable Television Bureau is divided into the following units:

(a) Office of the Bureau Chief;

(b) Certificates of Compliance Division;

(c) Special Relief and Microwave Division;

(d) Policy Review and Development Division; and

(e) Research Division.

[FR Doc.73-12696 Filed 6-22-73;8:45 am]

[Docket No. 19623; FCC 73-633]

PART 78—CABLE TELEVISION RELAY SERVICES

Alternate Channel Arrangements; Bandwidths for Intracity Stations

In the matter of amendment of part 78 of the Commission's rules and regulations to add an alternative channel arrangement, reducing the bandwidths

[1] The task force was formally established on Dec. 21, 1966 (order, FCC 66-1182, released Dec. 27, 1966); however, creation of a special task force on CATV was actually first announced by the Commission on Aug. 19, 1966.

[1] Commissioner Johnson abstaining from voting; Commissioner H. Rex Lee absent.

available for intracity stations, and adding certain other clarifications. Docket No. 19623, RM-1936.

1. By notice of proposed rulemaking, adopted November 1, 1972, 37 FCC 2d 854, the Commission proposed amendment to §§ 78.18, 78.103, 78.111, and 78.115 of the Commission's rules and regulations to: (1) Provide an alternative channel arrangement for local distribution service (LDS) stations in the cable television relay (CAR) service, (2) clarify the rules to make clear the situations in which nonadjacent channels may be used for LDS station operation, (3) provide a channel assignment plan and specify frequency tolerance provisions applicable to stations using double sideband AM transmission, and (4) limit all stations in the CAR service that do not use the frequency-division multiplexed/FM (FDM/FM) system of transmission and that are used for intracity communication to a 12.5 MHz bandwidth. In addition, the Commission requested comments as to the need for clarification or amendments in the rules to account for any technical or administrative problems unique to return communications channel paths or stations.

2. Comments were received from Microwave Associates, Inc., Theta-Com of California, Cox Cable Communications, Inc., LVO Cable, Inc., Television Communications Corp., Laser Link Corp., International Microwave Corp., National Cable Television Association, Soladyne Internation, Inc., TelePrompTer Corp., Collins Radio Co., and Communication Carriers, Inc. Reply comments were received from Athena Cablevision Corp., TelePrompTer, Theta-Com, CableCom General, Inc., Cox Cable Communications, Inc., American Television & Communication Corp., and Microwave Associates, Inc.

ALTERNATIVE LDS CHANNEL ARRANGEMENT

3. The first section of the rulemaking proposed for adoption an alternative channel plan for use in nonrepeatered LDS operations that would simply divide the available frequency space into 40 evenly spaced 6 MHz channels. No disagreement with this proposal was expressed in the comments, although the National Cable Television Association again suggested, as it did in response to the initial request for rulemaking (RM-1936), that the Commission leave the channel allocations within the band unstructured.

4. As pointed out in the notice, the Commission believed, at least initially, that a structured approach would facilitate the processing of applications and was desirable for that reason. The comments filed generally support us in this judgment and we have accordingly determined to retain the structured approach and the channel assignment plan as proposed. We do recognize that the structure we have specified may not be fully compatible with certain systems of on-cable channel allocations now in limited use or under development. In order not to inhibit innovation in this area which offers certain possibilities of improved system performance, we will permit the use of nonstandard channels on an appropriate showing. Provision for such showings is already included in § 78.18(e) of the rules which provides in pertinent part "upon adequate showing variation in the use of channels (as specified for LDS stations) may be authorized on a case-by-case basis in order to avoid potential interference or to permit a more efficient use."

ADJACENT CHANNEL USE

5. In this section of the rulemaking, specific instances were set forth in which we proposed that LDS stations not be required to use adjacent channels. The need for clarification in this respect was acknowleged in all of the comments. The only variation in the proposal initially suggested was from the Laser Link Corp. which suggested that the use of nonadjacent channels could result in a waste of spectrum space in certain circumstances.

6. As pointed out in the notice, the existing rules now permit the use of nonadjacent channels when there is good cause therefore. Our attempt here has simply been to spell out with particularity those instances where the use of adjacent channels are not practical and, hence, should not be required as a matter of general policy. Moreover, with equipment on the market that allows the simultaneous transmission of video and audio signals in 6 and 12.5 MHz bandwidths, the vacant gaps created by one applicant's use of nonadjacent channels are not necessarily wasted. As Theta-Com's reply comments point out, if an LDS station utilizes frequency slots in group C corresponding to channels 2 and 4, then the frequencies corresponding to channel 3 are available for use by others utilizing a single channel transmitter within this unused 6 MHz wide channel. Equipment suitable for this purpose has been type accepted by the Commission and is on the market. Accordingly, and within the limitations specified in the rule proposed, we have concluded that nonadjacent channel use should be permitted. The disadvantages of such usage appear to be outweighed by the increase in the efficiency of LDS stations that would otherwise have to engage in signal conversions at each microwave station receiving location. We are accordingly adopting § 78.118(e) essentially as proposed.

12.5 MHz BANDWIDTH LIMITATION FOR INTRACITY STATIONS

7. Also proposed in this proceeding was a limitation to a 12.5 MHz bandwidth per channel on all stations in the cable television relay service that do not use the frequency-division multiplexed/FM system of transmission and that are used for intracity communications. Our purpose in proposing this bandwidth reduction from 25 to 12.5 MHz was to preserve the availability and increase the efficiency in use of the increasingly congested spectrum space that is available to stations in the cable television relay service. A limitation of some type received general support in the comments received, although some variations on the proposed rule were suggested. In particular, TelePrompTer urged the adoption of rules based on distance covered rather than whether the path applied for was internal or external to the cable television community. Application of the restriction to all stations in the major markets with paths of less than 10 miles was recommended. In addition, TelePrompTer suggested that the proposed limitation not apply to mobile pickup stations because these stations could, in particular locations, have communications paths greater than 10 miles in length and that applications on file or filed within the next year not be subject to these restrictions in order to give manufacturers sufficient time to develop and market equipment capable of meeting this requirement. In reply, Theta-Com urges that there is no need for a 1-year moritorium in the rules application because the equipment needed is already on the market. Other comments noted that the narrower band equipment might be more expensive and could result in some increased degradation of the signals being relayed. Nevertheless, the proposed attempt to conserve spectrum space was generally supported.

8. In looking at the questions raised in this portion of the rulemaking we have attempted to balance the existing and expected scarcity of spectrum space available for assignment to CAR stations and the possibility of alternative uses of this space against the additional cost involved in using narrower band equipment and the possibility that this equipment could, to some extent, tend to degrade the quality of the communications transmitted. We have developed, in the rule we are adopting, what we believe is an appropriate balance of these considerations. We recognize in this process that the potential for spectrum congestion may vary greatly depending on the geography and demography of the area involved. We have, accordingly, attempted to build into the rule a measure of flexibility to permit these variables to be taken into account. Our original suggestion that all intracity stations be subjected to this limitation has been rejected because it both failed to include stations used for short-haul communications between separate communities in congested areas and because it would apply to long-haul communication (10–30 miles) within larger cities. The alternative formulation as adopted will permit the use of a greater than 12.5 MHz bandwidth only in the following circumstances:

(1) The frequency-division multiplexed/FM system of transmission is being used;

(2) A cable television relay pickup station (§ 78.5(d) of the rules) is involved;

(3) The transmission path is more than 10 miles in length;

(4) The station was authorized or an application was on file prior to the effective date of the rules adopted herein;

(5) Other good cause has been shown that the required use of a bandwidth of 12.5 MHz or less would be inefficient, impractical or otherwise contrary to the public interest.

The last of these provisions is designed to permit use of 25 MHz equipment upon a clear showing that (1) because of the geography, demographics, or other characteristics of an area the prospects for alternative users of the available spectrum space are remote, or (2) a signal of adequate quality cannot be relayed using a bandwidth of 12.5 MHz or less. We stress here that a compelling and unusual showing will be required for any such station that is proposed for communication to or from a cable television system in any of the designated cities of the major television markets (§ 76.51 of the rules).

DOUBLE SIDEBAND AM TRANSMISSION

9. General agreement was received in the comments with our proposal that the rules specifically permit the authorization of stations using double sideband AM transmission and that a channel assignment plan be adopted for such stations. Some concern was expressed, however, with the specific frequency tolerance provisions proposed. International Microwave urged that the frequency tolerance standard would discriminate against manufacturers of double sideband AM equipment in favor of the manufacturers of FM equipment. It suggests that the frequency tolerance standards for 12.5 MHz channel double sideband equipment should be comparable to those for 25 MHz FM channels. Comments of Microwave Associates argue that the proposed reduction of the peak deviation from 4.0 MHz to 1.5 MHz with the highest modulating frequency limited to 4.525 MHz is an overly conservative effort to assure that the signal is kept within the band.

10. While we reject the suggestion that the frequency tolerance for 12.5 MHz double sideband equipment should be comparable to that for 25 MHz FM equipment and that the tolerance discriminates against manufacturers of double sideband AM equipment, we have concluded that for equipment using 12.5 MHz channels, either double sideband AM or FM, the tolerance standards should be the same. Revised § 78.111 will require FM and double sideband AM equipment using 12.5 MHz or less authorized bandwidth to operate with a frequency tolerance of 0.005 percent. We believe that this tolerance standard will assure the most efficient use of adjacent channels as well as encourage the manufacture of high quality frequency control apparatus. A transition period of approximately 1 year (until July 1, 1974) will be afforded manufacturers whose existing lines of equipment do not meet this standard. During this period, we will permit the authorization and operation of equipment if it meets a frequency tolerance of 0.02 percent. Equipment will not be type accepted or authorized for service after that date unless it meets the 0.005 percent standard. In addition we are modifying § 78.115(b) and dropping the proposed change in § 78.115(c) to make the CAR service modulation limits for FM transmission consistent with other provisions of the rules, especially § 2.202.

RETURN COMMUNICATIONS CHANNELS

11. In this section of the proceeding, comments were requested on the need for changes in the rules to account for any technical or administrative problems unique to return communications channel paths or stations. The nature of the comments received as well as our own further consideration of the problems involved suggest that any changes in the rules at this time would be premature and that a further proceeding on this question may be necessary.

12. Basically, the existing rules do not discriminate between forward and return channels of communication. If stations are used to relay a television picture and related audio from an outlying point back to a cable system's headend or central hub for general distribution, few if any unique problems appear to arise. To the extent there are unique problems associated with return channels they appear to relate more to channels of communication that do not contain video information but are part of a system's subscriber response system or relay information that is connected with the system's housekeeping functions (fault location, channel monitoring, etc.). Little information has been received concerning the relation of microwave stations to the transmission of this type of information, so that it appears appropriate to fucus on the matter more particularly in a further proceeding after any problems or requirements in this area have become more apparent.

FURTHER PROCEEDING

13. In addition to the possibility of a further proceeding concerning return channels, a number of comments received have suggested the need of the allocation of additional frequency space to the cable television relay service. Collins Radio specifically suggests that the band 12.95–13.2 MHz, directly above the CARS band, be opened for intercity cable television system use. According to Collins, the band is essentially unused at the present time.[1]

14. Because of the increasing likelihood of congestion in the CARS band we have taken the frequency conservation measures discussed above. It may also be that additional frequency space can be justified. This, however, is a matter which is beyond the scope of this proceeding and which will require separate consideration.

CONCLUSIONS

15. In light of the foregoing, we conclude that the public interest would be served by the adoption of the rules set forth below. Authority for the rules adopted is contained in sections 2, 3 (a) and (b), 4 (i) and (j), 301, 303, 307(b), 308, 309, and 403 of the Communications Act.

Accordingly, *it is ordered*, That the rules set forth in the appendix hereto are adopted, effective July 26, 1973. *It is further ordered*, That this proceeding is terminated.

(Secs. 2, 3, 4, 301, 303, 307, 308, 309, 403; 48 Stat., as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085, 1094; 47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309, 403.)

Adopted June 13, 1973.

Released June 18, 1973.

FEDERAL COMMUNICATIONS COMMISSION.[2]

[SEAL] BEN F. WAPLE,
Secretary.

Part 78 of chapter I of title 47 of the Code of Federal Regulations is amended in the following manner:

1. In § 78.5, a new definition is added as follows:

§ 78.5 Definitions.

* * * * *

(h) *Authorized bandwidth.*—The maximum bandwidth authorized to be used by a station as specified in the station license. This shall be the occupied bandwidth or the necessary bandwidth, whichever is greater.

2. In § 78.18, paragraph (a)(2) is amended to revise the lists of group C and group D frequencies; paragraph (a)(4) is added; paragraph (e) is revised; paragraphs (g) and (h) are redesignated as (j) and (k), respectively, and new paragraphs (g), (h), and (i) are added to read as follows:

§ 78.18 Frequency assignments.

(a) * * *

(2) * * *

Group C (MHz)	*Group C (MHz)*
12,700.5–12,706.5	12,784.5–12,790.5
12,706.5–12,712.5	12,790.5–12,796.5
12,712.5–12,718.5	12,796.5–12,802.5
12,718.5–12,722.5 [1]	12,802.5–12,808.5
12,722.5–12,728.5	12,808.5–12,814.5
12,728.5–12,734.5	12,814.5–12,820.5
12,734.5–12,740.5	12,820.5–12,826.5
12,740.5–12,746.5	12,826.5–12,832.5
12,746.5–12,752.5	12,832.5–12,838.5
12,752.5–12,758.5	12,838.5–12,844.5
12,758.5–12,760.5	12,844.5–12,850.5
12,760.5–12,766.5 [1]	12,850.5–12,856.5
12,766.5–12,772.5	12,856.5–12,862.5
12,772.5–12,778.5	12,862.5–12,868.5
12,778.5–12,784.5	12,868.5–12,874.5

[1] For transmission of pilot subcarriers, or other authorized narrow band signals.

[1] These frequencies constitute the upper half of band D of the television auxiliary broadcast service (part 74, subpart F of the rules). The lower half of this band is shared with the CAR service. At the time the creation of the CAR service was first proposed, the Commission considered whether CAR stations should have access to this entire band. Notice of proposed rulemaking in docket 15586, FCC 64–720, 29 FR 11458. Although use of the full band was not authorized, the Commission indicated use of this band might be permitted in individual cases on a waiver basis. First report and order and further notice of proposed rulemaking in docket 15586, 1 FCC 2d 897, par. 40 (1965); memorandum opinion and order in docket 15586, 21 FCC 2d 284, par. 7 (1970).

[2] Commissioner Johnson concurring in the result; Commissioner H. Rex Lee absent.

Group C (MHz)	Group C (MHz)
12,874.5–12,880.5	12,910.5–12,916.5
12,880.5–12,886.5	12,916.5–12,922.5
12,886.5–12,892.5	12,922.5–12,928.5
12,892.5–12,898.5	12,928.5–12,934.5
12,898.5–12,904.5	12,934.5–12,940.5
12,904.5–12,910.5	12,940.5–12,946.5
Group D (MHz)	**Group D (MHz)**
12,759.7–12,765.7	12,849.7–12,855.7
12,765.7–12,771.7	12,855.7–12,861.7
12,771.7–12,777.7	12,861.7–12,867.7
12,777.7–12,781.7 [1]	12,867.7–12,873.7
12,781.7–12,787.7	12,873.7–12,879.7
12,787.7–12,793.7	12,879.7–12,885.7
12,793.7–12,799.7	12,885.7–12,891.7
12,799.7–12,805.7	12,891.7–12,897.7
12,805.7–12,811.7	12,897.7–12,903.7
12,811.7–12,817.7	12,903.7–12,909.7
12,817.7–12,819.7 [1]	12,909.7–12,915.7
12,819.7–12,825.7	12,915.7–12,921.7
12,825.7–12,831.7	12,921.7–12,927.7
12,831.7–12,837.7	12,927.7–12,933.7
12,837.7–12,843.7	12,933.7–12,939.7
12,843.7–12,849.7	12,939.7–12,945.7

[1] For transmission of pilot subcarriers, or other authorized narrow band signals.

Auxiliary Channels (MHz)	
12,933.7–12,939.7	12,939.7–12,945.7

* * * * *

(4) For cable television relay stations using double sideband AM transmission and FM transmission requiring a necessary bandwidth of no more than 12.5 MHz:

Group I (MHz)	Group J (MHz)
12700–12712.5	12712.5–12725
12725–12737.5	12737.5–12750
12750–12762.5	12762.5–12775
12775–12787.5	12787.5–12800
12800–12812.5	12812.5–12825
12825–12837.5	12837.5–12850
12850–12862.5	12862.5–12875
12875–12887.5	12887.5–12900
12900–12912.5	12912.5–12925
12925–12937.5	12937.5–12950

* * * * *

(e) For cable television relay stations using vestigial sideband AM transmission, channels from only group C or group D normally will be assigned a station, although upon adequate showing variations in the use of channels in groups C and D may be authorized on a case-by-case basis in order to avoid potential interference or to permit a more efficient use. In situations where the number or the arrangement of channels available in either group is not adequate, or in order to avoid potential interference, or in order to achieve the required VHF channelization arrangement on the cable television system or for repeated operations, or for two way transmission, or upon the showing of other good cause, the use of channels in both groups C and D may be authorized. Applicants are encouraged to apply for adjacent channels within each group of channels, except that different channel arrangements may be authorized when required to conform to the required channelization arrangement at VHF on the cable television system, when it is necessary to transmit nonadjacent off-the-air channels or signals intended to fill nonadjacent slots in the spectrum, or to avoid potential interference, or upon other showing of good cause.

* * * * *

(g) For cable television relay (CAR) stations using double sideband AM transmission or FM transmission with authorized bandwidth of no more than 12.5 MHz, channels from only group I or group J normally will be assigned a station, although upon adequate showing variations in the use of channels in groups I and J may be authorized on a case-by-case basis in order to avoid potential interference or to permit a more efficient use. The use of channels in both groups I and J may be authorized where the number of channels in one group is insufficient to accommodate the services proposed to be provided on the cable system, if the Commission finds that such use of channels in both groups is feasible and would serve the public interest.

(h) For double sideband AM transmission, the assigned carrier frequency for each channel listed in group I or J shall be 6.25 MHz above the lower boundary frequency for each channel, and the sideband frequencies corresponding to the carrier frequency of the accompanying FM aural signal shall be 4.5 MHz above and below the visual carrier frequency.

(i) All stations shall employ no more than a 12.5 MHz authorized bandwidth per channel except in any one or more of the following circumstances:

(1) The frequency-division multiplexed/FM system of transmission is used;

(2) The station is a cable television relay pickup station;

(3) The transmission path is more than 10 miles in length;

(4) The station was authorized or an application was on file therefor prior to July 26, 1973.

(5) Other good cause has been shown that use of a bandwidth of 12.5 MHz or less per channel would be inefficient, impractical, or otherwise contrary to the public interest.

* * * * *

3. In § 78.103, paragraph (b) is amended to read as follows:

§ 78.103 Emissions and bandwidth.

* * * * *

(b) Any emission appearing on a frequency outside of the channel authorized for a transmitter shall be attenuated below the power of the emission in accordance with the following schedule:

(1) For stations using FM or double sideband AM transmission:

(i) On any frequency above the upper channel limit or below the lower channel limit by between zero and 50 percent of the authorized channel width: At least 25 decibels below the mean power of the emission;

(ii) On any frequency above the upper channel limit or below the lower channel limit by more than 50 percent and up to 150 percent of the authorized channel width: At least 35 decibels below the mean power of the emission; and

(iii) On any frequency above the upper channel limit or below the lower channel limit by more than 150 percent of the authorized channel width: At least $43+10 \log_{10}$ (power in watts) decibels below the mean power of the emission.

(2) For CAR stations using vestigial sideband AM transmission: At least 50 decibels below the peak power of the emission.

* * * * *

4. Section 78.111 is amended to read as follows:

§ 78.111 Frequency tolerance.

A permittee or licensee in this service shall maintain the carrier frequency of each authorized transmitter within the following frequency tolerance:

Type of transmission:	Tolerance
FM, including modulation by a frequency-division-multiplexed baseband of standard television signals, using 25 MHz or greater authorized bandwidth.	0.02 percent
Vestigial sideband AM:	
Visual carrier	0.0005 percent
Aural carrier	4.5 MHz ±1 kHz above visual carrier frequency
FM and double sideband AM using 12.5 MHz or less authorized bandwidth.	0.005 percent [1]

[1] This tolerance shall apply to stations authorized on or after July 1, 1974, and to equipment type accepted on or after Jan. 1, 1974. A frequency tolerance of .02 percent shall apply to all other equipment of this category.

5. In § 78.115, paragraph (b) is revised to read as follows:

§ 78.115 Modulation limits.

* * * * *

(b) For stations that employ FM transmission, the total excursion of the radio frequency carrier under modulation and the maximum modulating frequency must be maintained so that the authorized bandwidth is not exceeded in operation. For the purpose of this requirement, twice the sum of the peak frequency deviation (D) and the maximum modulating frequency (M or P) shall not exceed the authorized bandwidth. (See § 2.202 of this chapter.)

[FR Doc.73-12693 Filed 6-22-73;8:45 am]

[Docket No. 19670; FCC-73-619]

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA—PUBLIC FIXED STATIONS

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Interim Procedures for Radioteleprinter

In the matter of amendment of parts 81 and 83—to provide on an interim basis frequencies and operating procedures for the use of radioteleprinter in the maritime services.

1. A notice of proposed rulemaking in the above-captioned matter was released on January 15, 1973, and was published in the Federal Register on January 19,

1973 (FCC 73-31, 38 FR 1941). The date for filing comments thereto has passed.

2. Comments were filed by Brown & Root, Inc. (B&R), and the Radio Technical Commission for Marine Services (RTCM). B&R and RTCM supported the proposed rule amendments and urged their early adoption.

3. B&R noted recent Commission actions to waive for a period of 6 months the requirement for a radiotelegraph operator aboard vessels equipped with radioteletype equipment. B&R urged the Commission to continue to look favorably upon such requests for rule waiver and extensions of such rule waivers throughout the interim period discussed in the notice of proposed rulemaking, or until sufficient data is available to determine whether or not the radiotelegraph operator requirement should be deleted entirely. The Commission is cognizant of this problem and has to date, dealt with it on a case-to-case basis. As soon as sufficient information is accumulated, a separate proceeding will be initiated to consider necessary rule changes on a general basis.

4. RTCM suggested two standards be added to those set forth in the notice of proposed rulemaking:

(a) That the relative position of "mark" and "space" be fixed; and

(b) That the printer speed be fixed at 50 bauds.

The additions suggested by RTCM will remove two variables which otherwise would reduce or negate compatibility where it is desired to quickly establish printer-to-printer operation. Removal of these variables is an essential step in minimizing equipment adjustment preparatory to intercommunication by radioteletype. The two changes suggested by RTCM are, therefore adopted, as set forth below.

5. In view of the foregoing, *It is ordered*, That pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, parts 81 and 83 of the Commission's rules are amended effective July 26, 1973, as set forth below.

6. *It is further ordered*, That the preceding in docket No. 19670 is terminated.

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

Adopted June 13, 1973.

Released June 18, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Chapter I of title 47 of the Code of Federal Regulations is amended as follows:

1. In § 81.207, a new paragraph (e) is added to read as follows:

§ 81.207 Frequencies for call and reply.

* * * * *

(e) Pending availability of an internationally agreed plan for establishing two-way communications by radioteleprinter, the interim procedure set forth in this section may be employed.

(1) Frequencies available: 4186.5, 6279.70, 8373.0, 12559.5, 16746.0, and 22262.5 kHz. Transmitter power shall not exceed 1 kilowatt.

(2) Transmission on the frequencies set forth in subparagraph (1) of this section shall be limited to calling necessary to establish communication and, thereafter, to informing the receiving station of the working frequency or frequencies to be used. The frequencies set forth in subparagraph (1) of this section shall not be employed for working.

(3) Unless other arrangements have been made with concerned ship stations, the coast station expecting calls by radioteleprinter should maintain three or more receivers on the frequencies, set forth in subparagraph (1) of this section, most likely to be useable for the propagation path involved.

(4) The radioteleprinter equipment shall conform to the standard technical requirements set forth in subpart E of this part.

(5) Since coast radiotelegraph stations and ship stations will share use of the frequencies set forth in paragraph (e)(1), station licensees should:

(i) Avoid the creation of interference to transmissions already in progress.

(ii) In initiating calls, transmit the call sign of the station called three times, followed by "DE", followed by the call sign of the calling station, transmitted three times. For example, "WXXX WXXX WXXX DE WYY WYY WYY"

(iii) When the station called does not reply, the call should not be repeated on the same frequency until after an interval of at least 15 minutes.

(6) Calling and station identification shall be effected by radioteleprinter.

(7) The higher frequency of the transmitted signal shall correspond to "space" (start) and the lower frequency of the transmitted signal shall correspond to "mark" (stop).

(8) The radioteleprinter equipment shall operate at a modulation rate of 50 bauds.

1. In § 83.318, a new paragraph (c) is added to read as follows:

§ 83.318 Ship radiotelegraph calling frequencies.

* * * * *

(c) Pending availability of an internationally agreed plan for establishing two-way communications by radioteleprinter, the interim procedure set forth in this section may be employed.

(1) Frequencies available: 4186.5, 6279.70, 8373.0, 12559.5, 16746.0, and 22262.5 kHz.

(2) Transmission on the frequencies set forth in paragraph (c)(1) of this section shall be limited to calling necessary to establish communication and, thereafter, to informing the receiving station of the working frequency or frequencies to be used. Ship station working frequencies for radioteleprinter are set forth in § 83.320 of this part. The frequencies set forth in paragraph (c)(1) shall not be employed for working.

(3) Unless other arrangements have been made with concerned coast stations, the ship station expecting calls by radioteleprinter should maintain a receiver on the frequency or frequencies, set forth in paragarph (c)(1), most likely to be useable for the propagation path involved.

(4) The radioteleprinter equipment shall conform to the standard technical requirements set forth in subpart E of this part.

(5) Since ship stations and coast radiotelegraph stations will share use of the frequencies set forth in paragraph (c)(1), station licensees should:

(i) Avoid the creation of interference to transmissions already in progress.

(ii) In initiating calls, transmit the call sign of the station called three times, followed by "DE", followed by the call sign of the calling station, transmitted three times. For example, "WYY WYY WYY DE WXXX WXXX WXXX".

(iii) When the station called does not reply, the call should not be repeated on the same frequency until after an interval of at least 15 minutes.

(6) Calling and station identification shall be effected by radioteleprinter.

(7) The higher frequency of the transmitted signal shall correspond to "space" (start) and the lower frequency of the transmitted signal shall correspond to "mark" (stop).

(8) The radioteleprinter equipment shall operate at a modulation rate of 50 bauds.

[FR Doc.73-12694 Filed 6-22-73;8:45 am]

[FCC 73-624]

SAFETY AND SPECIAL RADIO SERVICES

Miscellaneous Amendments

1. By this order, it is intended to correct oversights made in previous rule amendments and to delete obsolete material.

2. Authority for this amendment is contained in section 4(i) and 303(r) of the Communications Act of 1934, as amended. Since the amendments are editorial corrections, the prior notice and effective date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply.

3. *It is ordered*, That, the rules amendments set forth below are adopted effective June 26, 1973.

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

Adopted June 13, 1973.

Released June 18, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA—PUBLIC FIXED STATIONS

I. Part 81 of the Commission's rules is amended as follows:

[1] Commissioner H. Rex Lee absent.

[2] Commissioner H. Rex Lee absent.

1. Section 81.193(b)(2) is amended to read as follows:

§ 81.193 Inspection of antenna tower lighting.

* * * * *

(b) * * *

(2) The time the daily check of proper operation of the tower lights were made, if an automatic alarm system is not provided.

* * * * *

PART 87—AVIATION SERVICES

II. Part 87 of the Commission's rules is amended, as follows:

1. Section 87.99(b)(2) is amended to read as follows:

§ 87.99 Information required in station logs.

* * * * *

(b) * * *

(2) The time the daily check of proper operaion of the tower lights was made, if an automatic alarm system is not provided.

* * * * *

§ 87.113 [Amended]

2. Section 87.113 is amended by deleting paragraph (e) and designating it as [Reserved].

PART 89—PUBLIC SAFETY RADIO SERVICES

III. Part 89 of the Commission's rules is amended, as follows:

§ 89.171 [Amended]

1. Section 89.171 is amended by deleting paragraph (f) and designating it as [Reserved].

2. Section 89.175(e)(2) is amended as follows:

§ 89.175 Content of station records.

* * * * *

(e) * * *

(2) The time the daily check of proper operation of the tower lights was made, if an automatic alarm system is not provided.

* * * * *

PART 91—INDUSTRIAL RADIO SERVICES

IV. Part 91 of the Commission's rules is amended, as follows:

§ 91.158 [Amended]

1. Section 91.158 is amended by deleting paragraph (e) and designating it as [Reserved].

2. Section 91.160(e)(2) is amended to read as follows:

§ 91.160 Station records.

* * * * *

(e) * * *

(2) The time the daily check of proper operation of the tower lights was made, if an automatic alarm system is not provided.

* * * * *

PART 93—LAND TRANSPORTATION RADIO SERVICES

V. Part 93 of the Commission's rules is amended, as follows:

§ 93.158 [Amended]

1. Section 93.158 is amended by deleting paragraph (e) and designating it as [Reserved].

2. Section 93.160(e)(2) is amended to read as follows:

§ 93.160 Station records.

* * * * *

(e) * * *

(2) The time the daily check of proper operation of the tower lights was made, if an automatic alarm system is not provided.

* * * * *

[FR Doc.73-12695 Filed 6-22-73;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Fourth Rev. S.O. 1043, Amdt. 2]

PART 1033—CAR SERVICE

Return of Hopper Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 15th day of June 1973.

Upon further consideration of fourth revised service order No. 1043 (37 FR 15306 and 28058) and good cause appearing therefor:

It is ordered, That § 1033.1043, service order No. 1043, Regulations for Return of Hopper Cars, be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.*—This order shall expire at 11:59 p.m., December 31, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date.—This amendment shall become effective at 11:59 p.m., June 30, 1973.

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

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

By the Commission, Railroad Service Board.

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

[FR Doc.73-12726 Filed 6-22-73;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 140—COST OF LIVING COUNCIL FREEZE REGULATIONS

Freeze Group Questions and Answers No. 3

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

(Economic Stabilization Act of 1970, as amended, Public Law 92-210, 85 Stat. 743; Public Law 93-28, 87 Stat. 27; Executive Order 11723, 38 FR 15765; Cost of Living Council Order No. 30.)

Issued in Washington, D.C., on June 20, 1973.

JAMES W. MCLANE, *Director, Freeze Group.*

Appendix A to part 140 is amended by adding the following:

FREEZE GROUP QUESTIONS AND ANSWERS No. 3

1. Q. If the price on a contract made prior to the freeze which calls for delivery during the freeze is above the freeze price, what is the status of the contract?

A. Both the buyer and the seller are obligated to adhere to the freeze price and may not perform at a contract price above the freeze price. The seller may decline to perform completely if he wishes, but he may not compel the buyer to accept delivery at a date after the freeze.

2. Q. A supplier has long-term contracts with his customers. Before the freeze, he raised prices and charged the new price to customers who were renewing their contracts. May he continue to charge the higher price to those customers? May he charge the higher price to customers who renew their contracts during the freeze or to new customers of the same class?

A. Yes, if the supplier had made at least 10 percent of his shipments under these contracts at the new higher price during the freeze base period.

3. Q. If quantity discounts are offered, can customers who purchase large volumes eligible for discount be charged the applicable higher price if they reduce the amount of their purchase and thereby fall into a lower quantity (higher price) bracket? In other words, may prices be changed so long as the rate structure on which they are based is not changed?

A. Yes, during the freeze, customers may be charged in accordance with rate or price schedules established in the freeze base period, but may not increase charges applicable to various categories of rates or prices set out in effective schedules.

4. Q. Are association dues subject to the freeze.

A. Yes. Dues are a fee for a service and as such may not be increased during the freeze?

5. Q. Pending determination of a request for an exception or other relief from the rules of the current price freeze, may the person requesting the exemption or other relief charge a price which exceeds the freeze price?

A. No. A person who is otherwise bound by the price freeze rules continues to be bound thereby notwithstanding the fact that he has requested relief from those rules or modification of the rules as they may apply to him. It is lawful to charge a price above the freeze price only (1) to the extent authorized by the CLC Freeze Regulations, or (2) in accordance with the terms of an exception granted by the proper authority.

6. Q. Are hotel and motel rentals subject to the freeze?

A. The lease of personal property and charges for hotel or motel rooms are sales of services and are subject to freeze restrictions. Similarly, the rental of boat slips is the sale of a service, except when the slip was to become part of a residence.

[FR Doc.73-12777 Filed 6-21-73;12:27 pm]

PART 140—COST OF LIVING COUNCIL FREEZE REGULATIONS

Freeze Group Questions and Answers No. 4

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

(Economic Stabilization Act of 1970, as amended, Public Law 92-210, 85 Stat. 743; Public Law 93-28, 87 Stat. 27; Executive Order 11723, 38 FR 15765; Cost of Living Council Order No. 30.)

Issued in Washington, D.C., on June 20, 1973.

JAMES W. MCLANE,
Director, Freeze Group.

Appendix A to part 140 is amended by adding the following:

FREEZE GROUP QUESTIONS AND ANSWERS No. 4

1. Q. In determining the highest price in a substantial number of transactions to arrive at the freeze price, can a businessman include prices on goods he exported during the base period?

A. No.

2. Q. Within regional or national chains, how should freeze prices be determined?

A. Freeze prices are to be set on the basis of the customary procedures used in establishing market prices. Market freeze prices are to be established at no greater than the highest price at or above which 10 percent of the transactions were carried out in the firm's individual pricing areas, regardless of whether these pricing areas are national, regional, or individual stores.

3. Q. May cost increases be reflected in increased prices during the freeze?

A. No, with the exception of the costs of imported commodities. The increased costs of imported commodities may be passed on dollar for dollar during the freeze period, but only if the commodity is neither physically transformed by the seller nor becomes a component of another product.

4. Q. May increased prices paid by an automobile manufacturer after June 12, 1973, for imported automobile tires be passed on to his customers on a dollar for dollar basis when the automobiles upon which the tires are placed are sold in the United States during the freeze period?

A. No. The increased costs of imported commodities may be passed on dollar for dollar during the freeze period, but only if the commodity is neither physically transformed by the seller nor becomes a component of another product.

5. Q. Are ticket sales made in advance of the freeze for sporting events or other entertainment occurring during the freeze exempt from the freeze rules? What about advance ticket sales for events occurring after the freeze?

A. Admission prices for events occurring during the freeze period may be no higher than charges made for the same type of event which took place during the freeze base period. The price for advance tickets is deemed to be charged at the time of the performance of the entertainment or sporting event. If the ticket sales prior to the freeze were higher than the prices charged in a substantial number of transactions for the same type of event during the freeze base period, then reimbursement must be made in the amount a purchase was charged above the freeze price. Advance ticket sales for events occurring after the freeze are not subject to the freeze rules, but will be subject to the new phase 4 regulations.

6. Q. Is a contract for goods which is entered into and paid on June 9 exempt from the freeze even though shipment will occur during the freeze period?

A. No. The same rules for determining when a transaction occurred (in connection with calculating a freeze price) also apply for determining when a price is charged for the purpose of applying the freeze price rule. A price is deemed to be charged at the time of shipment in the case of commodities and at the time of performance in the case of services. Therefore, the contract price may be no higher than the freeze price determined in accordance with transactions made during the freeze base period.

7. Q. The food industry relies heavily on promotional discounts to encourage retailers to carry a particular item. Must all "promotional allowance" plans in effect during the freeze base period be continued during the freeze period?

A. The answer depends on the type of plan. If a seller had a promotional allowance plan in effect during the freeze base period which compensated customers for promotional services actually rendered or promotional facilities actually provided, the promotional allowance may be reduced or eliminated during the freeze period but only to reflect an equivalent reduction in value or elimination of services or facility usage. Thus, a freeze price calculated at 90 cents, taking into account a promotional allowance of 10 cents per item, may later be increased to $1 if and when the promotional arrangement is eliminated. However, if no services or facilities were provided by the customer, or if the compensation exceeded the value of the services rendered or facilities provided, then the allowance is considered a price discount and the freeze price may not be adjusted to reflect reduction or elimination of the promotional allowance.

[FR Doc.73-12815 Filed 6-21-73;3:11 pm]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Regulation D]

PART 204—RESERVES OF MEMBER BANKS

Deposit Status of Acceptance Proceeds

On May 16, 1973, the Board of Governors announced that it was considering applying reserve requirements against funds raised by member banks through the use of acceptances of the type not eligible for discount by Federal Reserve Banks. (See 38 FR 13750.) After consideration of all comments received, the Board has decided, for the reasons indicated in that earlier announcement, to adopt the proposal.

The effective date of the regulation is deferred for less than the 30-day period referred to in section 553(d) of title 5, United States Code, because the Board found that the general credit situation and the public interest compelled it to make the action effective no later than the date adopted.

Effective July 12, 1973, § 204.1(f) of the Board's regulation D (12 CFR pt. 204) is amended to read as follows:

§ 204.1 Definitions.

* * * * *

(f) *Deposits as including certain promissory notes and other obligations.*—For the purposes of this part, the term "deposits" also includes a member bank's liability on any promissory note, acknowledgment of advance, due bill, bank acceptance or similar obligation (whether written or oral) that is issued or undertaken by a member bank as a means of obtaining funds to be used in its banking business, except any such obligation that:

* * * * *

(5) arises from the creation of a bank acceptance of the type described in section 13 of the Federal Reserve Act and eligible for discount by the Federal Reserve Banks.

* * * * *

By order of the Board of Governors, June 18, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-12664 Filed 6-22-73;8:45 am]

PART 204—RESERVES OF MEMBER BANKS

Reserve Requirements

§ 204.117 Reserves against commercial paper.

(a) A number of questions have recently arisen concerning reserves against commercial paper of member banks and their affiliates, under § 204.1(f) of the Board's regulation D,

and concerning the Board's recently adopted marginal reserve requirements.

(b) The question has been presented whether the commercial paper issued by an operations subsidiary of a member bank is subject to the provisions of the last sentence of § 204.1(f)—which is applicable to affiliates of member banks—or whether it is subject to the same regulatory provisions to which a member bank is subject. In 1968, the Board published an interpretation on operations subsidiaries, which defines such subsidiaries as "separately incorporated departments of the bank, performing, at locations at which the bank is authorized to engage in business, functions that the bank is empowered to perform directly." 1968 Bulletin 681; 12 CFR 250.141. The Board indicated that the incidental powers clause of the National Bank Act permits the establishment of such a subsidiary, since " a wholly owned subsidiary corporation engaged in activities that the bank itself may perform is simply a convenient alternative organizational arrangement to department organization. Also in 1968, the Comptroller revised his ruling on operating subsidiaries to state that, "[e]xcept as otherwise permitted by statute or regulation, all provisions of Federal banking laws applicable to the operations of the parent bank shall be equally applicable to the operations of its operating subsidiaries." Comptroller's Manual, paragraph 7.7376. Accordingly, it is the Board's view that the provisions of regulation D applicable to a member bank are equally applicable to any of its operations subsidiaries. The liability of any other affiliate of a member bank (as such term is defined in section 2 of the Banking Act of 1933) on commercial paper obligations is subject to the provisions of the last sentence of § 204.1(f).

(c) The question has also been presented whether the original maturity on the commercial paper of a member bank's affiliate is determinative of the status of the proceeds supplied to the bank as a demand deposit or time deposit. For example, suppose the affiliate issues promissory notes with an original maturity of 35 days, and after a delay of 15 days channels the funds to the bank through the purchase of loans from the bank. In this situation, the bank has use of the funds for only 20 days, and, accordingly, demand deposit reserve requirements should apply. (Proceeds channeled to the bank in the form of a deposit would be subject either to demand deposit or time deposit reserve requirements, depending on the form the deposit takes. See 12 CFR 204.115(c).) Thus, in determining demand deposit or time deposit status, the operative consideration is the period remaining to maturity at the time the proceeds are supplied to the bank, rather than the original maturity on the promissory notes issued by the affiliate.

(d) A question has also been raised concerning the proper method of calculation of the base for purposes of the marginal reserve requirement under § 204.5(a) (1) (ii) and (2) (ii) of regulation D, in the event two banks merge. If two member banks merge, or if a member bank merges with a nonmember bank that is voluntarily cooperating with the Board's marginal reserve program, then the base for the resulting member bank is the total of the two bases of the two formerly independent banks. If a member bank merges with a nonmember bank that is not cooperating with the marginal reserves program, the resulting member bank will be asked to provide a reasonable estimate of the base the nonmember bank would have had if it had been cooperating with the marginal reserves program, and the base for the resulting bank is the total of the base of the merging member bank and the estimated base of the nonmember. If a nonmember bank that is not cooperating with the marginal reserves program converts to member bank status, a reasonable estimate of the base should be provided in that event as well.

(Interprets and applies 12 U.S.C. 461.)

By order of the Board of Governors, June 15, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-12665 Filed 6-22-73;8:45 am]

[Regulation T]

PART 220—CREDIT BY BROKERS AND DEALERS

Same-day Substitutions of Securities

§ 220.129 Applicability of same-day substitution rule to accounts subject to section 220.8(g).

(a) The Board has been asked numerous questions regarding the use of the same-day substitution privilege in section 220.3(b) of Regulation T in connection with accounts subject to § 220.8(g), generally, accounts having less than 40 percent equity. Prior to the Board's amendments, effective September 18, 1972 (37 FR 13972, 3, 4, July 15, 1972), a customer whose account was undermargined to any extent was allowed to substitute one security for another on the same day, usually through a sale and purchase for like amounts, without being required to improve his equity in the account. The 1972 amendments limit this privilege to accounts with an equity of 40 percent or more; as presently set by the Board. Accordingly, if a customer's equity is below 40 percent, he is not eligible for the same-day substitution privilege, but is required to put up margin on any new commitment, and retention requirements are applied to any liquidation, even though the transactions are effected on the same day.

(b) The questions raised with the Board touch upon other provisions of regulation T as well that are affected by the September 1972 amendment to the same-day substitution rule and the impact of the amendment on these provisions is also reflected in the examples stated below. In making computations in similar situations it should be borne in mind that the examples are based on a current loan value of 35 percent for margin securities (margin requirements of 65 percent), and 50 percent loan value for exchange-listed convertible bonds, while the retention requirement for all accounts is 70 percent (release 30 percent).

QUESTIONS AND ANSWERS ON THE SAME-DAY SUBSTITUTION RULE IN CONNECTION WITH ACCOUNTS SUBJECT TO SECTION 220.8(g)

Based on margin requirements as of November 24, 1972 of 65 percent (35 percent loan value) in the general account and 50 percent (50 percent loan value) in the special convertible debt security account, and retention requirements with respect to withdrawals in each account of 70 percent (30 percent release).

June 1973

1. Q. Customer is long $10,000 margin securities in his general account, which has an adjusted debit balance of $7,000. Customer has an $8,000 balance in his special miscellaneous account. The general account is subject to section 8(g). The customer wishes to purchase margin securities worth $1,000 and sell securities worth $1,000 on the same day. What is the regulation T margin call if any?

A. $350, the margin required on the purchase ($650) minus the margin released on the sale ($300) (net $350). The call may be met by a debit to the customer's special miscellaneous account.

2. Q. Customer is long $10,000 margin securities in his general account which has an adjusted debit balance of $9,000. Customer has an $8,000 balance in his special miscellaneous account. The general account is subject to section 8(g). May the creditor reduce the special miscellaneous account balance to a level at which time the general account would no longer be subject to section 8(g)?

A. Yes; before such a debit to the special miscellaneous account is made, however, the creditor may wish to obtain the written consent of the customer. The customer should be fully aware of the procedure to be followed by the creditor and that such an amount could not be transferred back from the general account to the special miscellaneous account at a later date, unless an excess over 65 percent margin in the general account would permit another transfer.

3. Q. Customer's account has a regulation T margin call which was outstanding (and not overdue) as of the close of business on the preceding business day. In computing the account to determine if it is subject to section 8(g), may the creditor consider the outstanding regulation T margin call as collected?

A. Yes, for the purpose of computing an account to determine whether it is subject to section 8(g), the creditor may give credit to such an outstanding regulation T margin call which would reduce the adjusted debit balance.

4. Q. Customer is long $10,000 margin securities in his general account which has an adjusted debit balance of $6,075. The account is subject to section 8(g) by an amount less than $100. He wishes to purchase margin securities valued at $1,000 and sell securities valued at $1,000 in the account on the same day. What regulation T margin call if any should be issued?

A. $350. Once the determination has been made that an account is subject to section 8(g), purchases in the general account are charged the margin required, currently 65 percent, and sales currently release 30 percent. The $100 rule in section 220.3(g)(3) does not apply to the 8(g) computation.

5. Q. Customer's account has an outstanding maintenance margin call. In computing the account to determine if it is subject to section 8(g), may the creditor consider the

outstanding maintenance margin call as collected?

A. No; maintenance margin calls are generally credited to the customer's special miscellaneous account, and accordingly, the collection of the maintenance margin call would not change the adjusted debit balance.

6. Q. Customer is long $10,000 margin securities in his general account which is subject to section 8(g) by $100 and is in a so-called regular restricted status by $2,600. He wishes to sell securities worth $9,000 and buy margin securities worth $9,000 on the same day. The purchase would require margin of $5,850 and the sale would release $2,700 (net $3,150). In what amount should the creditor issue a regulation T margin call?

A. $2,600. The customer would not be required to deposit more than is needed to eliminate the so-called regular restriction.

7. Q. Does a debit to the general account and a credit to the special miscellaneous account (SMA) increase the customer's adjusted debit balance?

A. Yes; the reference to "net debit balance" in section 220.3(d)(1) of regulation T, in connection with the adjusted debit balance computation, includes any amounts debited to the general account and credited to the SMA. It is quite possible for an account to be subject to section 8(g) as a result of such entries. For regulatory purposes, the balances of the two accounts should be separately stated, whether the creditor maintains the SMA by journal or memorandum entry methods.

Section 220.4(a) provides that a creditor may establish an SMA, the purpose of which is defined in paragraph (f)(6), provided it is recorded separately, and confined to its intended purpose, with an adequate record maintained. Paragraph (a)(3) further provides that:

> * * * If a customer has with a creditor both a general account and one or more such special accounts, the creditor shall treat each such special account as if the customer had with the creditor no general account * * *

The agreement between the creditor and the customer should clearly show that two accounts will be maintained and that when transfers of amounts such as dividends, maintenance margin calls, and excess are made, the general account and the SMA are debited or credited as the case may be. Funds cannot be freely transferred back and forth. Generally, while funds can always be transferred from the SMA to the general account, tranafers from the general account to the SMA can only be made when certain specific events occur and conditions are met.

8. Q. Customer is long $80,000 convertible debt securities in a special convertible debt security account which has an adjusted debit balance of $50,000. The account is subject to section 8(g). The customer wishes to purchase $60,000 convertible debt securities (which are marginable) and sell $60,000 convertible debt securities on the same day. What is the regulation T margin call if any?

A. $10,000. The margin currently required on the purchase is $30,000 and the margin currently released on the sale is $18,000. However, the customer would not be required to deposit more than is needed to eliminate the so-called regular restriction of $10,000 in the account.

9. Q. Does the 8(g) rule apply to the special bond account?

A. No; in a special bond account, the maximum loan value of collateral held in the account is determined by the creditor in good faith, and the retention requirement which applies to withdrawal of such collateral is equal to the good faith loan value applied by the creditor.

10. Q. Customer has an account subject to 8(g) and wishes to know how much he can buy or sell without incurring a regulation T margin call.

A. (1) Under the current 65 percent margin requirement (in the general account),

(a) To determine how much a customer can buy with the proceeds of a sale in that account, apply this formula:

$$\frac{30\% \text{ (margin released on sale)}}{65\% \text{ (margin required on purchase)}} = 46.1\% \text{ (round off 46\%)}$$

Thus, a sale of $10,000 would permit a purchase of $4,600.

Proof:

Margin released on sale of $10,000	$3,000
Margin required on purchase of $4,600	2,990

(b) To determine how much a customer would have to sell to meet the margin requirement on a purchase, apply this formula:

$$\frac{65\% \text{ (margin required on purchase)}}{30\% \text{ (margin released on sale)}} = 216\tfrac{2}{3}\% \text{ (round off 217\%)}$$

Thus, a purchase of $10,000 would require a sale of $21,667.

Proof:

Margin required on purchase of $10,000	$6,500
Margin released on sale of $21,667	6,500

(2) Under the current 50 percent margin requirement (in the special convertible debt security account),

(a) To determine how much a customer can buy with the proceeds of a sale in that account, apply this formula:

$$\frac{30\% \text{ (margin released on sale)}}{50\% \text{ (margin required on purchase)}} = 60\%$$

Thus, a sale of $10,000 would permit a purchase of $6,000.

Proof:

Margin released on sale of $10,000	$3,000
Margin required on purchase of $6,000	3,000

(b) To determine how much a customer would have to sell to meet the margin requirement on a purchase, apply this formula:

$$\frac{50\% \text{ (margin required on purchase)}}{30\% \text{ (margin released on sale)}} = 166\tfrac{2}{3}\% \text{ (round off 167\%)}$$

Thus, a purchase of $10,000 would require a sale of $16,700.

Proof:

Margin required on purchase of $10,000	$5,000
Margin released on sale of $16,700	5,010

11. Q. A regulation T margin call is issued as a result of a same-day substitution occurring in an account that is subject to section 8(g). What computation is required?

A. The amount may be determined by applying this formula:

Less:
- Margin required on commitment
- Margin released on liquidation

Equals: Regulation T margin call

Illustrations

1. In a general account

a. Purchase $10,000×65% margin required	$6,500
Sell $9,000×30% margin released	2,700
Regulation T margin call	3,800
b. Purchase $8,000×65% margin required	5,200
Sell $11,000×30% margin released	3,300
Regulation T margin call	1,900

2. In a special convertible debt security account

a. Purchase $6,000×50% margin required	3,000
Sell $5,000×30% margin released	1,500
Regulation T margin call	1,500
b. Purchase $7,000×50% margin required	3,500
Sell $9,000×30% margin released	2,700
Regulation T margin call	800

12. Q. Customer's general account which is subject to section 8(g) includes a short position in stock A of 100 shares at 100 (market value $10,000). Customer buys 200 shares of the same stock and maintains his short position, which results in a long position of 200 shares of which 100 shares is considered the long side of the short sale "against the box." Does this transaction result in the issuance of a regulation T margin call and for how much?

A. Yes; the customer would incur a regulation T margin call of $6,500, the margin required on the new net commitment of 100 shares long. Because the customer's account is subject to section 8(g), the retention requirement provision in the regulation (which does not provide for any release on the covering of a short position) would apply.

13. Q. Customer's general account is subject to section 8(g) and he wishes to buy and sell the same stock on the same day (day trade). May he do so without furnishing additional margin under regulation T? (This question assumes that the customer could effect such a day trade in conformance with exchange requirements.)

A. No; regulation T in providing for transactions on a given day in section 220.3(g) does not distinguish between same or different securities. Therefore, the amount of deposit required would be computed on the basis of the margin required on the purchase less the amount released on the sale of the same stock.

14. Q. May the amount deposited to meet a regulation T margin call in an account subject to section 8(g) be credited to the customer's special miscellaneous account?

A. No; any regulation T margin call must be credited directly to the account with respect to which the call was issued and may not be transferred to the customer's special miscellaneous account.

15. Q. Customer's general account is subject to section 8(g). He effects a same-day substitution by liquidating securities worth $21,334, thereby releasing 30 percent ($6,400), and purchasing margin securities worth

$10,000, thereby requiring margin of 65 percent ($6,500). Must the customer deposit the $100 difference?

A. No; the creditor may waive a regulation T margin call of $100 or less.

16. Q. Customer's special convertible debt security account is subject to section 8(g). His general account is in a so-called restricted status but not subject to section 8(g). May he effect a same-day substitution of securities in like amounts in his general account without incurring a regulation T margin call?

A. Yes. Each account is computed separately, either one of which may or may not be subject to section 8(g).

17. Q. Customer's general account is subject to section 8(g) and he has a $200 balance in his special miscellaneous account. May he withdraw the $200?

A. Yes; regulation T would not prevent such a withdrawal. However, exchange and creditor requirements should be considered.

18. Q. A customer's general account is priced as of the previous night's close of business and is subject to section 8(g) by $300. On the current day, may the customer deposit $300 directly into his general account and subsequently effect a same-day substitution of margin securities without incurring a regulation T margin call?

A. No; when an account is subject to section 8(g), a deposit on the current day of the amount by which the account is subject to section 8(g) would not eliminate the section 8(g) restriction. Accordingly, a regulation T margin call should be issued in the appropriate amount if there is effected in the account a same-day substitution of margin securities.

19. Q. Customer is long a profitable call option on 100 shares of margin stock A at 50 in his general account which is subject to section 8(g). He wishes to exercise the option and hold the stock which is currently at 55. What is the regulation T margin call if any?

A. $3,250, the margin required on the purchase of $5,000. In pricing the account subsequent to the purchase, loan value would be applied to the stock's current market value of $5,500.

20. Q. Customer is long a profitable call option on 100 shares of margin stock B at 50 in his general account which is subject to section 8(g). He wishes to exercise the option by buying stock B at 50 and selling stock B at 55 on the same day. What is the regulation T margin call if any?

A. $1,600, the margin required on the purchase ($3,250) minus the margin released on the sale ($1,650).

21. Q. Is it possible under regulation T for a customer who is long a profitable option in his general account which is subject to section 8(g) to terminate his position in the option and have immediate access to the funds representing the profit?

A. Yes; he may give instructions to his broker to transfer the option from his general account to his special cash account where he could sell the option itself either back to the broker or to others.

22. Q. A customer's general account is subject to section 8(g). May he transfer a profitable call option from his general account to his special cash account where he would exercise it?

A. Yes; provided that full cash payment for the purchased stock is available in the special cash account or is deposited promptly. Such payment must be deposited in the special cash account prior to the release of the proceeds of the resale of the security, if the customer wishes to liquidate the position in the security acquired upon exercise.

23. Q. Customer is short an uncovered call option on 100 shares of stock C with a striking price of 50 in his general account which is subject to section 8(g). His net debit balance was reduced by $1,500 (30 percent margin requirement) when the short option position was taken (made up by receipt of $500 premium and additional deposit of $1,000, both credited to the general account). Presently, the market value of stock C is up to 60 and customer's adjusted debit balance now includes $2,800 ($6,000×30 percent = $1,800 plus the mark to the market loss of $1,000). The call is exercised against him at 60 and customer purchases the stock and delivers it the same day. What is the regulation T margin call, if any?

A. $2,400, the margin required on the purchase of stock C ($3,900) minus the margin released on the sale of stock C ($1,500). When an account is subject to section 8(g), the retention requirement provisions in the regulation do not provide for any release of any portion of the amount included in the adjusted debit balance computation in connection with the option prior to its exercise. The account, of course, may subsequently be refigured for any regulation T excess.

24. Q. Customer's account is the same as in question 23. However, when the call is exercised against him at 60, customer borrows the stock for delivery (without buying in), thereby establishing a short position in stock C. What is the regulation T margin call if any?

A. $3,250, the margin required on the newly established short position in stock C. Here, too, because the account is subject to section 8(g), the regulation would not permit the broker to offset the regulation T margin call by any portion of the amount previously included in the adjusted debit balance computation in connection with the outstanding option prior to its exercise. It should be further noted that subsequent to the exercise and during the time the customer maintains the short position in stock C, the adjusted debit balance computation for the short position would be based on the current market value of the security.

25. Q. Customer's account is the same as in question 23. However, when the call is exercised, the customer assumes a short position of 100 shares in stock C. Later in the day the customer covers his short position by purchasing on the open market 100 shares of stock C at 60. What is the regulation T margin call, if any?

A. $2,400, the margin required on the purchase of stock C ($3,900) minus the margin released on the sale of stock C ($1,500).

26. Q. Customer is short an uncovered call option on 100 shares of stock D with a striking price of 50 in his general account which is subject to section 8(g). His net debit balance was reduced by $1,500 (30 percent margin requirement) when the short option position was taken. Presently, the market value of stock D is down to 40 and customer's adjusted debit balance now includes $200 ($4,000×30 percent=$1,200 minus the mark to the market gain of $1,000). The holder of the option allows it to expire. May the customer who is short the option withdraw any portion of the amount included as margin in the adjusted debit balance computation in connection with the option or use the amount against another transaction?

A. No. When an account is subject to section 8(g), the retention requirement provisions in the Regulation do not provide for any release of any portion of the amount included as margin in the adjusted debit balance computation in connection with the option.

By order of the Board of Governors, June 15, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-12713 Filed 6-22-73;8:45 am]

CHAPTER VI—FARM CREDIT ADMINISTRATION

PART 613—ELIGIBILITY AND SCOPE OF FINANCING

PART 615—FUNDING AND FISCAL AFFAIRS

Miscellaneous Amendments

The Farm Credit Administration, by its Federal Farm Credit Board, took final action on amendments to its regulations and authorized their issuance effective June 5, 1973. These amendments (1) reinsert in the definition of "rural area" a part thereof that was inadvertently omitted when the term was redefined in the FEDERAL REGISTER for March 9, 1973 (38 FR 6377), and (2) clarify that a depositary of book-entry securities is a bailee to whom notice may be given to perfect a pledge of the securities or a third person in possession from whom acknowledgment may be obtained to effect delivery of the securities.

Because one amendment is to restore a provision previously approved, and the other is to conform with an amendment made by the Treasury Department to its regulations (38 FR 7090), it is found that notice of proposed rulemaking provided for in 5 U.S.C. 553 is unnecessary, and any delay in the issuance of these amendments is not in the public interest.

Chapter VI of title 12 of the Code of Federal Regulations is amended by revising §§ 613.3040(g), 615.5460(c), and 615.5465 (a) and (b) to read as follows:

1. In 12 CFR part 613, § 613.3040(g) is revised to read as follows:

§ 613.3040 Rural residents.

* * * * *

(g) *Rural area.*—(1) For the purposes of nonfarm home lending only, a rural area is agricultural open country which may include rural subdivisions or any city or village with a population not exceeding 2,500 persons. A rural area does not include subdivisions or villages associated with or adjacent to a larger population center. The intent is to avoid lending in concentrated, high density residential areas or villages which are a part of an urbanizing area surrounding or immediately adjoining an urban area of a larger population center.

(2) Rural areas may include open areas which are undeveloped for housing and still devoted to agricultural use within other political subdivisions including "towns" exceeding 2,500 persons designated by the district board with the approval of the Farm Credit Administration. In making this designation, consideration shall be given to the character of local governmental powers, the availability of municipal type services, and the land ownership and probable residential growth patterns of the community.

2. In 12 CFR part 615, § 615.5460(c) is revised to read as follows:

§ 615.5460 Scope and effect of book-entry procedure.

* * * * *

(c) Any person having an interest in Farm Credit securities which are delivered by or deposited with a Reserve

bank (in either its individual capacity or as fiscal agent of the United States) for any purpose shall be deemed to have consented to their conversion to book-entry Farm Credit securities pursuant to the provisions of this subpart and in the manner and under procedures prescribed by the Reserve bank.

* * * * *

3. In 12 CFR part 615, § 615.5465 (a) and (b) are revised to read as follows:

§ 615.5465 Transfer or pledge.

(a) A transfer or a pledge of book-entry Farm Credit securities to a Reserve bank (in its individual capacity or as fiscal agent of the United States), or to the United States, or to any transferee or pledgee eligible to maintain an appropriate book-entry account in its name with a Reserve bank under this subpart, is effected and perfected, notwithstanding any provision of law to the contrary, by a Reserve bank making an appropriate entry in its records of the security transferred or pledged. The making of such an entry in the records of a Reserve bank shall:

* * * * *

(b) A transfer or a pledge of transferable Farm Credit securities, or any interest therein, which is maintained by a Reserve bank (in its individual capacity or as fiscal agent of the United States) in a book-entry account under this subpart, including securities in book-entry form under § 615.5460(a)(3), is effected, and a pledge is perfected, by any means that would be effective under applicable law to effect a transfer or to effect and perfect a pledge of Farm Credit securities, or any interest therein, if the securities were maintained by the Reserve bank in bearer definitive form. For the purpose of transfer or pledge hereunder, book-entry Farm Credit securities maintained by a Reserve bank shall, notwithstanding any provision of law to the contrary, be deemed to be maintained in bearer definitive form. A Reserve bank maintaining book-entry Farm Credit securities, either in its individual capacity or as fiscal agent of the United States, is not a bailee for the purposes of notification of pledges of those securities under this paragraph, or a third person in possession for the purposes of acknowledgment of transfers thereof under this paragraph. Where transferable Farm Credit securities are recorded on the books of a depositary (a bank, banking institution, financial firm, or similar party, which regularly accepts in the course of its business Farm Credit securities as a custodial service for customers, and maintains accounts in the names of such customers reflecting ownership of or interest in such securities) for account of the pledgor or transferor thereof and such securities are on deposit with a Reserve bank in a book-entry account hereunder, such depositary shall, for purposes of perfecting a pledge of such securities or effecting delivery of such securities to a purchaser under applicable provisions of law, be the bailee to which notification of the pledge of the securities may be given or the third person in possession from which acknowledgment of the holding of the securities for the purchaser may be obtained. A Reserve bank will not accept notice or advice of a transfer or pledge effected or perfected under this paragraph, and any such notice or advice shall have no effect. A Reserve bank may continue to deal with its depositors in accordance with the provisions of this subpart, notwithstanding any transfer or pledge effected or perfected under this paragraph.

(Secs. 5.9, 5.18, 5.26, 85 Stat. 619, 621, 624.)

E. A. JAENKE,
Governor,
Farm Credit Administration.

[FR Doc.73-12733 Filed 6-22-73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS

Incidental Catch; Definition

Correction

In FR Doc. 73-5763 appearing on page 7987 in the issue of Tuesday, March 27, 1973, in the third line of the first full paragraph in the third column "§ 216.6 (e)" should read "§ 216.2(e)".

Proposed Rules

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

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR, Part 4]

VESSELS IN FOREIGN AND DOMESTIC TRADES

Certain Lash-Type Barges

Notice is hereby given that under the authority of 5 U.S.C. 301, section 2, 23 Stat. 118, as amended (46 U.S.C. 2), and section 27, 41 Stat. 999, as amended (46 U.S.C. 883), it is proposed to amend part 4 of the Customs Regulations to reflect and implement certain coastwise laws provisions applicable to lash-type barges based, in part, upon Public Law 92–163, by adding a new § 4.81a, by amending paragraph (b) of § 4.80, and paragraph (a) (1) of § 4.93, and under the authority of sections 443 and 444, 46 Stat. 713, as amended (19 U.S.C. 1443, 1444), by adding a new paragraph (g) to § 4.81 outlining special permit to proceed procedures applicable to such barges.

Public Law 92–163, approved November 23, 1971 (85 Stat. 486; T.D. 72–18), amended section 27, Merchant Marine Act, 1920, as amended (46 U.S.C. 883), to extend the exemption from the coastwise laws afforded to the transportation of empty lash-type barges to equipment, excluding propulsion equipment, for use with such barges, and to provide, with certain exceptions, for the coastwise transportation of merchandise moving in the foreign trade by unqualified unmanned non-self-propelled barges specifically designed for carriage abroad a vessel and regularly carried aboard a vessel (hereinafter referred to as lash-type barges) when the merchandise has been transferred from one lash-type barge to another lash-type barge, both owned or leased by the same owner or operator, except that lash-type barges of foreign registry are subject to a finding that the nation of registry grants reciprocal privilege to U.S.-flag lash-type barges.

At this date no information has been furnished that a foreign nation extends reciprocal privileges to U.S.-flag lash-type barges. However, since unqualified U.S.-flag lash-type barges are covered by Public Law 92–163, it has been determined that the Customs Regulations should be amended at this time to provide for them. When findings of reciprocity are made with regard to foreign nations, the regulations will be appropriately amended to provide for lash-type barges of such nations.

The proposed amendments to the Customs Regulations will specify conditions and procedures controlling lash-type barge activity in coastwise movements, notably, qualified lash-type barges, arrival and departure procedures, and permits to proceed. In addition, the present coastwise laws exception for the transportation of empty lash-type barges is extended to certain lash-type barge equipment.

Part 4 of the Customs Regulations is amended as follows:

Paragraph (b) of § 4.80 is amended by adding a new sentence at the end, amending the paragraph to read as follows:

§ 4.80 Vessels entitled to engage in coastwise trade.

* * * * *

(b) Any vessel of the United States, whether or not entitled under paragraph (a) of this section to engage in the coastwise trade, and any foreign vessel may proceed between points in the United States embraced within the coastwise laws to discharge cargo or passengers laden at a foreign port, to lade cargo or passengers for a foreign port, in ballast, or to transport certain articles in accordance with § 4.93. Cargo laden at a foreign port may be retained on board during such movements. Furthermore, certain barges of United States or foreign flag may transport transferred merchandise between points in the United States embraced within the coastwise laws, excluding transportation between the continental United States and a noncontiguous point in the United States embraced within the coastwise laws, in accordance with § 4.81a.

* * * * *

(R.S. 4132, as amended, sec. 2, 41 Stat. 997, R.S. 4214, as amended, R.S. 4311, as amended, secs. 7, 8, 24 Stat. 81, as amended, sec. 2, 39 Stat. 729, sec. 9, 39 Stat. 730, as amended, sec. 27, 41 Stat. 999, as amended, 72 Stat. 1736; 46 U.S.C. 11, 13, 103, 251, 289, 319, 802, 808, 883, 883–1.)

Section 4.81 is amended to add paragraph (g), reading as follows:

§ 4.81 Reports of arrivals and departures in coastwise trade.

* * * * *

(g) In lieu of the procedures stated in §§ 4.85 and 4.87 and at the option of the owner or operator, sealed unmanned non-self-propelled barges specifically designed for carriage aboard a vessel and regularly carried aboard a vessel in the foreign trade, hereinafter referred to as lash-type barges, may move under a simplified permit-to-proceed procedure as follows:

(1) At the port where a lash-type barge begins a coastwise movement with inward foreign cargo, a permit-to-proceed on Customs Form 1301 must be obtained. The required oath shall be executed on Customs Form 1300. A single permit-to-proceed may be used for all the barges proceeding to the same port of unlading in the same tow. An inward foreign manifest of the cargo in each barge, destined to the port of unlading shown on the permit-to-proceed, must be attached to each permit and a Customs From 7512–C must be prepared for each permit. At the port of unlading of the barge, report of arrival and entry must be made within 24 hours to the appropriate Customs officer by presentation of the permit-to-proceed, manifests, Form 7512–C obtained at the preceding port, a new master's oath, and a new General Declaration (Customs Form 1301). If only part of the inward foreign cargo is unladen, a new permit-to-proceed must be obtained, the inward foreign manifests shall be attached to it, the master's oath shall be filed, a new Form 7512–C shall be prepared, and the barge shall be resealed.

(2) At the port where a lash-type barge begins a coastwise movement with export cargo, a permit-to-proceed on Customs Form 1301 and a master's oath must be presented to the appropriate Customs officer. A single permit-to-proceed and master's oath may be presented for all the barges proceeding from the same port of lading in the same tow. Required shipper's export declarations for lash-type barges must be filed at the port where the barges will be taken aboard a barge-carrying vessel. Where a complete manifest is not available at the port of lading, the permit-to-proceed must include a statement that a complete manifest and shipper's export declarations for each barge will be filed at the port where the barge will be taken aboard a barge-carrying vessel, and that port must be identified in the statement. At the next port, a report of arrival must be made within 24 hours and entry must be made within 48 hours by presentation of the permit-to-proceed received upon departure from the prior port, a newly executed General Declaration (Customs Form 1301), and a master's oath.

(3) When foreign lash-type barges are proceeding between ports of the United States under paragraph (e) of this section, a single permit-to-proceed may be used for all the barges proceeding to the same port in the same tow.

(4) Detailed information regarding sealing of lash-type barges and presentation of documents under this section will be furnished by the district directors of

Customs. When a lash-type barge is proceeding to a place in the United States that is not a port of entry, § 1.3(b) and (c) of this chapter are applicable. No merchandise shall be unladen from a lash-type barge until a permit or special license therefor is obtained in accordance with section 4.30 except that a single permit to unlade may be used for all barges that arrived at the port of unlading in the same tow.

(R.S. 4132, as amended, 4311, as amended, 4367, 4368, sec. 27, 41 Stat. 999, as amended, secs. 433, 439, 442, 443, 444, 486, 46 Stat. 711, 712, 713, 725, as amended; 19 U.S.C. 1433, 1439, 1442, 1443, 1444, 1486, 46 U.S.C. 11, 251, 313, 314, 883.)

A new § 4.81a is added, to read as follows:

§ 4.81a Certain barges carrying merchandise transferred from another barge.

A lash-type barge (as defined in § 4.81(g)) documented as a vessel of the United States but not qualified to engage in the coastwise trade or a lash-type barge of a nation found to grant reciprocal privileges to United States-flag lash-type barges may transport inward foreign and export cargo between points embraced within the coastwise laws of the United States after the merchandise has been transferred to it from another lash-type barge owned or leased by the same owner or operator. Lash-type barges moving under procedures stated in §§ 4.85 and 4.87 instead of § 4.81 are not required to be sealed when transporting transferred cargo under this section. This section is not applicable to transportation between the continental United States and noncontiguous States, districts, territories, and possessions embraced within the coastwise laws. The permit-to-proceed shall include a statement that the unqualified lash-type barge is owned or leased by the owner or operator of the lash-type barge from which the merchandise was transferred.

(Sec. 27, 41 Stat. 999, as amended; 46 U.S.C. 883.)

Paragraph (a)(1) of § 4.93 is amended to read as follows:

§ 4.93 Coastwise transportation of containers by certain vessels; procedures.

(a) * * *

(1) Empty cargo vans, empty lift vans, and empty shipping tanks; equipment for use with cargo vans, lift vans, or shipping tanks; empty barges specifically designed for carriage aboard a vessel and equipment, excluding propulsion equipment, for use with such barges; and empty instruments of international traffic exempted from application of the Customs laws by the Secretary of the Treasury pursuant to the provisions of section 322(a), Tariff Act of 1930 (19 U.S.C. 1322(a)), if such articles are owned or leased by the owner or operator of the transporting vessel and are transported for his use in handling his cargo in foreign trade.

* * * * *

(Sec. 27, 41 Stat. 999, as amended; 46 U.S.C. 883.) (R.S. 251, as amended, sec. 2, 23 Stat. 118, as amended, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 66, 1624, 46 U.S.C. 2.)

Data, views, or arguments with respect to the foregoing may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To insure their consideration, they must be received in the Bureau not later than July 25, 1973.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.3(b) of the Customs Regulations (19 CFR 103.3(b)), at the Regulations Division, Bureau of Customs, Washington, D.C., during regular business hours.

[SEAL] G. R. DICKERSON,
Acting Commissioner of Customs.

Approved June 15, 1973.

JAMES B. CLAWSON,
Acting Assistant Secretary of the Treasury.

[FR Doc.73-12717 Filed 6-22-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR, Part 922]

FRESH APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Notice of Proposed Rulemaking

This notice contains the proposed grade, maturity, and size requirements for Washington Apricots during the remainder of the 1973 season. These proposed requirements are designed to provide consumers with an ample supply of acceptable quality apricots. The proposed requirements are: That apricots grade at least Washington No. 1 and be reasonably uniform in color; and size at least 1⅝ inches in diameter, except Blenheim, Blenril, and Tilton varieties, in unlidded containers, may have a minimum diameter of 1¼ inches.

Consideration is being given to the following proposal, which would limit the handling of fresh apricots grown in designated counties in Washington by establishing a regulation which was recommended by the Washington Apricot Marketing Committee, established pursuant to the marketing agreement, as amended, and Order No. 922, as amended (7 CFR, pt. 922), regulating the handling of fresh apricots grown in designated counties in Washington. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal would file the same in quadruplicate with the Hearing Clerk, room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than July 16, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the hearing clerk during regular business hours (7 CFR 1.27(b)).

The recommendations of the Washington Apricot Marketing Committee reflect its appraisal of the current and prospective crop and market conditions. Washington's 1973 apricot crop is estimated at 3,000 tons, compared with its 1972 production of 1,600 tons. Total 1973 fresh market shipments are expected to be 2,000 tons. Ample supplies of apricots of desirable sizes and grades should be available to fill fresh market needs. The regulation is designed to prevent the handling on and after August 1, 1973, of lower quality and smaller size apricots which do not provide consumer satisfaction and to promote orderly marketing in the interest of producers and consumers, consistent with the objectives of the act.

Such proposal reads as follows:

§ 922.313 Apricot Regulation 13.

(a) During the period August 1, 1973, through July 31, 1974, no handler shall handle any container of apricots unless such apricots meet the following applicable requirements, or are handled in accordance with subparagraph (3) of this paragraph:

(1) *Minimum grade and maturity requirements.*—Such apricots grade not less than Washington No. 1 and are at least reasonably uniform in color: *Provided*, That such apricots of the Moorpark variety in open containers shall be generally well matured; and

(2) *Minimum size requirements.*—Such apricots measure not less than 1⅝ inches in diameter except that apricots of the Blenheim, Blenril, and Tilton varieties when packed in unlidded containers may measure not less than 1¼ inches: *Provided*, That not more than 10 percent, by count, of such apricots may fail to meet the applicable minimum diameter requirement.

(3) Notwithstanding any other provision of this section, any individual shipment of apricots which meets each of the following requirements may be handled without regard to the provisions of this paragraph, of § 922.41 (Assessments), and of § 922.55 (Inspection and certification):

(i) The shipment consists of apricots sold for home use and not for resale.

(ii) The shipment does not, in the aggregate, exceed 500 pounds, net weight, of apricots; and

(iii) Each container is stamped or marked with the words "not for resale" in letters at least one-half inch in height.

(b) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; "diameter" and "Washington No. 1" shall have the same meaning as when used in the State of Washington Department of Agriculture Standards for Apricots, effective May 31, 1966; "reasonably uniform in color" means that the apricots in the individual container do not show sufficient variation in color to materially affect the general appearance of the apricots; and "generally well matured" means that, with respect to not

less than 90 percent, by count, of the apricots in any container in such lot, at least 40 percent of the surface area of the fruit is at least as yellow as Shade 3 on the U.S. Department of Agriculture Standard Ground Color Chart for Apples and Pears in the Western States.

Dated June 19, 1973.

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

[FR Doc.73-12686 Filed 6-22-73;8:45 am]

Farmers Home Administration

[7 CFR, Part 1871]

[FHA Instruction 455.1]

CHATTEL SECURITY

Proposed Amendment

Notice is hereby given that the Farmers Home Administration has under consideration a proposed amendment to § 1871.40 of subpart B, part 1871, title 7, Code of Federal Regulations (36 FR 1118, 37 FR 12484). This section is amended to conform it with regulations concerning the assumption of Farmers Home Administration real estate loans and to provide that assumptions by survivors who are not joint debtors will carry the same interest rate as notes evidencing the debt involved.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment to the Deputy Administrator Comptroller, Farmers Home Administration, U.S. Department of Agriculture, room 5007, South Building, Washington, D.C. 20250, on or before July 25, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Deputy Administrator Comptroller during regular business hours (8:15 a.m.–4:45 p.m.).

As proposed, amended § 1871.40 will read as follows:

§ 1871.40 Transfer of chattel security and EO property and assumption of debts not provided for in § 1871.39 and release of liability. * * *

(b) *Transfer to eligibles.* * * *

(2) Ordinarily, the debts assumed will be scheduled for payment in accordance with the rates and terms of the existing notes or assumption agreements and any delinquency will be scheduled for payment on or before the date the transfer is closed. In such cases, form FHA 460–9 will be used. However, if an extension of the existing loan repayment period is necessary to enable the transferee to be successful, the debt being assumed may be rescheduled in which case Form FHA 460–5, Assumption Agreement (New Terms), will be used. The new repayment period may not exceed the repayment period for a new loan of the type involved. In such cases, if the current interest rate for such loans is higher than the rate specified in the note(s) being assumed, the current interest rate for a new loan of the type involved will be used, except that for the individuals specified in § 1871.39(e)(2), the interest rate will be the same as that shown in the note.

* * * * *

(c) *Transfer to ineligibles.* * * *

(3) Each transferee will be required to make as large a downpayment on the debts assumed as he is financially able to make under the circumstances. However, the transfer may be approved without any downpayment if the transferee is not financially able to make a downpayment and the approval official determines that the transfer and assumption will be scheduled for repayment in not FHA. The balance of FHA debts assumed wil be scheduled for repayment in not to exceed five equal annual installments. Interest to the borrower will be at the rate of 7 percent for OL and EM loans and 6 percent for EO loans or at the rate specified in the note(s) evidencing the loan(s) being assumed, whichever is the greater. The transferred property (including EO property) will be made subject to any existing lien in favor of FHA or by execution of new lien instruments. In such cases form FHA 460–5 will be used.

* * * * *

(Sec. 339, 75 Stat. 318, 7 U.S.C. 1989; sec. 602, 78 Stat. 528, 42 U.S.C. 2942; order of Acting Secretary of Agriculture, 37 FR 22008; order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 FR 21529; order of Director, OEO, 29 FR 14764; order of Secretary of Agriculture, 29 FR 16210.)

Dated June 12, 1973.

FRANK B. ELLIOTT,
Acting Administrator, Farmers Home Administration.

[FR Doc.73-12684 Filed 6-22-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR, Part 65]

CENTER FOR DISEASE CONTROL

Direct Training—Fees; Notice of Proposed Rulemaking

Section 311(b) of the Public Health Service Act (42 U.S.C. 243(b)) authorizes the Secretary of Health, Education, and Welfare to train personnel for State and local health work.

Notice is hereby given that the Administrator, Health Services and Mental Health Administration, proposes to amend subchapter E of chapter I, title 42, by adding a new part 65, as set forth below. Part 65 would establish a new policy with respect to the training of public health personnel conducted by the Center for Disease Control, Health Services and Mental Health Administration, beginning July 1, 1973, by requiring generally the payment of fees to meet training costs. The notice contains a proposed range of fees, the precise amounts to be determined on the basis of the estimated costs related to the conduct of a particular course. A waiver provision is also included, essentially, to assure the maintenance of a sufficient number of qualified public health workers necessary to carry out disease control functions of critical regional and national concern.

Written comments are invited. Inquiries may be addressed and data, views, and arguments relating to the proposed regulations may be submitted in writing, in triplicate, to the Regulations Officer, Center for Disease Control, Building 1, room 204, 1600 Clifton Road NE., Atlanta, Ga. 30333.

Budgetary considerations require the effective date to coincide with the start of the new fiscal year. Accordingly, notice is also given that relevant material must be received on or before July 9, 1973, to be considered. All comments received in response to this publication will be available for public inspection during normal business hours at the foregoing address. It is proposed to make the regulations effective July 1, 1973.

Dated June 1, 1973.

HAROLD O. BUZZELL,
Administrator, Health Services and Mental Health Administration.

Approved June 20, 1973.

CASPAR W. WEINBERGER,
Secretary.

PART 65—FEES FOR DIRECT TRAINING

Sec.
65.1 Establishment of fees.
65.2 Definitions.
65.3 Schedule of fees.
65.4 Application procedures.
65.5 Payment procedures.
65.6 Refunds.
65.7 Waivers.

Authority.—Sec. 501, 65 Stat. 290; 31 U.S.C. 483a.

§ 65.1 Establishment of fees.

Except as otherwise provided in § 65.7, effective July 1, 1973, a fee shall be charged for all students receiving direct training conducted by the Center for Disease Control.

§ 65.2 Definitions.

(a) "CDC" means the Center for Disease Control.

(b) "Direct training" means all public health training conducted directly by CDC through courses for employees or representatives of State and local governmental agencies, other Federal agencies, international agencies, private industries, universities, other non-CDC agencies and organizations, and private individuals.

§ 65.3 Schedule of fees.

(a) Following are estimated fee ranges:

	Fee per student day
Classroom courses	$25–$75
Homestudy courses	6–15
Laboratory courses	35–100

(b) The fees specified in paragraph (a) of this section are based upon an analysis of the cost of previous courses and are, therefore, subject to revision.

Fee ranges are given to indicate that fees may vary according to course design and facility location, i.e., whether a student attends a headquarters course or a field course. Up-to-date fee schedules for regular training courses will be available from the CDC headquarters offices and will be published in an addendum to the CDC Training Bulletin (available on request) and, when necessary, a general notice will be published in the FEDERAL REGISTER. The fee for special training efforts will be based upon the training requirements agreed upon between the requester and CDC.

§ 65.4 Application procedures.

Specific training information, including application procedures, may be obtained from CDC headquarters offices and the CDC Training Bulletin. Applications for enrollment in direct training courses shall be made on form HSM 319-A (CDC) and submitted to CDC. Requests by organizations for field courses and special training efforts should be made in writing to CDC at the following address:

Center For Disease Control
Attention: Training
Atlanta, Ga. 30333

§ 65.5 Payment procedures.

Upon notification of acceptance in a direct training course, applicants shall submit payment of fees as follows:

(a) Federal agency applicants shall submit a letter identifying the agency and office to be billed, the agency order number, and any code number or other necessary billing information.

(b) State and local agency applicants shall provide similar billing information or submit check payable to the Center for Disease Control.

(c) All other applicants shall submit a check payable to the Center for Disease Control prior to the commencement of the course.

§ 65.6 Refunds.

Fees may be refunded in full provided (1) notice of withdrawal is received no later than 10 days before commencement of the training and (2) the withdrawal does not result in cancellation of a course because of insufficient funds to produce the training. Fees will be refunded when an application is not accepted, when a course is oversubscribed, or when a course is canceled.

§ 65.7 Waivers.

(a) CDC may waive the fee requirement when such waiver is judged to be in the public interest. Requests for waiver shall accompany completed applications for training or shall be submitted by organizations during arrangements for training. Waiver requests shall be submitted in writing and must include (1) an explanation of the relationship of the applicant's job to the training desired and (2) a justification for waiver of the fee, which explains how the training relates to the achievement of national goals of concern to CDC and why a waiver is needed.

[FR Doc. 73-12675 Filed 6-22-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR, Parts 71, 73]

[Airspace Docket No. 72-WE-34]

RESTRICTED AREA AND CONTINENTAL CONTROL AREA

Supplemental Proposed Designation and Alteration

Correction

In FR Doc. 73-12001 appearing on page 15852 of the issue for Monday, June 18, 1973, in the third column of that page, the fifth paragraph, insert "lateral dimensions of Carson Sink, Nev.," after the first line.

[14 CFR, Part 75]

[Airspace Docket No. 73-WA-19]

RNAV ROUTES AND WAYPOINTS

Proposed Alteration

Correction

In FR Doc. 73-11708 appearing at page 15525 of the issue for Wednesday, June 13, 1973, in the first line of proposed amendment 5, the reference to "J-82R" should read "J-842R".

[14 CFR, Part 141]

[Docket No. 12547; Notice No. 73-5A]

PILOT SCHOOLS

Extension of Comment Period

The Federal Aviation Administration proposed in notice 73-5, published in the FEDERAL REGISTER on February 9, 1973 (38 FR 4046), the revision of the standards for the certification of pilot schools prescribed in part 141 of the Federal Aviation Regulations.

The notice invited interested persons to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. It stated further that all communications received on or before May 10, 1973, would be considered before taking action on the proposed rule.

However, because of delays in the distribution of notice 73-5 to the public, I find that good cause exists for an extension of the time for submission of comments to July 25, 1973, and that such an extension is consistent with the public interest.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 11.45), the time within which comments on notice 73-5 will be received is extended to July 25, 1973.

Issued in Washington, D.C., on June 19, 1973.

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

[FR Doc.73-12646 Filed 6-22-73;8:45 am]

FARM CREDIT ADMINISTRATION

[12 CFR, Parts 613, 614]

CERTAIN LOANS

Deletion of Agency Approval Requirements

Notice is hereby given that the Farm Credit Administration, by its Federal Farm Credit Board, has under consideration a proposed amendment of its regulations as set forth below in tentative form. These amendments would (1) delete the requirement for prior Farm Credit Administration approval of production credit association loans to producers or harvesters of aquatic products; (2) provide for establishing prior loan approval limits on an individual bank basis; (3) delete the requirement for prior Farm Credit Administration approval of certain bank for cooperatives loans; and (4) delete the requirement for prior Farm Credit Administration approval of obligations accepted for discount or as direct loan collateral from another financing institution by a Federal intermediate credit bank. Prior to final adoption of such amendments, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (10 copies) no later than July 23, 1973, to E. A. Jaenka, Governor, Farm Credit Administration, Washington, D.C. 20578. Copies of all communications received will be available for examination by interested persons in the office of the Director of Information, Farm Credit Administration.

Chapter VI of title 12 of the Code of Federal Regulations is amended by deleting paragraph (c) and renumbering paragraph (d) as paragraph (c) in § 613.3030, by revising § 614.4490, by deleting § 614.4500, and by deleting § 614.4650. The renumbered paragraph and revised section are as follows:

1. In 12 CFR part 613, § 613.3030 is amended as follows:

§ 613.3030 Producers or harvesters of aquatic products.

* * * * *

(c) *Scope of financing.*—Production credit associations are authorized to make loans to producers or harvesters of aquatic products for aquatic needs and other requirements of the borrower. The total credit extended for other requirements shall not exceed the value of assets devoted to the production or harvesting of aquatic products. When the aquatic operation represents less than 50 percent of the borrower's total business, credit extended for other requirements shall be on a conservative basis scaled down proportionately as the aquatic assets become less significant in the total operation.

2. In 12 CFR part 614, § 614.4490 is revised as follows:

§ 614.4490 Loans requiring prior approval.

(a) Prior loan approval limits shall be established on an individual bank basis according to the adequacy and administration of policies and procedures

relating to credit extension. Consideration shall also be given to performance in making proper credit analysis and decisions and compliance with farm credit law and regulations. For the Federal land banks and Federal Intermediate credit banks particular consideration shall be given to policies and procedures and bank performance relating to delegation of loan-making authority to associations, credit reviews and association supervision.

(b) The following shall be subject to the prior approval of the appropriate bank board:

(1) Loans to a member of the Federal Farm Credit Board.

(2) Loans to a member of the district board unless the bank board has adopted a policy providing for the submission of such loans to the Farm Credit Administration for prior approval.

(3) Loans to an officer or employee of a bank.

(4) Loans to an employee of the Farm Credit Administration.

(5) Loans to any borrower where officers or employees designated above:

(i) Are to receive proceeds of the loan in excess of an amount prescribed by the appropriate bank board and approved by the Farm Credit Administration, or

(ii) Are stockholders or owners of equity in a legal entity to which a loan is to be made wherein they have a significant personal or beneficial interest in the loan, the proceeds thereof or the security.

(c) The following shall be subject to the prior approval of the district bank:

(1) Loans to a member of an association board.

(2) Loans to an employee of an association.

(3) Loans to any borrower where directors or employees designated above:

(i) Are to receive proceeds of the loan in excess of an amount prescribed by the appropriate bank board and approved by the Farm Credit Administration, or

(ii) Are stockholders or owners of equity in a legal entity to which a loan is to be made wherein they have a significant personal or beneficial interest in the loan, the proceeds thereof or the security.

(4) Any loan which will result in any one borrower being obligated, as defined in section 4360, in excess of an amount established by the district bank under its policies for delegation of authority to associations.

§ 614.4650 [Deleted]

3. In 12 CFR part 614, § 614.4650 is deleted.

(Secs. 5.9, 5.18, 5.26, 85 Stat. 619, 621, 624.)

E. A. JAENKE,
Governor,
Farm Credit Administration.

[FR Doc.73-12732 Filed 6-22-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 61]

[Docket No. 19960; RN-690]

DOMESTIC HANDLING OF INTERNATIONAL RECORD TRAFFIC

Proposed Tariff Revisions; Correction

In the matter of International Record Carriers' scope of operations in the continental United States, including possible revisions to the formula prescribed under section 222 of the Communications Act. Docket 19660, RM-690.

1. The memorandum opinion and order in the above captioned matter, FCC 73-532, released on May 21, 1973, and published in the FEDERAL REGISTER on May 24, 1973 (38 FR 13661), contained two misstatements. In paragraph 4 of that order, the following language appears in the third sentence:

The issue to be disposed of in this proceeding arises from the interpretation to be given to the proviso contained in section 222(a)(5) which carves out an exception to a general ban on domestic operations by IRC's.

That sentence should be amended to read as follows:

The issue to be disposed of in this proceeding arises from the interpretation to be given the proviso contained in section 222(a)(5) which establishes a requirement for Commission authorization before IRC's may engage in domestic record operations in connection with pickup and delivery of international record traffic.

2. In sentence 11 of paragraph 8, the following language appears:

Any other interpretation would undermine the congressional determination that WU should principally engage in domestic operations and the IRC's should principally engage in international operations.

The entire sentence should be deleted.

Released June 18, 1973.

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

[FR Doc.12700 Filed 6-22-73;8:45 am]

[47 CFR, Part 61]

[Docket No. 19660; RM-690]

INTERNATIONAL RECORD CARRIERS

Order Granting Extension of Time

In the matter of International Record Carriers' scope of operations in the continental United States, including possible revisions to the formula prescribed under section 222 of the Communications Act.

1. On June 13, 1973, ITT World Communications Inc. (ITT) requested an extension of time until June 29, 1973, in which to file a pleading in response to The Western Union Telegraph Co.'s (Western Union) amended complaint and petition and motion for interim relief [38 FR 13661] relating to the land-line charges for international telegrams. The present response time, as stated in Commission letter of May 30, 1973, is June 16, 1973. ITT has indicated that the requested additional time is necessary for ITT to prepare an adequate responsive pleading.

2. Counsel for Western Union International, Inc., and RCA Global Communications, Inc., have indicated approval of the additional time.

3. Western Union, in its letter of June 13, 1973, has most reluctantly agreed not to oppose this request; but, has stated it would strenuously oppose any subsequent such request.

4. Accordingly, since it appears that the public interest would be served by more adequately prepared responses, and, since there has been no opposition to said request, *It is ordered*, That responses to Western Union's above-mentioned pleading should be filed on or before June 29, 1973.

Adopted June 14, 1973.

Released June 18, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] ROBERT E. STROMBERG,
Acting Chief, International and Satellite Communications Division.

[FR Doc.73-12704 Filed 6-22-73;8:45 am]

[47 CFR, Part 73]

[Docket No. 19771, FCC 73-641]

FM BROADCAST STATIONS

Proposed Table of Assignments, Cheraw and Florence, S.C.; Order to Show Cause

In the matter of amendment of § 73.202 (b), table of assignments, FM broadcast stations. (Cheraw and Florence, S.C.) Docket No. 19771, RM-1992.

1. The Commission has before it for consideration a petition for rulemaking filed on June 12, 1972, by Town & Country Radio, Inc. (petitioner), licensee of standard broadcast station WCRE, Cheraw, S.C., proposing the assignment of FM channel 276A to Cheraw, S.C., and the substitution of channel 292A for channel 276A at Florence, S.C. An opposition to the petition was filed by Atlantic Broadcasting Co., licensee of FM station WSTN, operating on channel 276A at Florence. A reply to the opposition was filed by petitioner. The proposed change in the assignment at Florence and the proposed assignment of a channel to Cheraw comply with the minimum mileage separation requirements. However, channel 276A at Cheraw would have to be utilized at a site at least 3.5 mi

southeast of the community to meet the minimum mileage separation requirement of 65 mi to station WSOC–FM at Charlotte, N.C., operating on channel 279.

2. Cheraw, S.C., is a town of 5,267 persons[1] and is the largest community in Chesterfield County (population 33,667), of which it is the county seat. It is located 30 mi north of Florence, S.C., and about 60 mi southeast of Charlotte, N.C. There is 1 daytime-only AM station in Chesterfield County (WCRE) which is licensed to the petitioner. Petitioner states that the community of Cheraw has a variety of industries, some of which are manufacturers of fine fabrics, a division of Burlington Industries, three Sacony Fashion Wear plants, Cheraw Cotton Mills, Carolina Canneries, INA Bearing Co., and Palmetto Chemical and Supply Co. It adds that the retail sales of Chesterfield County amounts to $36,000,000 with a spendable income of $67,000,000. Petitioner points out that Cheraw has a mayor-town council form of government, 5 schools, 15 churches and a weekly newspaper.

3. Atlantic Broadcasting Co. in its opposition alleges that the Town & Country petition (a) would create a formidable short spacing problem by placing a severe restriction on the transmitter location at Georgetown, S.C., on channel 292A to a site generally east or south of the community; (b) it would prevent future change of the transmitter site of station WSCO–FM, Charlotte, N.C.; and (c) it would prevent future change of the transmitter site to be located at least 3.5 mi southeast of Cheraw which increases the problem of finding a suitable site meeting FAA clearance requirements. It further alleges that Town & Country did not attempt to show that its proposal was the only plan under which FM service can be provided to Cheraw, and that it did not propose to reimburse station WSTN for the reasonable cost connected with the proposed frequency shift and the modification of WSTN's license.

4. In its reply, Town & Country contends that Atlantic Broadcasting has failed to demonstrate that its proposal is inconsistent with the Commission's rules and regulations because the proposal meets all of the minimum separation requirements of the rules, and that its engineering study shows that tower sites meeting the separation requirements and not constituting an airspace hazard are available. On the basis of assumed facilities at Cheraw and facilities presently used by existing station, it shows that a Cheraw FM station would provide a first and a second FM (and a first and second aural) service at night to specified areas and populations. However, if this study were made using the Roanoke Rapids-Goldsboro, N.C., criteria (9 FCC 2d 672 (1967)), the expected coverage of a Cheraw station would be substantially less. Such information should be submitted. The petitioner contends that its proposal is the least disruptive of the present assignments and states it is willing to reimburse station WSTN for all reasonable costs incurred as a result of having to change channels.

5. After careful consideration of the petitioner's proposal and the comments filed in this proceeding, we believe that it would be in the public interest to explore the possibility of making an FM assignment to Cheraw, S.C. even though it would be inconvenient to the existing station WSTN at Florence, S.C.

6. Showings required. Comments are invited on the proposal discussed above. Proponent will be expected to answer whatever questions, if any, are raised in the notice and other questions that may be presented by the initial comments. The proponent is expected to file comments even if nothing more than to incorporate by reference its petition, and is expected to state its present intention to apply for the channel if it is assigned and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

7. Cut-off procedure. The following procedure will govern:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments.

(b) With respect to petitions for rulemaking which conflict with the proposal in this notice, they will be considered as comments in this proceeding, and public notice to that effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision herein.

8. Accordingly, pursuant to our authority contained in sections 4(i), 303(r), and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend § 73.202(b), the FM table of assignments, as follows:

City	Channel No.	
	Present	Proposed
Cheraw, S.C.		276A
Florence, S.C.	276A, 288A	288A, 292A

9. *It is ordered*, If the assignment above which involves a change in the channel of an existing station is concluded to be in the public interest and is adopted, pursuant to section 316 of the Communications Act of 1934, as amended, the following licensee shall show cause why the license of its station should not be modified to specify the new channel instead of its present channel, as indicated below.

Station and location	Licensee	Present channel	Proposed channel
WSTN(FM), Florence, S.C.	Atlantic Broadcasting Co.	276A	292A

10. If the license of WSTN(FM) is so modified, the successful applicant for channel 276A at Cheraw, S.C., will be expected to make reimbursement to Atlantic Broadcasting Co. for reasonable costs of the change of channel.

11. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before July 26, 1973 and reply to such comments on or before August 6, 1973. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

12. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission.

13. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's public reference room at its headquarters in Washington, D.C. (1919 M Street NW.).

Adopted June 13, 1973.

Released June 18, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-12699 Filed 6-22-73;8:45 am]

[47 CFR, Part 73]

[Docket No. 19772; FCC 73-642]

FM BROADCAST STATIONS

Proposed Table of Assignments, Jensen Beach and Vero Beach, Fla.

In the matter of amendment of § 73.202(b), Table of assignments, FM Broadcast Stations. (Jensen Beach and Vero Beach, Fla.) Docket No. 19772, RM–1943, RM–1990.

1. On January 11, 1972, Mr. Robert A. Jones, filed a petition (RM–1943) with this Commission (supplement filed dated April 15, 1972) requesting the assignment of FM channel 288A to Jensen Beach, Fla. On June 8, 1972, Mr. Charles F. Wister filed a conflicting petition (RM–1990) requesting the assignment of channel 288A to Vero Beach, Fla. Tropics, Inc. (Tropics), licensee of standard broadcast station WTTB, Vero Beach, Fla., filed a timely opposition to Mr. Wister's petition and Mr. Wister filed a timely reply to the opposition.

PROCEDURAL MATTER

2. On October 19, 1972, Blue Water Broadcasting Co., Inc. (Blue Water), licensee of FM station WMCF, Stuart, Fla., submitted late-filed comments in connection with the two rulemaking peti-

[1] Population figures cited are from the 1970 U.S. Census.

[2] Commissioner Johnson concurring in the result; Commissioner H. Rex Yel absent.

tions presently before us.[1] The comments were directed at showing that Jensen Beach is not a "community" and that assignment of an FM channel there is unwarranted. Blue Water requests that, in the alternative, its comments be treated as a petition for rulemaking. Although not entirely clear, it appears that Blue Water intends such a petition to propose that channel 224A, on which it operates at Stuart, be assigned to Fort Pierce, Fla., in lieu of one of the class C channels (no one specified) located there and that the class C channel freed from Fort Pierce be assigned to Stuart for the use of Blue Water. Viewed as comments, the late-filed information presented by Blue Water in connection with the possible assignment of channel 288A to Jensen Beach is not essential to an equitable consideration of RM's-1943 and 1990. Viewed as a petition for rulemaking to make a class C channel available for Stuart by substituting Channel 224A for a Class C channel at Fort Pierce, it is not supported by a sufficient showing, e.g., there is no discussion of why Stuart requires a class C assignment or is there any discussion of the intermixing of classes of channels at Fort Pierce if Blue Water's proposal were adopted. At the present time there are only two FM channels assigned to Fort Pierce, both class C, 238 and 254. Both of the Fort Pierce channels are licensed and operating. In view of the foregoing and the fact that no showing has been made as to why the late filing should be accepted by the Commission, we do not accept the Blue Water pleading as a comment. As we recently stated in a notice of proposed rulemaking in Docket No. 19737 (FCC 73-491, 38 F.R. 13029):

> * * * absent a strong showing of justification, which we do not find here, we are opposed to opening up FM proceedings to the receipt of untimely comments since, considering the existing substantial backlog of FM assignment cases, this is particularly disruptive to the orderly administration and dispatch of the Commission's business. We hold the same view with respect to untimely pleadings submitted after the time limit for public comment on petitions for rulemaking in FM assignment cases.

Since the pleading is deficient as a petition for rulemaking, it is not accepted for filing as such. Blue Water will have an opportunity to present its views concerning the assignment of an FM channel to Jensen Beach in the comments which are invited by this notice. With regard to its proposal of interchanging its channel at Stuart with a class C channel at Fort Pierce, Blue Water, of course, can at any time file an appropriate petition which explicitly and fully describes the facts and public interests considerations in so doing.

[1] The comments also were offered as a filing in RM-1962 which dealt with the possible use of channel 288A at Fort Pierce, Fla., as a replacement for channel 254 which was proposed to be reassigned from Fort Pierce to Tampa, Fla. This rulemaking petition, RM-1962, was denied in a memorandum opinion and order adopted April 17, 1973 (Mimeo No. 00209) for the reasons set forth therein.

RM-1943, JENSEN BEACH, FLORIDA

3. Martin County, Fla. (population 28,035),[2] contains the alleged "community" of Jensen Beach. The 1970 U.S. Census which contains a listing of all incorporated places and unincorporated places of 1,000 or more does not list Jensen Beach. However, "The Rand McNally Commercial Atlas and Marketing Guide," 1971, does list Jensen Beach as "community" with a population of 5,000 permanent winter residents. There is no FM assignment at Jensen Beach nor is there any standard broadcast station located there.

4. Jensen Beach is located approximately 4 miles north of the county seat of Martin County, Stuart, Fla., and 30 miles south of Vero Beach, Fla. In an attempt to establish Jensen Beach as a "community" petitioner alleges that it does have its own U.S. Post Office, its own central business district, and is not contiguous to or part of any other city. Mr. Jones states:

> The Jensen Beach Post Office also serves the cities of Ocean Breeze Park, Rio and Sewall's Point. They serve out to U.S. Highway 1, about 4 miles north along Route 207, as well as the community of Walton and Hutchinson Island. The city also has its own fire department (six trucks) as well as a free ambulance service. The telephone company does not have a local office, but all telephone numbers shown in the Stuart phone book are listed as "Jensen Beach." The local Chamber of Commerce estimated that the year round population of Jensen Beach is 5,000 persons with a seasonal increase of 3,000 or more. There are 53 separate business or professional establishments in Jensen Beach including the Jensen Beach Bank, the First Federal Savings of Martin County and Jensen Beach and others, incuding a local weekly newspaper. For all practical purposes Jensen Beach meets the standards of the FCC as a "city."

In the supplement to the petition, petitioner asserts the important fact that Jensen Beach is known, and is treated, as a separate entity and community by those persons living in the area.

RM-1990, VERO BEACH, FLA.

5. Vero Beach, Fla. (population 11,908), as the county seat of Indian River County (population 35,992). There is one FM assignment in the community, channel 228A, used by WGYL, which is licensed to WGYL Radio Corp. There are two standard broadcast stations at Vero Beach, WAXE and WTTB. The former is licensed as a daytime-only station to Shargo, Inc.; the latter is an unlimited-time station licensed to Tropics, Inc.

6. Mr. Wister locates Vero Beach for us by stating:

> The city of Vero Beach lies on the east coast of Florida approximately 60 miles from Cape Kennedy to the north and 137 miles to Miami on the south. Vero Beach is the county seat of Indian River County which lies roughly 30 miles deep and 35 miles wide and fronts on the Atlantic Ocean along its eastern border. In this location Vero Beach has experienced substantial growth and anticipates a continuation of this growth as the space center, Disney World, and the many beaches of the east coast of Florida continue to attract additional permanent residents and temporary visitors.

It is maintained that because of the climate and location of Vero Beach (on the Atlantic Ocean and the Atlantic Seaboard Intracoastal Waterway) that it is an important area for recreational activities and tourism. A major asset of the community, important to business and industry, is a 2,300 acre industrial park located within Vero Beach city limits. This industrial park area contains a municipal airport which is serviced by Eastern Airlines,[3] the Piper Aircraft Manufacturing Corp., the Los Angeles Dodgers baseball training quarters and numerous other enterprises. The park is asserted to have city water, power, fire protection, and disposal facilities as well as excellent roads, access to a surface water canal and a railroad freight connection. For purposes of showing the dynamic growth pattern of Vero Beach and surrounding Indian River County petitioner states:

> * * * In fact, Indian River County's population has quadrupled within a space of 30 years, school enrollment doubled within a 5 year period and retail business soared 50 percent within a recent 3 year period. During a recent 12 year period in Vero Beach, water and electric users tripled, telephone service multiplied 7 times, building permits tripled, postal receipts quintupled, registered voters nearly tripled, and automobile license tags more than doubled. During that same period of time bank assets and resources increased as much as 9 times.

In addition to industry at Vero Beach, Indian River County is asserted to be an important agricultural area with significant amounts of citrus farming being done there. The citrus industry as well as the beef cattle industry in the area provide a base for a variety of support industries. In concluding the petition Mr. Wister gives us an overall view of the Vero Beach area as containing its own hospital, 30 churches, a community center, an organized youth center, a complete public and private school system, and 5 banks, and savings and loan associations (total asssets in 1970 of $155,112,924).

7. In opposing Mr. Wister's proposal, Tropics, the licensee of the unlimited-time standard broadcast station in Vero Beach, points out that in addition to its station, Vero Beach has the local service of a daytime-only AM station and an existing class A FM service. It also decribes video and FM signals brought to Vero Beach over a local cable system. It states that this Commission's criterion for assignment of FM stations is to allot one or two to a city under 50,000 persons in size and draws the conclusion from this assertion that Vero Beach with its one FM service has the number appropriate for it. Tropics maintains that there would be 26 communities within the precluded area of channel 288A if assigned to Vero Beach. From the above

[2] All population figures cited are from the 1970 U.S. Census unless otherwise specified.

[3] A second airport is located at the city limits and serves general aviation and charter services.

facts and from the existence of RM-1943, Tropics concludes that channel 288A should not be assigned to Vero Beach but instead should be assigned to Jensen Beach. In brief, it is Tropics' view that Vero Beach has no need for such a service and that there is an important interest in bringing Jensen Beach a first local service.

8. Mr. Wister in his reply to the Tropics' opposition argues that if the Commission's guideline is to assign one or two FM stations to a community under 50,000 in population Vero Beach certainly is eligible for a second FM assignment, particularly in view of its high level of growth and the service that he intends to bring to all of Indian River County (population 35,992). In connection with Tropics' preclusion evaluation, petitioner states that out of the 26 communities allegedly precluded by the use of channel 288A to Vero Beach:

> * * * one has a total of 8 inhabitants, another has 76 inhabitants * * * several more are of the size of 300 inhabitants or less, others are portions of existing towns which are already served by their own broadcast media, and 4 are dependent upon the grant of a pending application to move an existing antenna from its present location. In short, the opposition's "preclusion study" is simply unrealistic and tends to obfuscate rather than to clarify the effect of assigning the additional channel to Vero Beach.[4]

With respect to the need for additional service in Vero Beach it is maintained that a new radio voice would expand and diversify the variety of entertainment and news received by the Vero Beach public. Too, Mr. Wister states that there is a need for increased local nighttime service because the existing stations in Vero Beach do not provide that service during most of the hours from midnight to morning.

PRELIMINARY EVALUATION AND PROPOSALS

9. We have carefully considered all of the timely filed pleadings in RM-1943 and RM-1990 and conclude that Mr. Wister has made a sufficient public interest showing to warrant consideration of the needs of Vero Beach for an additional FM channel in a rulemaking proceeding. Since Vero Beach and Jensen Beach are separated by only 30 miles, channel 288A cannot be assigned to both due to our minimum mileage separation requirements. This fact along with a rather weak showing of Mr. Jones as to the existence of Jensen Beach as a significant de facto community brings us to the decision to propose the use of channel 288A at Vero Beach, Fla. However, in connection with RM-1943, we believe that Mr. Jones should have an opportunity to demonstrate the de facto existence and importance of Jensen Beach through a presentation of governmental, economic, or sociological facts. Therefore we are proposing to assign channel 296A to Jensen Beach, Fla.[5]

10. Accordingly, we propose the following revisions in our FM table of assignments (§ 73.202(b) of our rules) with respect to the cities listed below:

City	Channel No.	
	Present	Proposed
Jensen Beach, Fla.		296A
Vero Beach, Fla.	228A	228A, 288A

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

12. Showings required: Comments are invited on the proposals discussed and set forth above. Proponents of the proposed assignment to Vero Beach are expected to file comments even if they only resubmit or incorporate by reference their former pleadings. Proponents of the Jensen Beach assignment are expected to demonstrate the de facto existence of Jensen Beach as a "community" by describing governmental structure, social and community activities, and market activities. All proponents should restate their present intention to apply for the channel if it is assigned and, if authorized, to build the station promptly. Failure to file may lead to denial of a request.

13. Cutoff procedures: The following procedures will govern the consideration of filings in this proceeding:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments.

(b) With respect to petitions for rulemaking which conflict with the proposals in this notice, they will be considered as comments in the proceeding, and public notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

14. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before July 26, 1973, and reply comments on or before August 6, 1973. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

15. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

16. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C. (1919 M Street NW.).

Adopted June 13, 1973.

Released June 18, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[6]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-12697 Filed 6-22-73;8:45 am]

[4] Mr. Wister shows that the communities located within the precluded area on channel 288A as assigned to Vero Beach consist of Fort Pierce (population 29,721) with two FM and two standard broadcast stations, Stuart (population 4,820) with one FM and one standard broadcast station, and Port St. Lucie (population 330) without any local station.

[5] Any transmitter site for a channel 296A assigned to Jensen Beach will have to be located approximately 4 miles south of that community in order to meet our minimum mileage separation requirements to channel 296A at Melbourne, Fla., WTAI-FM.

[6] Commision H. Rex Lee absent.

[47 CFR, Part 81]

[Docket No. 19769; FCC 73-621]

ALASKA-PUBLIC FIXED STATIONS

Proposal To Expand Points of Communication

In the matter of amendment of part 81, to expand the points of communications of Alaska-Public Fixed Stations on frequencies subject to the conditions of use set forth in § 81.708(b)(20).

1. The Commission has before it five requests for waiver[1] of part 81 of the rules, § 81.708(b)(20), to permit communication between stations located at Fairbanks, Alaska, and and on the North Slope of Alaska, all of which are within Alaska Zone 6 (see § 81.9(b)). As an alternative to processing this number of requests for waiver, the Commission is considering amendment of § 81.708(b)(20) to permit communication between stations located as described above.

2. Under the current provisions of § 81.708(b)(20), stations located in zone 6 may communicate with other stations located in zone 2 and zone 3, and vice versa; however, stations in zone 6 may not communicate with other stations which, also, are located in zone 6. The same conditions apply to intercommunication between stations all of which are located within zone 2 or within zone 3.

3. The objective of the limitations currently set forth in § 81.708(b)(20) is to reserve these five frequencies (4791.5, 6948.5, 7368.5, 11,437.0, and 11,601.5 kHz) for radiotelephone and radioteleprinter communication over long north-south distances in Alaska. In the proceeding which developed § 81.708(b)(20) (doc. No. 18632, FCC 71-1044, 36 FR 20949), no opposing comments were submitted to the proposed prohibition against communications wholly within zone 6, which appeared in the notice of proposed rulemaking (34 FR 13929). It appears the circumstances have changed and that there now is a requirement to communicate between stations located on or north

[1] Mobile Oil Telcom, Ltd., file No. 000270-MK-ML-23; BP Communications Alaska, Inc., file No. 658-MK-RL-121; BP Communications Alaska, Inc., file No. 659-MK-RL-121; Frontier Rock & Sand, Inc., file No. 976-MK-RL-32; Frontier Rock & Sand, Inc., file No. 986-MK-RL-32.

of the Alaska North Slope in zone 6. The 300-mile minimum communication distance will be retained in the rules to preserve the long-range concept for the use of these frequencies.

4. The proposed amendment to the rules is issued pursuant to the authority contained in section 303 (c), (f), (g), and (r) of the Communications Act of 1934, as amended.

5. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before July 26, 1973, and reply comments on or before August 6, 1973. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

6. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's public reference room at its headquarters in Washington, D.C.

Adopted June 13, 1973.

Released June 18, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Part 81 of chapter 1 of title 47 of the Code of Federal Regulations is amended as follows:

In § 81.708, paragraph (b)(20) is amended to read as follows:

§ 81.708 Frequencies available.

* * * * *

(b) * * *

(20) Available for communications over distances of not less than 300 miles between zones 2 and 6, 3 and 6, and within zone 6.

* * * * *

[FR Doc.73-12698 Filed 6-22-73;8:45 am]

[1] Commissioner H. Rex Lee absent.

Notices

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

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES OF THE TWELFTH NATIONAL BANK REGION

Notice of Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Comptroller of the Currency's Regional Advisory Committee on Banking Policies and Practices of the 12th National Bank region will be held at 9 a.m., on June 29, 1973, at the Talisman Lodge, Vail, Colo.

The purpose of this meeting is to assist the Regional Administrator and Comptroller of the Currency in a continuing review of bank regulations and policies. The meeting will also apprise agency officials of current conditions and problems banks are experiencing in the 12th National Bank region.

It is hereby determined pursuant to section 10(d) of Public Law 92-463 that the meeting is concerned with matters listed in section 552(b) of title 5 of the United States Code and particularly with exceptions (3), (4), and (8) thereof, and is therefore exempt from the provisions of section 10(a)(1) and (a)(3) of the act (Public Law 92-463) relating to open meetings and public participation therein.

Dated June 18, 1973.

[SEAL] J. T. WATSON,
Acting Comptroller of the Currency.

[FR Doc.73-12715 Filed 6-22-73;8:45 am]

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

MANUFACTURER OF CODEINE

Notice of Withdrawal of Application

On May 14, 1973, the Bureau of Narcotics and Dangerous Drugs published a notice of application in the FEDERAL REGISTER (38 FR 12622) stating that the Acid-Eze Co., Inc., Triangle Shopping Center, Tyrone, Ga., had submitted an application for registration as a bulk manufacturer of codeine, a basic class of narcotic controlled substance listed in schedule II.

All persons registered to manufacture codeine in bulk were afforded an opportunity to file written comments on or objections to the issuance of the proposed registration on or before June 13, 1973.

On May 18, 1973, the Acid-Eze Co., Inc., advised the Bureau of Narcotics and Dangerous Drugs that it was withdrawing its application for registration as a bulk manufacturer of codeine. The application having been withdrawn, all proceedings relating to application have been terminated.

Dated June 13, 1973.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.73-12691 Filed 6-22-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Wyoming 39457]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

Correction

In FR Doc. 73-10921, appearing at page 14417 for the issue for Friday, June 1, 1973, the seventh line of the description for the sixth principal meridian for Wyoming, which now reads "Sec. 17 NE¼NW¼, S½, and S½;" should read "Sec. 17, NE¼NW¼, S½N½, and S½;".

National Park Service

LINCOLN MEMORIAL

Proposed Boat Landing

The National Park Service is considering making a small parcel of land available in the vicinity of the Ericsson Statue near the Lincoln Memorial to provide for the landing of commercial sightseeing boats, thus providing a unique opportunity for visitors to the Nation's Capital to enjoy the recreational benefits of the Potomac River as well as sightseeing opportunities in the vicinity of the Lincoln Memorial and Mall areas.

The National Park Service is soliciting expressions of interest so that it may further consider the anticipated benefits to the public of such a proposal.

Please address all inquiries and expressions of interest to Mr. Russell E. Dickenson, Director, National Capital Parks, 1100 Ohio Drive SW., Washington, D.C. 20242, by the close of business, July 6, 1973.

RUSSELL E. DICKENSON,
Director, National Capital Parks.

JUNE 14, 1973.

[FR Doc.73-12687 Filed 6-22-73;8:45 am]

Office of the Secretary

HAROLD M. McCLURE, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of May 20, 1973.

Dated May 16, 1973.

HAROLD M. MCCLURE, Jr.

[FR Doc.73-12707 Filed 6-22-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

FISHWAYS IN ROADLESS AREAS

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for fishways in roadless areas, USDA-FS-DES (Adm) 73-71.

The environmental statement concerns a proposed action to construct fishways to bypass obstructions in streams prohibiting the migration of anadromous fish. The fishways are intended to make available those presently inaccessible spawning areas to further utilize stream capabilities and to increase salmon production.

This draft environmental statement was filed with CEQ on June 8, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Building, Room 3230
12th Street and Independence Avenue SW.
Washington, D.C. 20250

USDA, Forest Service
P.O. Box 1628
Juneau, Alaska 99801

and also at Forest Service Offices in Alaska at the following locations: Juneau, Sitka, Petersburg, Ketchikan, Yakutat, Anchorage, Cordova, and Kenai.

A limited number of single copies are available upon request to Regional Forester, U.S. Forest Service, Box 1628, Juneau, Alaska 99801.

Copies are also available from the National Technical Informaton Service, U.S. Department of Commerce, Springfield, Va. 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Regional Forester, U.S. Forest Service, Box 1628, Juneau, Alaska 99801. Comments must be received by July 18, 1973, in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORTON,
Deputy Chief, Forest Service.

JUNE 19, 1973.

[FR Doc.73-12681 Filed 6-22-73;8:45 am]

MECHANICAL VEGETATION CONTROL PROPOSAL

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture has prepared a draft environmental statement of a proposal for vegetation control by mechanical treatment in the State of New Mexico, Apache, Gila, and Santa Fe National Forests, USDA-FS-DES (Adm) 73-72.

The environmental statement considers probable environmental effects on the proposed program.

The draft environmental statement was filed with CEQ on June 11, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Building, Room 3230
14th Street and Independence Avenue, SW.
Washington, D.C. 20250

USDA, Forest Service
Southwestern Region
517 Gold Avenue SW.
Albuquerque, N. Mex. 87101

Apache National Forest
Box 640
Springerville, Ariz. 85938

Gila National Forest
301 West College Avenue
Silver City, N. Mex. 88061

Santa Fe National Forest
P.O. Box 1689
Santa Fe, N. Mex. 87501

Copies are available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151; and Colorado Plateau Environmental Advisory Council, P.O. Box 1389, Flagstaff, Ariz. 86001. Please refer to the name and number of the environmental statement above when ordering.

A limited number of single copies are available upon request to William D. Hurst, Regional Forester, Southwestern Region, U.S. Forest Service, 517 Gold Avenue SW., Albuquerque, N. Mex. 87101.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Hallie Cox, Apache National Forest, Box 640, Springerville, Ariz. 85938; Forest Supervisor Richard Johnson, Gila National Forest, 301 West College Avenue, Silver City, N. Mex. 88061; or Forest Supervisor John Hall, Santa Fe National Forest, P.O. Box 1689, Santa Fe, N. Mex. 87501. Comments must be received by July 25, 1973, in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

JUNE 19, 1973.

[FR Doc.73-12682 Filed 6-22-73;8:45 am]

WINDY PASS TIMBER SALE

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Windy Pass Timber Sale, Forest Service Report No. USDA-FS-DES (Adm) 73-75.

The environmental statement concerns a proposed 3 million fbm timber sale project in the Portal Creek drainage of Gallatin County, Mont. The proposed timber sale will consist of 10 clearcut units. Part of the sale is in an area that was inventoried as roadless by the Forest Service in November 1970.

This draft environmental statement was filed with CEQ June 14, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Building, Room 3230
12th and Independence Avenue SW.
Washington, D.C. 20250

USDA, Forest Service
Northern Region
200 East Broadway, Room 3077
Missoula, Mont. 59801

USDA, Forest Service
Gallatin National Forest
Federal Building
Bozeman, Mont. 59715

A limited number of single copies are available upon request to:

Paul D. Weingart, Forest Supervisor
Gallatin National Forest
P.O. Box 130
Bozeman, Mont. 59715

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Paul D. Weingart, Forest Supervisor, Gallatin National Forest, P.O. Box 130, Bozeman, Mont. 59715. Comments must be received by July 29, 1973, in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

[FR Doc.73-12680 Filed 6-22-73;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of East-West Trade

[Case No. 441]

STEIN & ROUBAIX ESPANOLA, S.A., AND BALTOGAR, S.A.

Order Denying Export Privileges

In the matter of Stein & Roubaix Espanola, S.A., Ercilla 4, Apartado 347, Bilbao, Spain, and Baltogar, S.A., Luchana-Baracaldo, Bilbao, Spain, respondents, case No. 441.

On June 30, 1971, the Director, Compliance Division (formerly designated Investigations Division), Office of Export Control, Bureau of East-West Trade,[1] issued a charging letter against the above respondents alleging violations of the

[1] Under departmental orders effective Nov. 17, 1972, the Office of Export Control which was formerly in the Bureau of International Commerce, is now in the Bureau of East-West Trade (37 FR 25555 and 25557).

regulations issued under the Export Control Act of 1949 and the Export Administration Act of 1969.[2] The charging letter was duly served and the respondents filed an answer. Counsel subsequently entered an appearance on behalf of respondents.

The charging letter contains two charges. Charge I alleges, in substance, as follows: During 1969–70 the respondent Stein & Roubaix Espanola, S.A., Ercilla 4, Apartado 347, Bilbao, Spain hereinafter SRE), ordered and received from a U.S. supplier certain rice cleaners (scalperators) valued at approximately $269,000; by reason of the destination control notices on the commercial invoices from the supplier to SRE and from other information that had come to the attention of SRE it knew or had reason to know that reexportation of the rice cleaners to Cuba was prohibited by U.S. law and notwithstanding the aforesaid SRE reexported the rice cleaners from Spain to Cuba.

Charge II alleges, in substance, as follows: Early in 1971 SRE and its subsidiary Baltogar S.A. Luchana-Barcaldo, Bilbao, Spain, acting in concert, attempted to obtain delivery from the U.S. supplier of $2,300 worth of parts for rice-cleaning equipment which the respondents intended to reexport from Spain to Cuba; respondents knew or had reason to know that reexportation of these parts to Cuba was prohibited by U.S. law; delivery of the parts to respondents was prevented when the U.S. Government learned that the intended ultimate destination was Cuba.

SRE is charged with reexporting the rice cleaners from Spain to Cuba in violation of § 387.6 of the Export Control Regulations. SRE and Baltogar are charged with ordering and attempting to obtain delivery of the parts for the rice-cleaning equipment in violation of § 387.3(a) of said regulations.

Pursuant to § 388.10 of the Export Control Regulations, with agreement of the Director, Compliance Division, there was submitted to the Hearing Commissioner a consent proposal for an order imposing sanctions as hereinafter set forth. In said consent proposal the respondents for the purpose of this compliance proceeding only, did not contest the charges set forth in the charging letter of June 30, 1971. The respondents waived all rights to an oral hearing before the Hearing Commissioner and also waived all rights of administrative appeal from and judicial review of such order as may be issued. The consent proposal was submitted with the understanding that certain exceptions from the denial order would be granted at the time the order was issued.

[2] Sec. 13(b) of this act (50 U.S.C. App. 2412 (b) provides, "All outstanding delegations, rules, regulations, orders, licenses, or other forms of administrative action under the Export Control Act of 1949 * * * shall, until amended or revoked, remain in full force and effect, the same as if promulgated under this Act".

The Hearing Commissioner has considered the facts in the case, the respondents' proposal, and the exceptions from the denial order which the consent proposal contemplates. He has approved the consent proposal and recommended that it be accepted and he also recommended that certain exceptions be granted. The undersigned having considered the record in the case and the Hearing Commissioner's recommendations, hereby makes the following—

FINDINGS OF FACT

1. The respondent Stein & Roubaix Espanola S.A. (SRE) is a large company with principal offices in Bilbao, Spain. The company is an important one in manufacturing and supplying general industrial machinery and equipment including furnaces, ovens, boilers, mills, and sewage treatment plants. SRE has a controlling interest in the respondent Baltogar S.A. located in Baracaldo near Bilbao, Spain. Baltogar is engaged in industrial installations. The respondents manufacture and sell certain commodities under licensing agreements with several companies in the United States.

2. During the period from April through August 1969 the respondent SRE ordered and received from a U.S. supplier a number of rice cleaners (scalperators) valued at approximately $268,700. The commercial invoices from said supplier to SRE, covering the exportations of the rice cleaners from the United States to Spain, all bore the following destination control notices: "These commodites licensed by the U.S. for ultimate destination Spain. Diversion contrary to U.S. law prohibited." In January 1967, SRE was advised in writing by a firm in Spain with which it had associations that there was a virtual embargo on shipment of U.S.-origin commodites to Cuba.

3. Notwithstanding the aforesaid notification of prohibition against diversion respondent SRE without authorization from the U.S. Department of Commerce reexported the above-mentioned rice cleaners from Spain to Cuba.

4. The respondent SRE, at the time it so reexported the rice cleaners, knew or had reason to know that the rice cleaners were of U.S. origin and that U.S. law prohibited their exportation from Spain to Cuba without first obtaining authorization from the U.S. Government.

5. Early in 1971, SRE and its affiliated company Baltogar, acting in concert, ordered and attempted to obtain delivery from the above-mentioned U.S. supplier of $2,300 worth of parts for rice-cleaning equipment. The respondents intended to reexport the parts to Cuba after they were received in Spain from the United States. Delivery of the parts to respondents was prevented when the U.S. Government learned that the respondents intended to reexport the parts from Spain to Cuba.

6. The respondents knew or had reason to know at the time they ordered and attempted to obtain delivery of the parts from the United States that U.S. law prohibited their reexportation from Spain to Cuba without first obtaining authorization from the U.S. Government. No such authorization had been obtained.

Based on the foregoing, I have concluded that respondent SRE violated § 387.6 of the U.S. Export Control Regulations in that it knowingly reexported rice cleaners from Spain to Cuba without specific authorization from the Office of Export Control or the Department of Commerce as required by § 374.1 of said regulations. I have further concluded that respondents SRE and Baltogar violated § 387.3(a) of said regulations in that they ordered and attempted to obtain delivery of parts for rice-cleaning equipment from the United States which they intended to reexport to Cuba without specific authorization from the Office of Export Control or the Department of Commerce, which authorization was required by § 374.1 of said regulations.

On consideration of the record in the case and the recommendation of the Hearing Commissioner, I accept the consent proposal and it is hereby

Ordered, I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of East-West Trade for cancellation.

II. Except as qualified in part V hereof the respondents for a period of 3 years from the effective date of this order are hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States, in whole or in part, or to be exported, or which are otherwise subject to the export regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

Certain exceptions from the denial order have been granted in a letter to respondents issued concurrently with this order. The dealings of the respondents within the terms of said exceptions shall not be considered to be a violation of this denial order.

III. The denial of export privileges in this order shall extend not only to respondents but also to their representatives, agents, and employees and also to any other person, firm, corporation, or

other business organization with which the respondents now or hereafter may be related by ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. The respondents, on or before September 24, 1973, shall submit to the Compliance Division, Office of Export Control, a report providing satisfactory assurances that adequate procedures have been adopted to prevent violations of the Export Administration Act, as amended.

V. After December 25, 1973, without further order of the Bureau of East-West Trade, the respondents shall have their export privileges restored conditionally and thereafter for the remainder of the denial period said respondents shall be on probation. The conditions of probation are that said respondents shall fully comply with all requirements of the Export Administration Act of 1969, as amended, and all regulations, licenses, and orders issued thereunder.

VI. Upon a finding by the Director, Office of Export Control, or such other official as may be exercising the duties now exercised by him, that the respondents have knowingly failed to comply with the requirements and conditions of this order or with any of the conditions of probation, said official, with or without notice, by supplemental order may revoke the probation of said respondents, revoke all outstanding validated export licenses to which said respondents may be parties and deny to said respondents all export privileges for the remainder period of the order. Such supplemental order shall not preclude the Bureau of East-West Trade from taking such further action for any violation as it shall deem warranted. On the entry of a supplemental order revoking respondents' probation without notice, they may file objections and request that such order be set aside and may request an oral hearing as provided in § 388.16 of the Export Control Regulations, but pending such further proceedings the order of revocation shall remain in effect.

VII. During the time when respondents or other persons within the scope of this order are prohibited from engaging in any activity within the scope of part II hereof, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of East-West Trade, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with the respondents or other persons denied export privileges within the scope of this order, or whereby said respondents or such other persons may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for the respondent or other persons denied export privileges within the scope of this order; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

The dealings of such parties with the respondents within the terms of the exceptions referred to in part II hereof shall not be considered to be a violation of this denial order.

Dated June 13, 1973.

This order shall become effective on June 25, 1973.

RAUER H. MEYER,
Director, Office of Export Control, Bureau of East-West Trade.

[FR Doc.73-12370 Filed 6-22-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-73-178; Administrative Proceedings Division File No. Z-134]

ELEUTHERA ISLAND CLUB

Notice of Proceedings and Opportunity for Hearing

Notice is hereby given that:

On October 24, 1972, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, attempted to serve upon Lorenzo P. Gillarde, president, L. Gillarde Land Co., Ltd., P.O. Box 584, Kenosha, Wis. 53141, a notice of proceedings and opportunity for hearing by certified mail and service of process was not possible since the addressee could not be located. Accordingly, pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), the notice of proceedings and opportunity for hearing is being issued as follows:

NOTICE OF PROCEEDINGS AND OPPORTUNITY FOR HEARING

I. The Department's public file discloses that:

A. L. Gillarde Land Co., Ltd. has filed a statement of record for the Eleuthera Island Club, located in the Bahama Islands (OILSR No. 0-0778-60-23) effective November 21, 1969, pursuant to CFR 1710.21 of the Interstate Land Sales Regulations. Said statement is still in effect.

B. Lorenzo P. Gillarde is president of the developer.

C. The address of the developer is P.O. Box 584, Kenosha, Wis. 53141.

D. No amendments have been filed by the developer since October 24, 1972.

II. After proper notice of proposed rulemaking published in the FEDERAL REGISTER on February 24, 1971 (36 FR 3419), and on November 3, 1971 (36 FR 21043), as required by 5 U.S.C. 553 and after consideration of all relevant comments received, the Department of Housing and Urban Development published a final revision of 24 CFR part 1710 in the FEDERAL REGISTER on January 27, 1972 (37 FR 1302), amended on February 5, 1972 (37 FR 2768), and April 1, 1972 (37 FR 6674).

These revised regulations were adopted pursuant to the Secretary's authority set forth in section 1419 of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1718) and require additional material facts to be disclosed in both the statement of record and the property report which had not been required prior to January 27, 1972. Section 1710.130 of the revised regulations states that effective statements of record shall be amended to comply with these regulations not later than March 31, 1972.

III. As a result of an examination of the Department's public file and the above-specified statement of record, the Administrative Proceedings Division of the Office of Interstate Land Sales Registration alleges that:

A. As of October 24, 1972, the amendments to the statement of record as required by the revised regulations had not been received.

B. The statement of record omits to state the material facts in the prescribed format as required by the following sections of the revised regulations, to wit:

1. Section 1710.105:
   Instructions for completion of statement of record, paragraph c.
   Part IV.B.2, C3.
   Part IV. D.
   Part VIII.A.8.d.
   Part IX. A. 4.
   Part XI. C.
2. Section 1710.110:
   Paragraph 2. a.
   Paragraph 2. b.
   Paragraph 8. (c).
   Paragraph 8. (d).
   Paragraph 15. (b).
   Paragraph 15. (c).
   Additional requirements for property report.

IV. In view of the allegations made by the Administrative Proceedings Division, the Secretary deems it necessary that proceedings be instituted to determine:

A. Whether the allegations set forth in section III hereof are true and in connection therewith to afford respondents an opportunity to established any defenses to such allegations.

B. What, if any remedial action is appropriate in the public interest and for the protection of purchasers pursuant to section 1407(d) of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1706) and 24 CFR 1710.45(b)(1) of the implementing regulations.

V. If the respondent desires a hearing on the allegations set forth in section III, *it is hereby ordered*, That he must file a request for hearing accompanied by an answer within 15 days after service upon him of this notice of proceedings. The answer must be filed with the OILSR Docket Clerk, room 9253, HUD Building, Washington, D.C. 20410, as provided by 24 CFR 1720.140 et seq.

VI. *It is hereby ordered*, That, if requested by the respondent, a public hearing shall be held for the purpose of taking evidence on the questions set forth in section IV hereof before Administrative Law Judge Paul N. Pfeiffer, or such other judge as may be designated, in room 7233, Department of HUD Building, 451 Seventh Street SW., Washington, D.C., at such time as the Secretary of the Department of Housing and Urban Development, or his designee, may fix by further order.

VII. Respondent is *hereby notified* That if he fails to request a hearing within 15 days after service upon him of this notice of proceedings as set forth in section V

hereof, he shall be deemed in default and the proceeding shall be determined against him, the allegations of which shall be determined to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice is published pursuant to 44 U.S.C. 1508.

By the Secretary.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

JOHN R. MCDOWELL,
Deputy Administrator, Interstate Land Sales Registration.

[FR Doc.73-12671 Filed 6-22-73;8:45 am]

[Docket No. N-73-179; Administrative Proceedings Division File No. Z-293]

KOFFA HILLS ESTATES

Notice of Proceedings and Opportunity for Hearing

Notice is hereby given that:

On January 2, 1973, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, attempted to serve upon Milan R. Heath, president, Heath and Associates, Inc., 72 East Weldon, Phoenix, Ariz. 85012, a notice of proceedings and opportunity for hearing by certified mail and service of process was not possible since the addressee could not be located. Accordingly, pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), the notice of proceedings and opportunity for hearing is being issued as follows:

NOTICE OF PROCEEDING AND OPPORTUNITY FOR HEARING

I. The Department's public file discloses that:

A. Heath and Associates, Inc., has filed a statement of record for Koffa Hills Estates, located in Arizona (OILSR No. 1770-02-341) effective July 14, 1971, pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said statement is still in effect.

B. Milan R. Heath is president of the developer.

C. The address of the developer is 72 East Weldon, Phoenix, Ariz. 85012.

D. No amendments have been filed by the developer since January 2, 1973.

II. After proper notice of proposed rulemaking published in the FEDERAL REGISTER on February 24, 1971 (36 FR 3419), and on November 3, 1971 (36 FR 21043), as required by 5 U.S.C. 553 and after consideration of all relevant comments received, the Department of Housing and Urban Development published a final revision of 24 CFR, part 1710 in the FEDERAL REGISTER on January 27, 1972 (37 FR 1302), amended on February 5, 1972 (37 FR 2768), and April 1, 1972 (37 FR 6674).

These revised regulations were adopted pursuant to the Secretary's authority set forth in section 1419 of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1718) and require additional material facts to be disclosed in both the statement of record and the property report which had not been required prior to January 27, 1972. Section 1710.130 of the revised regulations states that effective statements of record shall be amended to comply with these regulations not later than March 31, 1972.

III. As a result of an examination of the Department's public file and the above-specified statement of record, the Administrative Proceedings Division of the Office of Interstate Land Sales Registration alleges that:

A. As of January 2, 1973, the amendments to the statment of record as required by the revised regulations had not been received.

B. The statement of record omits to state the material facts in the prescribed format as required by the following sections of the revised regulations, to wit:

1. Section 1710.105:
   - Instructions for completion of statement of record, paragraph c.
   - Part IV.B.2, C.3.
   - Part IV.D.
   - Part VIII.A.8.d.
   - Part IX.A.4.
   - Part XI.C.
2. Section 1710.110:
   - Paragraph 2.a.
   - Paragraph 2.b.
   - Paragraph 8.(c).
   - Paragraph 8.(d).
   - Paragraph 15.(b).
   - Paragraph 15.(c).
   - Additional requirements for property report.

IV In view of the allegations made by the Administrative Proceedings Division, the Secretary deems it necessary that proceedings be instituted to determine:

A. Whether the allegations set forth in section III hereof are true and in connection therewith to afford respondents an opportunity to establish any defenses to such allegations.

B. What, if any remedial action is appropriate in the public interest and for the protection of purchasers pursuant to section 1407(d) of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1706) and 24 CFR 1710.45(b)(1) of the implementing regulations.

V. If the respondent desires a hearing on the allegations set forth in section III, *it is hereby ordered*, That he must file a request for hearing accompanied by an answer within 15 days after service upon him of this notice of proceedings. The answer must be filed with the OILSR Docket Clerk, room 9253, HUD Building, Washington, D.C. 20410, as provided by 24 CFR 1720.140 et seq.

VI. *It is hereby ordered*, That, if requested by the respondent, a public hearing shall be held for the purpose of taking evidence on the questions set forth in section IV hereof before Administrative Law Judge Paul N. Pfeiffer, or such other judge as may be designated, in room 7233, Department of HUD Building, 451 Seventh Street SW., Washington, D.C., at such time as the Secretary of the Department of Housing and Urban Development, or his designee, may fix by further order.

VII. Respondent is *hereby notified* that if he fails to request a hearing within 15 days after service upon him of this notice of proceedings as set forth in section V hereof, he shall be deemed in default and the proceeding shall be determined against him, the allegations of which shall be determined to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice is published pursuant to 44 U.S.C. 1508.

By the Secretary.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

JOHN R. MCDOWELL,
Deputy Administrator, Interstate Land Sales Registration.

[FR Doc.73-12672 Filed 6-22-73;8:45 am]

[Docket No. N-73-177; Administrative Proceedings Division File No. Z-163]

MAPLE RIDGE RANCHETTES

Notice of Proceedings and Opportunity for Hearing

Notice is hereby given that:

On November 22, 1972, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, attempted to serve upon Douglas K. Pollack, president, Standard Investment Co., 222 Southwest Harrison Street, Portland, Oreg. 97201, a notice of proceedings and opportunity for hearing by certified mail and service of process was not possible since the addressee could not be located. Accordingly, pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), the notice of proceedings and opportunity for hearing is being issued as follows:

NOTICE OF PROCEEDINGS AND OPPORTUNITY FOR HEARING

I. The Department's public file discloses that:

A. Standard Investment Co. has filed a statement of record for Maple Ridge Ranchettes located in Oregon (OILSR No. 0-1054-43-14) effective June 10, 1970, pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said statement is still in effect.

B. Douglas K. Pollack is president of the developer.

C. The address of the developer is 222 Southwest Harrison Street, Portland, Oreg. 97201.

D. No amendments have been filed by the developer since November 22, 1972.

II. After proper notice of proposed rulemaking published in the FEDERAL REGISTER on February 24, 1971 (36 FR 3419), and on November 3, 1971 (36 FR 21043), as required by 5 U.S.C. 553 and after consideration of all relevant comments received, the Department of Housing and Urban Development published a final revision of 24 CFR, part 1710 in the FEDERAL REGISTER on January 27, 1972 (37 FR 1302), amended on February 5, 1972 (37 FR 2768), and April 1, 1972 (37 FR 6674).

These revised regulations were adopted pursuant to the Secretary's authority set forth in section 1419 of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1718) and require additional material facts to be disclosed in both the statement of record and the property report which had not been required prior to January 27, 1972. Section 1710.130 of the revised regulations states that effective statements of record shall be amended to comply with these regulations not later than March 31, 1972.

III. As a result of an examination of the Department's public file and the above-specified statement of record, the Administrative Proceedings Division of the Office of Interstate Land Sales Registration alleges that:

A. As of November 22, 1972, the amendments to the statement of record as required by the revised regulations had not been received.

B. The statement of record omits to state the material facts in the prescribed format as required by the following sections of the revised regulations, to wit:

1. Section 1710.105:
   - Instructions for completion of statement of record, paragraph c.
   - Part IV.B.2, C3.
   - Part IV.D.
   - Part VIII.A.8.d.
   - Part IX.A.4.
   - Part XI.C.

2. Section 1710.110:
Paragraph 2.a.
Paragraph 2.b.
Paragraph 8.(c).
Paragraph 8.(d).
Paragraph 15.(b).
Paragraph 15.(c).
Additional requirements for property report.

IV. In view of the allegation made by the Administrative Proceedings Division the Secretary deems it necessary that proceedings be instituted to determine:

A. Whether the allegations set forth in section III hereof are true and in connection therewith to afford respondents an opportunity to establish any defenses to such allegations.

B. What, if any remedial action is appropriate in the public interest and for the protection of purchasers pursuant to section 1407(d) of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1706) and 24 CFR 1710.45(b)(1) of the implementing regulations.

V. If the respondent desires a hearing on the allegations set forth in section III, *it is hereby ordered*, That he must file a request for hearing accompanied by an answer within 15 days after service upon him of this notice of proceedings. The answer must be filed with the OILSR Docket Clerk, room 9253, HUD Building, Washington, D.C. 20410, as provided by 24 CFR 1720.140 et seq.

VI. *It is hereby ordered*, That, if requested by the respondent, a public hearing shall be held for the purpose of taking evidence on the questions set forth in section IV hereof before Administrative Law Judge Paul N. Pfeiffer, or such other judge as may be designated, in room 7233, Department of HUD Building, 451 Seventh Street SW., Washington, D.C., at such time as the Secretary of the Department of Housing and Urban Development, or his designee, may fix by further order.

VII. Respondent is hereby notified that if he fails to request a hearing within 15 days after service upon him of this notice of proceedings as set forth in section V hereof, he shall be deemed in default and the proceeding shall be determined against him, the allegations of which shall be determined to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice is published pursuant to 44 U.S.C. 1508.

By the Secretary.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

JOHN R. MCDOWELL,
Deputy Administrator, Interstate Land Sales Registration.

[FR Doc.73-12670 Filed 6-22-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

OFFICE OF SAFETY; OFFICE OF RESEARCH, DEVELOPMENT AND DEMONSTRATIONS

Change of Location

All personnel and records of the Office of Safety and the Office of Research, Development and Demonstration in the Federal Railroad Administration (FRA) have been moved to the Buzzard Point Building, 2100 Second Street SW., Washington, D.C. 20590. Other offices in the FRA remain at the Nassif Building, 400 Seventh Street SW., Washington, D.C. Telephone numbers for all elements of FRA remain the same.

Business hours at the Buzzard Point Building are 8:30 a.m. to 5 p.m. each Federal working day.

Issued in Washington, D.C., on June 14, 1973.

HENRI F. RUSH, Jr.,
Deputy Administrator.

[FR Doc.73-12667 Filed 6-22-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25519; Order 73-6-79]

NATIONAL AIR CARRIER ASSOCIATION

Order Approving Discussions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 19th day of June 1973.

On May 9, 1973, the member carriers of the National Air Carrier Association [1] (NACA) filed an application requesting that the Board permit all U.S.- and foreign-flag carriers holding certificate or permit authority to perform transatlantic charter services to engage in discussions, the objective being an agreement on passenger charter rates and the basic elements of service to which the rates would be applicable.

NACA contends that passenger charter rate levels and the levels of promotional fares on scheduled services agreed to by members of the International Air Transport Association (IATA) are competitively interrelated; and that development of a rational and economic transatlantic fare structure thus requires that charter rate levels be established in the context of known promotional fare levels and vice versa. NACA acknowledges that, in theory at least, this could be accomplished by conducting simultaneous discussions at the time and place scheduled for the IATA traffic conference on transatlantic fares, with each meeting acting in full knowledge of the fare levels being arrived at by the other. However, NACA alleges that a feasible alternative would be to hold the charter rate discussions at a separate time and place, and to predicate those discussions on an agreement that promotional fares on scheduled service would subsequently be established at levels sufficiently above charter rates to permit marketing charters on an economic basis.

NACA states that charter rate levels and yields from scheduled service have both steadily declined in the face of rising carrier costs. The principal causes of declining transatlantic charter rates are alleged to be the overwhelming number of competitors in the market, the significant increase in the capacity of aircraft utilized in charter service, and the low promotional fares of recent years in scheduled service. By the same token, the yield erosion experienced by the scheduled airlines has allegedly resulted in substantial part from the competitive decision not only to expand their own charter services but also to introduce low promotional fares at comparable fare levels. Like the charter airlines, many scheduled carriers have as a result suffered sizable losses in transatlantic operations.

NACA contends that disagreement among the IATA carriers on the appropriate response to charter competition has contributed to an almost continuous uncertainty concerning fares for transatlantic scheduled service. Open-rate situations, last-minute compromises, and short-term fare agreements which hamper the orderly marketing of transatlantic scheduled air services have become the norm in recent years. These circumstances have, in turn, prompted unilateral imposition of minimum charter rates by several foreign governments in recent months. The U.S. carriers will have no alternative at the moment but to observe these minima, despite the fact that neither the Board nor the carriers have had a voice in their establishment.

Pan American World Airways, Inc., Compagnie Nationale Air France, Trans World Airlines, Inc., and British Caledonian Airways, Ltd., have answered NACA's application. These carriers agree that there is an urgent need for the establishment of reasonable minimum transatlantic passenger charter rates, although generally not concurring in all of NACA's supporting allegations. The carriers do agree that transatlantic charter rates have fallen well below a fair and reasonable level; that no carrier is presently able to conduct profitable transatlantic charter operations; that a heavy cloud rests over the future conduct of sizable transatlantic charter operations; and most important, that the economic level of charter rates has resulted in a severe erosion in scheduled service yield, and has produced and is perpetuating an economically unsound scheduled fare structure.

On May 25, 1973, 56 prominent U.S. independent tour operators (Tour Operators), filed an answer opposing NACA's application and requesting its denial. The Tour Operators' primary thrust is that approval of the application would lead to establishment of an IATA-type cartel for the setting of transatlantic charter minimum rates, with the end result that American and European consumers would lose the present availability of low cost transatlantic service.

The Tour Operators contend that any agreement reached pursuant to the discussions and approved by the Board would probably be irreversible; that charter travel is still in its infancy and should not be retarded; that no carrier has yet been injured by this competition; that establishment of minimum charges alone would not be sufficient since carriers would still be free to charge unreasonably high rates at particular times; and that since the Board now has statutory authority to regulate international rates the present regime of

[1] Overseas National Airways, Inc., Saturn Airways, Inc., Trans International Airlines, Inc., and World Airways, Inc.

regulated competition is best. The Tour Operators contend that, should the Board find it necessary to regulate charter rates, it can institute an investigation to set absolute rates, guidelines, or a range of rates including both minimum and maximum.

The Tour Operators allege that a cartel, presumably with a unanimity rule such as applies in IATA, can only operate to produce rate levels sufficient for the least efficient operator. This in turn encourages new entry into the market, produces less efficiency, increased costs and competition, and results ultimately in higher prices. It is alleged to be "a device for maintaining costs, protecting overcapacity, and promoting product differentiation through expensive advertising, facilities, and acquisition of unneeded new-type aircraft."

Upon consideration of the various circumstances alleged and facts available to the Board, we will grant the requested authority. Our action is, of course, a departure from historical policy, which left charter rates to the forces of the marketplace. In our opinion, this policy has worked well, and has resulted in aggressive promotion of charter service and a competitive spur to scheduled service. On the other hand, the competitive environment on the North Atlantic has quite clearly changed significantly in recent years. Charter services now account for some 30 percent of the market and no longer can be considered a fledgling industry.

It has become increasingly difficult for IATA to reach agreement on a scheduled fare structure, much less an agreement designed to improve the economics of this service. We are persuaded that this difficulty stems directly from the threat, however real or imagined, of charter competition. As we stated in approving continuation of the status quo through 1973, we believe a recurrence of the stalemate which developed last winter would be extremely unfortunate. In short, the interest of both sellers and purchasers of scheduled services lies in achieving some degree of stability in the fare structure, and in a timely fashion.

It is equally clear that charter services must be operated on a basis which is economically sound and which will insure continued growth of the mass transportation market. On the other hand, although much information pertinent to a full analysis is not now available to the Board, it seems only reasonable to conclude that charter prices have declined to uneconomic levels. None of the U.S. supplemental carriers appears to be earning an adequate return, and several charter specialists (both U.S. and foreign flag) have entered bankruptcy in the past year. Tariffs currently on file with the Board for transatlantic charter service indicate a prevalent range of peak-season round-trip prices (New York-London) of between $112 and $160. This equates to a range of 1.62 cents and 2.31 cents on a per-mile basis, a level which raises considerable doubt as to the profitability of these services. Our conclusion in this regard is reinforced by the fact that several European governments have in recent weeks imposed a rate floor on charter operations to and from their respective countries.

The Tour Operators urge that regulation of charter rates be left to exercise of the Board's authority to suspend proposals which appear prima facie uneconomic and, if need be, to institute an investigation. The Board would, of course, not hesitate to use its suspension powers if to do so appeared necessary in the public interest. However, it must be acknowledged that this process could be, and very likely wuold be, somewhat cumbersome and time-consuming. Since a charter rate applicable between two countries necessarily depends upon the acquiescence of both, subsequent bilateral consultation could be expected. A bilateral approach to what is in part a multinational matter is not, in our opinion, the most expeditious means of seeking a harmonized or balanced system. A formal investigation would have the benefit of providing a forum for development of a full factual record upon which to predicate a determination of the appropriate minimum level of charter rates. On the other hand, pursuit of this avenue would involve a period of time going well beyond next summer's travel season. More importantly, it would not be conclusive of the difficulty at hand, since the Board is without authority to prescribe rates in international air transportation.

Against the background of these alternatives, and in light of the evident need to see overall North Atlantic services placed on a more economic footing, we conclude that intercarrier discussions as here proposed are warranted and desirable. In our opinion, it is not at all clear at this juncture that they will be productive of an agreement. They may, however, serve as a means of establishing useful parameters for the various services. In any event, we hasten to emphasize that by approving NACA's request we have no intention of diminishing the competitive spur of effective charter operations, or of depriving the traveling public of the low price flowing from full use of planeload capacity. To the contrary, we seek to preserve an efficient and economically sound transatlantic charter service which will continue to foster these objectives.

Nor do we read NACA's request as contemplating a first step toward evolution of a permanent forum akin to the IATA Traffic Conference machinery, as apparently feared by the Tour Operators. Our approval is extended in this context. The application makes no reference to an administrative secretariat, and is silent on the procedural rules under which the discussions would be conducted. These are matters apparently to be settled among the conferees themselves, and we do not find it inappropriate that they should be. As is well known, the Board has required unanimity of voting within IATA since its inception. The reasons for this go back many years and are in part based on circumstances some of which have since changed, not the least being the Board's recently acquired suspension power over international tariff filings. Without addressing the question of whether or not the unanimity rule remains appropriate today for IATA deliberations, we are not persuaded that it need be required in the case of the discussions here being considered. Indeed, such a condition not only appears unnecessary in light of the adversary interests of the participants, it could very possibly act as a deterrent to useful progress. Moreover, the lack of a requirement for unanimous concurrence will substantially alleviate pressures to accommodate the least efficient carriers, a potential which, as alleged by the Tour Operators, runs counter to the public interest. We believe that it would be in the best interest of all concerned that the direct carriers be exposed to the views of travel wholesalers and retailers during the course of these discussions and prior to the conclusion of any final agreement. On the other hand, we do not believe it would serve a useful purpose to require that the meetings themselves be open to Board observers or other third parties, either as observers or participants. Any agreement reached will, of course, be subject to the Board's approval prior to implementation and, as is our general practice, an opportunity to be heard will be provided all interested parties. In this connection, we will require that minutes and all documentation be submitted promptly during the course of the meetings, and contemplate that they will be made available to the public for scrutiny on a continuing basis.

Finally, NACA suggests that the discussions it seeks can be held either simultaneously with or independently of the IATA Traffic Conference dealing with scheduled services. We are not wholly persuaded that it would be impossible to establish minimum charter rates without knowing the scheduled fare structure to which they relate, since charter rates are based on the cost of operating a full aircraft and do not involve questions of probable traffic mix and the revenue impact of differing fares. On the other hand, we recognize that agreement on minimum charter rates would very probably be assisted if the lowest fare on scheduled service were known or an acceptable differential arrived at. Accordingly, to provide the carriers a degree of flexibility on how best to approach the problem, their authority to discuss will be extended for a period of 120 days. This will afford an opportunity for concurrent discussion during the IATA conference now set for October 1973, if it appears that it would be useful. However, in view of the prominence which the issue of charter rate levels appears to be playing in IATA's deliberations, as well as the need to place charter services on a sounder economic basis, we urge that the discussions here authorized move forward as expeditiously as necessary arrangements make possible.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 404, 412, and 414 thereof;

It is ordered, That:

1. All U.S.- and foreign-flag carriers holding certificate or permit authority to provide passenger charter services on the North Atlantic may engage in discussions, for a period not to exceed 120 days from the date of service of this order, on the subject of rules, practices, procedures, and minimum rate levels applicable to transatlantic passenger charter service, and the relationship of charter rates to fares in scheduled service;

2. The Director of the Bureau of Economics be given at least 48 hours' notice of the time and place of the meetings;

3. The carriers keep complete and accurate minutes of such discussions and that a true copy of such minutes and all documentation be filed with the Board's docket section not later than 2 weeks after close of each meeting;

4. Any interested person may advise a direct air carrier participant of his interest in these discussions and upon request all meeting notices and agendas shall be mailed to such interested third person with such notice to include an invitation to submit comments upon the agenda matters and to request appointments for personal appearance;

5. Any agreement or agreements reached as a result of such discussions be filed with the Board in accordance with section 412 of the Federal Aviation Act of 1958 and approved by the Board prior to being incorporated in a tariff filing or otherwise placed in effect; and

6. This order be served upon all U.S.- and foreign-flag carriers holding certificate or permit authority to provide passenger charter service on the North Atlantic, and on counsel on behalf of 56 prominent U.S. independent tour operators.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-12734 Filed 6-22-73;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council met at 2 p.m. on Friday, June 22, 1973, to begin discussions on the fiscal year 1974 comparability adjustment for the statutory pay systems of the Federal Government.

In accordance with the provisions of section 10(d) of the Federal Advisory Committee Act, it was determined by the Director of the Office of Management and Budget and the Chairman of the Civil Service Commission, who serve jointly as the President's Agent for the purposes of the Federal pay comparability process, that this meeting of the Federal Employees Pay Council would not be open to the public.

For the President's Agent.

FRANK S. MELLOR,
Advisory Committee Management, Officer for the President's Agent.

[FR Doc.73-12869 Filed 6-22-73;11:06 am]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

ALASKA COMMISSION FOR HUMAN RIGHTS ET AL.

New Proposed 706 Agencies

Pursuant to § 1601.12(g), title 29, chapter 14 of the Code of Federal Regulations as revised and published in the FEDERAL REGISTER, volume 37, No. 89, pages 9214-9220, May 6, 1972, the Equal Employment Opportunity Commission (hereinafter referred to as the Commission) proposes designation of the agencies listed below as 706 agencies, as defined in subsection (c) of that section, for purposes of receiving charges deferred by the Commission pursuant to section 706 (c) and (d) of title VII of the Civil Rights Act of 1964 as amended, and for purposes of according weight to the final findings and orders of those agencies pursuant to § 1601.19b(e). Publication of this listing hereby constitutes notice as required by § 1601.12(g)(1) and commences the 15-day period within which any person or organization may file written comments as provided for under § 1601.12(g)(1). At the expiration of the 15-day period, the Commission may effect designation of each of these agencies by publishing the list of them as an amendment to § 1601.12(k). Additions to the list may be made by the Commission by similar notice and publication. The 706 agencies are as follows:

1. Alaska Commission for Human Rights
2. Arizona Civil Rights Commission
3. California Fair Employment Practices Commission
4. Colorado Civil Rights Commission
5. Connecticut Commission on Human Rights and Opportunities
6. Delaware Department of Labor
7. District of Columbia Office of Human Rights
8. Illinois Fair Employment Practices Commission
9. Indiana Civil Rights Commission
10. Massachusetts Commission Against Discrimination
11. Michigan Civil Rights Commission
12. Minnesota Department of Human Rights
13. New Hampshire Commission for Human Rights
14. New Jersey Division on Civil Rights, Department of Law and Public Safety
15. New York State Division of Human Rights
16. Oregon Bureau of Labor
17. Pennsylvania Human Relations Commission
18. South Dakota Human Relations Comsion
19. Utah Industrial Commission
20. West Virginia Human Rights Commission
21. Wyoming Fair Employment Commission [1]

[1] Will not receive charges alleging violation of sec. 704(a) of the Civil Rights Act, 1964 [Retaliation charges].

(Sec. 713(a), 76 Stat. 265, 42 U.S.C. sec. 2000e-12(a).)

This amendment is effective June 25, 1973.

Signed at Washington, D.C., this 18th day of June 1973.

WILLIAM H. BROWN III,
Chairman.

[FR Doc.73-12668 Filed 6-22-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 73-657]

NATIONAL BROADCASTING CO., INC., ET AL.

Notice of Oral Argument

In the matter of consideration of the operation of, and possible changes in, the "prime time access rule," § 73.658(k) of the Commission's rules. Petitions of National Broadcasting Co., Inc. (NBC), Midland Television Corp. (KMTC, Springfield, Mo.), Kingstip Communications, Inc. (KHFI-TV, Austin Tex.) [38 FR 4353] (for deletion of the rule), MCA, Inc. (to permit use of "off-network" material plus 25 percent new material); docket No. 19622, RM-1967, RM-1935, RM-1940, RM-1929.

1. Notice is hereby given of oral argument to be held in the above-captioned proceeding, on Monday and Tuesday, July 30 and 31, 1973, at the Commission's offices in Washington, D.C. (room 856, at 1919 M Street NW.), beginning at 9:30 a.m. d.s.t. Parties wishing to appear and participate shall notify in writing the Chief, Office of Network Study, by Friday, July 6, 1973, setting forth the amount of time which they request. A schedule of oral argument will be issued later, after review of these requests.

2. While the record in this proceeding contains enough material so that a decision could possibly be issued on the basis of it, the Commission believes that in certain areas additional information and argument would be helpful. Also, in recent weeks there have been a number of late-filed comments and informal submissions, and it is believed that such parties, and parties who may wish to reply to such submissions, should be heard in a formal proceeding.[1] It is not anticipated that the holding of such oral argument will delay decision herein beyond September 1973. Meanwhile, probably before the end of June, we will issue decisions concerning various pending matters relating to the 1973-74 broadcast year ("off-network" waiver requests, sports waivers, etc.).

3. The Commission is not specifying the subjects to which discussion is to be limited. We call attention to two areas which we hope will be covered. The first of these is the "impact on U.S. program production activity and employment" which has been asserted vigorously as

[1] Comments and letters filed since June 1 by Viacom International, Inc., ABC, MGM Television, National Committee of Independent Television Producers, and Worldvision Enterprises, Inc., are being placed in the docket in this proceeding.

reason why the rule should be repealed, and vigorously disputed by proponents of the rule. Comments are invited as to what extent this is a consideration relevant to our evaluation of the rule, and, to the extent it may be, what the facts are as to the loss in network program production activity (and resulting employment), and as to the gain in such activity and employment from the production of the first-run syndicated and local material which has replaced network programs during the "access period." The second area is information as to the number and types of syndicated and local programs (U.S. produced or foreign) which are likely to be shown on stations during the access period in 1973–74, and in the future to the extent that is predictable. We also emphasize that the Commission in its decision herein is free to consider, and parties may wish to discuss, a wide range of alternatives, from leaving the rule essentially as is with minor changes, to repeal, and of course including various "in-between" approaches.

4. All interested parties, whether or not they have previously participated in this matter, will be heard to the extent that time permits. In order to conserve time, parties with generally the same interest or position, such as the various film producers who have vigorously urged repeal of the rule, are urged to consolidate their presentations. Also, since this is in large part an effort to gather information, we hope that parties themselves, as well as attorneys, will participate or at least be available to respond to questions which may arise. Besides parties with a financial interest in the decision herein, we hope that others knowledgeable as to the matters involved, such as economists, will participate. Furthermore, while of course it may not be possible to accommodate all viewers who might wish to be heard, we hope there will be at least some presentation of the viewpoint of the "ordinary viewer."

5. Parties wishing to participate in the oral argument, and others, may file written material with the Commission by Friday, July 13, 1973 (an original and 14 copies). However, while such material will be entertained and considered, its filing is not encouraged, except as to the areas mentioned in paragraph 3. In particular, parties who have already filed material herein are urged not to repeat it but simply to refer to it in whatever material they submit at this time.

6. If it appears that pertinent material would be developed, the Commission reserves the right to recall, on Wednesday, August 1, if possible, otherwise on a date very shortly thereafter, participants in the oral argument for further discussion.

By the Commission.

Adopted June 15, 1973.

Released June 18, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.73-12701 Filed 6-22-73;8:45 am]

[Docket No. 19325; FCC 73-620]

ITU WORLD ADMINISTRATIVE RADIO CONFERENCE

Third Notice of Inquiry

In the matter of preparation for the ITU World Administrative Radio Conference for maritime mobile telecommunications to be convened April 22, 1974 (38 FR 1962).

1. On November 1, 1972, the Commission adopted its second notice of inquiry in this docket, attaching thereto a document setting forth the preliminary views of the United States of America for the World Administrative Radio Conference for Maritime Mobile Telecommunications (WARC-MAR), scheduled to be convened in Geneva, Switzerland, April 22, 1974. Comments were filed by the Radio Technical Commission for Marine Services (RTCM), Communications Satellite Corporation (Comsat), American Telephone & Telegraph Co. (A.T. & T.), and Aeronautical Radio, Inc. (ARINC). Additionally, pertinent views were received from the National Association of Broadcasters (NAB), Association of American Railroads (AAR), Associated Public Safety Communications Officers (APCO), and the Public Safety Communications Officers, Inc. (PSCC). Comments were also filed by the North Pacific Marine Radio Council which, inadvertently, were not properly associated with the other comments. They will be considered in the subsequent report in this docket.

2. The preliminary views were given wide distribution abroad through the Department of State in order to elicit the comments and preliminary views of other administrations.

3. Comments filed by RTCM have been reflected in draft recommendation B, relating to the frequency requirements for shipborne transponders. Comsat expressed general concurrence in the preliminary views and, in particular, the approach adopted dealing with maritime satellite systems which recognized that they are still in the early development stage. That development, Comsat noted, should be provided with a flexible framework within which to proceed and not be unnecessarily inhibited.

4. A.T. & T. generally supported the preliminary views, particularly those suggesting the conversion of appendix 25 from an allotment plan to an assignment plan, and the tightening of frequency tolerances for ship and coast stations using single sideband emission between 1605–3500 and 4000–23,000 kHz. Additionally, A.T. & T. felt that the figure of 28 dB in lieu of 31 dB should be retained for transmitters with power outputs of 5 kW or more in appendix 17A for the minimum attenuation below peak envelope power of any unwanted emission supplied to the antenna transmission line on any discrete frequency separated from the assigned frequency by 1.5 to 4.5 kHz. However, noting that RES Mar No. 15, adopted at the 1967 Geneva WARC-MAR, resolved that a limit of 5 kW PEP for coast stations and 1.5 kW PEP for ship stations be placed on the newly derived SSB channels, and the fact that the CCIR recommendation for 31 dB will probably be adopted, it is understood that A.T. & T. has accepted the proposal as written. Other comments of A.T. & T. were of an editorial nature and were handled accordingly.

5. ARINC expressed concern that the preliminary views ranged beyond the competence of the Conference and treated matters pertaining to other services. In particular, they were concerned over proposals which affect operator certificate requirements; cross-reference search and rescue use of 3023.5 and 5680 kHz by the maritime mobile service; incorporate stations on board aircraft and airspace vehicles into current regulations applying to aircraft stations; designate 156.80 MHz as an international distress frequency (unless it was understood that aircraft would not be required to carry additional equipment to transmit or receive on the frequency); discontinue class A3 or A3H emission as it would affect 2182, 3023.5, and 5680 kHz. They indicated a need to provide clarification or restriction to avoid conflict with the aeronautical service.

6. The concerns of ARINC were considered by the preparatory working group, with participation by representatives of ARINC and the aeronautical service. Accordingly, revisions and clarification, as appropriate, were made in the draft proposals to satisfy the points raised in the ARINC comments.

7. The comments of NAB, AAR, APCO, and PSCC related to a proposal appearing in the preliminary views to delete a portion of the second paragraph of No. 287 of the International Radio Regulations (Geneva 1959), which would eventually require land mobile and remote pickup stations to vacate their operations on frequencies appearing in appendix 18 of the International Radio Regulations. The appendix contains the table

[1] Commissioners Robert H. Lee and H. Rex Lee absent.

of transmitting frequencies for the band 156–174 MHz for radiotelephony in the international maritime mobile service. The deleted portion of the second paragraph of No. 287 has been restored to its original form in the draft proposals. However, the Commission's conference preparatory group believes that the matter of requirements for the affected channels for the maritime mobile service should be the subject of a separate rulemaking proceeding.

8. In addition to the consideration of comments from the sources indicated above, attention has been given also to those obtained from members of foreign preparatory groups relating to the proposals of other administrations. The presence of a detailed proposal in the Attachment does not necessarily imply complete international acceptance. While this may be true in some cases, there are others where considerable opposition can be expected and the proposal has been refined as much as possible at this time.

9. One proposed change which was not in the second notice nor based on the comments is the redesignation of the port operations service as the ship navigation service and the standardization of assigning frequencies for vessel traffic systems on the ship navigation channels. Under this proposed change, nonsafety operational communications would be permitted on a secondary basis to communications relating to the maneuvering of ships or the regulating of ship movements.

10. The draft proposals appended hereto have been transmitted to the Department of State by the Commission and by the Director of Telecommunications Policy with recommendations that they again be distributed abroad to other administrations to obtain their reaction and further comment, and to arrange for additional discussions and exchanges of views with appropriate international organizations, e.g., the Inter-American Telecommunications Conference (CITEL), Inter-Governmental Maritime Consultative Organization (IMCO), etc.

11. It should again be noted that this is not a rulemaking proceeding, but rather one intended to serve as a means for eliciting further public comment in the development of the United States proposals for the forthcoming Maritime WARC.

12. This notice is issued pursuant to section 403 of the Communications Act of 1934, as amended. Interested persons responding to this inquiry shall furnish comments on or before July 16, 1973, and reply comments on or before July 25, 1973. An original and 14 copies of each response must be filed as required by § 1.419 of the Commission's rules and regulations. All comments directed to this third notice of inquiry and/or the draft proposals, as well as any additional pertinent information available will be taken into account as the preparatory work moves forward. Comments and reply comments will be available for public inspection in the Commission's broadcast and dockets reference room.

By the Commission.

Adopted June 13, 1973.

Released June 18, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-12703 Filed 6-22-73;8:45 am]

PBX TECHNICAL STANDARDS SUBCOMMITTEE MEETING

Notice of Agenda Change

JUNE 18, 1973.

In accordance with Public Law 92-463, announcement is made of a change in the agenda for the public meeting of the Technical Standards Subcommittee of the PBX Standards Advisory Committee to be held June 26, 27, and 28, 1973, at 1229 20th Street NW., room A-110, Washington, D.C. The meeting will commence at 10 a.m. on June 26. Earlier notice of this meeting was made in the FCC Public Notice made on June 1, 1973-G.

The items to be added to the agenda are:

a. Glossary Task Group report and review.
b. Report of the Task Group on Follow-Up Program for Manufacturing Conformance.

It is suggested that those desiring more specific information, contact the Domestic Rates Division on 202-632-6457.

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

[FR Doc.73-12702 Filed 6-22-73;8:45 am]

FEDERAL RESERVE SYSTEM

AMERICAN BANCORPORATION, INC.

Order Approving Acquisition of Linwood Mortgage Co.

American Bancorporation, Inc., Kansas City, Mo., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the act and § 225.4(b)(2) of the Board's regulation Y, to acquire voting shares of Linwood Mortgage Co., Kansas City, Mo. (Company), a company that engages in the activities of: Extending credit for its own account or for the account of others, such as would be made by a mortgage company, and selling and servicing such loans; acting as an insurance agent or broker for certain types of insurance, including fire and extended coverage, and credit life insurance, which are directly related to such extensions of credit and loans, or insurance which is sold as a convenience to the purchaser, so long as such convenience insurance does not constitute a significant portion of the aggregate insurance premium income of applicant. Such activities have been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a)(1), (3), and (9)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38) FR 8313). The time for filing comments and views has expired, and none has been timely received.

Applicant controls one bank with deposits of approximately $22 million, representing less than 1 percent of total deposits in commercial banks in Kansas City.

Company was formed in 1953 to operate as a real estate mortgage company in conjunction with applicant's subsidiary bank. Company, with offices in applicant's subsidiary bank building, is closely affiliated with applicant through common share ownership and common officers and directors. Company originates all real estate loans made by applicant's subsidiary bank and, as of March 31, 1972, such loans accounted for approximately 50 percent of Company's total mortgage servicing portfolio of $1 million. During the fiscal year ending March 31, 1972, Company's total mortgage originations were only $4 million. Accordingly, Company is not a significant competitor in either the mortgage lending or servicing markets it serves. The Board concludes that applicant's acquisition of Company is basically a formalization of a longstanding relationship and would have no adverse effect on existing or potential competition.

Company is also engaged in acting as agent or broker for certain types of insurance related to extensions of credit it makes and insurance which is sold as a convenience to the purchaser, so long as such convenience insurance does not constitute a significant portion of the aggregate insurance premium of applicant. Due to the limited nature of the insurance activities engaged in by Company, it does not appear that operation of Company's insurance agency activities by applicant would have any adverse effect on either existing or potential competition.

In addition to its mortgage banking and related insurance activities, Company owns shares and has interlocking officer and director relationships with Homestead Homes, Inc., Kansas City, Mo. (Homestead). Homestead is engaged in land development, an activity the Board has previously determined as not so closely related to banking or managing or controlling banks as to be a proper incident thereto.[1] Accordingly, the Board's action on applicant's proposed acquisition of Company is conditioned upon the divestiture by applicant of Company's shares in Homestead and termination by applicant of the interlocking officer and

[2] Commissioner Johnson concurring in the result; Commissioner H. Rex Lee absent.

[1] See application of UB Financial Corp., 1972 Fed. Res. Bulletin 428.

director relationships between Company and Homestead at the earliest date possible, but in no event later than 1 year from the effective date of this order.

There is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices or other adverse effects on the public interest. Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved subject to the requirement of divestiture set forth above. This determination is subject to the conditions set forth in § 225.4(c) of regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[2] effective June 15, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-12709 Filed 6-22-73;8:45 am]

FIRST BANCGROUP-ALABAMA, INC.

Order Approving Formation of Bank Holding Company

First Bancgroup-Alabama, Inc., Mobile, Ala., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of all of the voting shares (less directors' qualifying shares) of the successors by merger to The First National Bank of Mobile, Mobile (Mobile Bank) and The Henderson National Bank of Huntsville, Huntsville (Huntsville Bank), both located in Alabama. The banks into which Mobile Bank and Huntsville Bank are to be merged have no significance except as a means to facilitate the acquisitions of the voting shares of Mobile Bank and Huntsville Bank. Accordingly, the proposed acquisitions of shares of the successor organizations are treated herein as the proposed acquisitions of the shares of Mobile Bank and Huntsville Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

Applicant is a newly organized corporation formed for the purpose of acquiring Mobile Bank (deposits of $274.9 million) and Huntsville Bank (deposits of $44.9 million). Approval of the transaction herein would result in applicant controlling 4.7 percent of total commercial bank deposits in Alabama, and it would become the fifth largest bank holding company in the State.[1] No undesirable effect on statewide concentration would occur.

Mobile Bank is the largest[2] of 13 banks in the Mobile SMSA and controls 35.6 percent of total area deposits. The largest and fourth largest multibank holding companies in the State have subsidiaries in the SMSA. Huntsville Bank is the third largest of six banks in Madison County, with 16.6 percent of total commercial bank deposits therein. (Deposit data for both areas are as of June 30, 1972.) Three of the competing banks are subsidiaries of the State's second, third, and fourth largest holding companies.

The record indicates that Mobile Bank and Huntsville Bank do not compete with each other. Since the banks are located 335 miles apart and in view of Alabama's restrictive branching laws, it is unlikely that competition between the proposed subsidiary banks would develop in the future. Approval of this acquisition should promote competition in the respective markets and will offer another alternative to the banks in the State seeking holding company affiliation. On the basis of the record before it, the Board concludes that consummation herein will not result in any significant increase in concentration of banking resources in Alabama nor have any adverse effect on competition in any relevant area.

The financial and managerial resources of applicant and its proposed subsidiaries are satisfactory, future prospects for all are favorable. Applicant will assist Huntsville Bank in establishing a trust department and bank computer services and in providing international services through Mobile Bank. Accordingly, considerations relating to the convenience and needs of the communities to be served are regarded as consistent with, and lend weight toward, approval. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 13th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[3] effective June 15, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-12711 Filed 6-22-73;8:45 am]

FIRST BANCSHARES OF FLORIDA, INC.

Order Approving Acquisition of Fidelity National Bank, South Miami, Fla.

First Bancshares of Florida, Inc., Boca Raton, Fla., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Fidelity National Bank, South Miami, Fla.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the act. The time for filing comments and views has expired, and none have been received.

Applicant controls six banks with aggregate deposits of approximately $198.9 million, representing 1.17 percent of total deposits in commercial banks in Florida. It is the 17th largest banking organization in the State.[1] Approval of the proposed acquisition would not result in any significant increase in the concentration of banking resources in Florida.

Fidelity National Bank (Bank) is located in and serves the Greater Miami banking market comprising Dade County, plus those communities found in the southern portion of Broward County below Fort Lauderdale. The Bank has, since it opened in 1964, developed its banking business largely with the Latin American community located in the Greater Miami area. Bank has $28.1 million in deposits, a 0.66 percent share of market deposits. Applicant does not have an affiliate bank in the Greater Miami banking market; its closest banking subsidiary is the First Bank and Trust Company, N.A., Boca Raton, approximately 60 miles to the north. The distances separating the institutions, the number of banks in the intervening area, and Florida's prohibition of branch banking, make it unlikely that significant competition between applicant's existing subsidiary banks and the proposed subsidiary will develop in the future.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Bucher, and Holland. Absent and not voting: Governors Daane and Sheehan.

[1] Except as otherwise indicated, banking data are as of December 31, 1972, and reflect bank holding company formations and acquisitions approved by the Board through April 30, 1973.

[2] The second largest bank in the market, Merchants National Bank of Mobile, Mobile, controls 35.1 percent of total market deposits.

[3] Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Bucher, and Holland. Absent and not voting: Governors Daane and Sheehan.

[1] Banking data are of June 30, 1972.

The financial and managerial resources of applicant, its existing subsidiary banks and Bank are consistent with approval, particularly in view of applicant's commitment to improve the capital position of several of its subsidiary banks.

Considerations relating to the convenience and needs of the community to be served are also consistent with approval. With affiliation, Bank would be in better position to meet the borrowing needs of the Latin-American business community which it is serving. Some of these businesses require credit lines greater than the $250,000 that Bank is able to provide within its loan limits. Applicant states that it will also help Bank in establishing a trust department and developing international banking business. It is this Federal Reserve Bank's judgment that the proposed transaction is in the public interest and that the application should be approved.

On the basis of the record as summarized above, the Federal Reserve Bank of Atlanta approves the application, provided that the transaction shall not be consummated (a) before the 13th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board or by this Federal Reserve Bank pursuant to delegated authority.

By order of the Federal Reserve Bank of Atlanta, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective June 14, 1973.

[SEAL] MONROE KIMBREL,
President.

[FR Doc.73-12663 Filed 6-22-73;8:45 am]

FIRST FLORIDA BANCORPORATION

Acquisition of Bank

First Florida Bancorporation, Tampa, Fla., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of First State Bank of Lutz, Lutz, Fla. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 16, 1973.

Board of Governors of the Federal Reserve System, June 18, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-12661 Filed 6-22-73;8:45 am]

FIRST NATIONAL BOSTON CORP.

Acquisition of Bank

First National Boston Corp., Boston, Mass., has applied for the Boards' approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of both the First Bank & Trust Co. of Wellesley, Wellesley Hills, Burlington Bank & Trust Co., Burlington, and 100 percent of the voting shares (exclusive of directors' qualifying shares) of the successor by merger to the Holyoke National Bank, Holyoke, all located in Massachusetts. The factors that are considered in acting on the applications are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the applications should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 16, 1973.

Board of Governors of the Federal Reserve System, June 18, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-12659 Filed 6-22-73;8:45 am]

FIRST SECURITY NATIONAL CORP.

Order Approving Acquisition of Bank

First Security National Corp., Beaumont, Tex., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to the Village State Bank, Beaumont, Tex. (Bank). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

Applicant controls six banks with aggregate deposits of $178 million, representing 0.6 percent of total deposits in commercial banks in Texas, and is the 13th largest multibank holding company in the State. (All banking data are as of June 30, 1972, and reflect holding company formations and acquisitions approved by the Board through May 31, 1973.) Applicant received Board approval to acquire 24.5 percent of Bank in 1971 and seeks by this application to acquire the remaining 74.5 percent of Bank's stock. The acquisition of Bank (deposits of $8 million) would increase applicant's share of State deposits by less than 1 percentage point.

Bank is located in the city of Beaumont and is the 17th largest of the 24 banks in the Beaumont-Port Arthur-Orange banking market, holding approximately 1 percent of the market. Applicant presently controls 26 percent of the market through its lead bank, First Security National Bank, Beaumont, Tex. (First Security) and three other subsidiary banks, Gateway National Bank, Beaumont, Tex.; Peoples State Bank, Kountz, Tex.; and Sour Lake State Bank, Sour Lake, Tex. The second largest banking organization controls 21 percent of the market. Bank was organized in 1959 by principals of First Security and at the present time shareholders owning more than 50 percent of applicant's stock also own more than 55 percent of Bank's stock. No substantial present competition exists between applicant's banking subsidiaries and Bank, and due to their close affiliation it appears unlikely that significant competition would develop. Competitive considerations are consistent with approval of the application.

The financial condition and managerial resources of applicant, its present subsidiaries and Bank are satisfactory in view of applicant's commitment to strengthen Bank's capital, and prospects for each appear favorable. The banking needs of the area are adequately served at the present time and applicant proposes to introduce no new services for Bank. However, 100 percent ownership of Bank will enable applicant to assist Bank in originating larger loans, in providing better services to its customers and potential customers and in utilizing more efficiently the services of applicant's subsidiaries. Considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 13th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[1] effective June 15, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-12710 Filed 6-22-73;8:45 am]

HAMILTON BANCSHARES, INC.

Order Approving Acquisition of Bankshares Life Insurance Co.

Hamilton Bancshares, Inc., Chattanooga, Tenn., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the act and § 225.4(b)(2) of the Board's regulation Y, to acquire all of the voting shares of Bankshares Life Insurance Co., Phoenix, Ariz. (Company), a company that will engage de novo in the underwriting, as reinsurer, of credit life and credit disability insurance in connection with extensions of credit by applicant's subsidiaries.

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (37 FR 2542). The time for filing comments and views has expired and all received have been considered, including those presented orally and in writing in connection with a Board hearing on March 24, 1972, pertaining to the underwriting of credit life and credit accident and health insurance in general and this application in particular.

Effective December 11, 1972, the Board amended § 225.4 of regulation Y to add the activity of "acting as underwriter for credit life insurance and credit accident and health insurance which is directly related to extensions of credit by the bank holding company system" to the list of activities the Board has determined to be closely related to banking (12 CFR 225.4(a)(10)).

Applicant controls 13 banks in two States with total deposits of $671.2 million. Eleven of these banks are located in Tennessee where the aggregate deposits of applicant's subsidiary banks total $602.4 million, representing 5.8 percent of the total commercial bank deposits in the State. The remaining 2 banks are located in Georgia with aggregate deposits totaling $68.8 million, representing .7 percent of the total commercial bank deposits in the State. (All banking data are as of December 31, 1972 and reflect holding company formations and acquisitions approved by the Board through May 31, 1973.)

Company will restrict its activities to acting as reinsurer[1] of credit life and credit disability insurance policies made available by an unrelated direct underwriter in connection with extensions of credit by applicant's lending subsidiaries. The direct underwriter, Union Security Life Insurance Co., Atlanta, Ga. (Union), is licensed to transact business in 35 States, the District of Columbia and the Bahama Islands, and will issue its group policies to applicant's lending subsidiaries and its individual policies to their debtors. The liability under such policies issued by Union will be "assigned or ceded" to Company under a reinsurance treaty. Union will also provide Company with advice and management assistance in its general operations, including accounting, statistical, actuarial, and regulatory reporting services.

Applicant has stated its intention that as long as there are minority shareholders in its subsidiary banks, the percentage commission to the respective subsidiary banks for their sale of insurance will be maintained at the same rate after consummation of this transaction as presently exists.[2]

Credit life and credit disability insurance is generally made available by banks and other lenders and such insurance is designed to assure repayment of a loan in the event of death or disability of the borrower. In connection with its addition of credit life underwriting to the list of permissible activities for bank holding companies, the Board stated that:

> To assure that engaging in the underwriting of credit life and credit accident and health insurance can reasonably be expected to be in the public interest, the Board will only approve applications in which an applicant demonstrates that approval will benefit the consumer or result in other public benefits. Normally such a showing would be made by a projected reduction in rates or increase in policy benefits due to bank holding company performance of this service.

Applicant has stated that the proposed reinsurance subsidiary (Company) and the direct underwriter, which issues the credit life and credit disability insurance policies made available by its lending subsidiaries, will reduce the rates charged for credit life insurance (annual premium per $100 of initial insured indebtedness) by 6.7 percent in Tennessee and by 9.6 percent in Georgia and will reduce the rates charged for credit disability insurance by 5 percent in both States. The Board believes that the reduced cost of such insurance coverage is procompetitive and in the public interest. The Board concludes that such benefits outweigh any possible adverse effects of approval of the application.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in section 225.4(c) of regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Bord of Governors,[3] effective June 18, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-12657 Filed 6-22-73;8:45 am]

MARINE BANCORPORATION

Proposed Acquisition of Certain Assets of Triway Finance Co.

Marine Bancorporation, Seattle, Wash., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire certain assets of Triway Finance Co., Portland, Oreg. Notice of the application was published on April 29, 1973, in the Oregonian, a newspaper circulated in Portland, Oreg.

Applicant states that the proposed subsidiary would engage in the activities of making small secured and unsecured loans not in excess of $5,000, and subject to the restrictions and limitations specified in the Oregon Consumer Finance Act (Oregon Rev. Stat., ch. 725), consisting primarily of consumer loans to individual borrowers in and about the city of Portland, Oreg. Such activities have been specified by the Board in § 225.4(a) of regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

[1] Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Bucher, and Holland. Absent and not voting: Governors Daane and Sheehan.

[1] Company, an Arizona insurance corporation, is qualified only to directly underwrite risks located in Arizona; it presently can not qualify to transact business as a direct underwriter in the States in which applicant's lending subsidiaries are located until its capital and surplus are substantially larger than that required by Arizona law. For these reasons, applicant has proposed to limit the activities of Company to the reinsuring of such risks.

[2] Applicant controls eight subsidiary banks in which it owns less than 60 percent of the outstanding shares.

[3] Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Bucher, and Holland. Absent and not voting: Governors Daane and Sheehan.

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices."

Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 16, 1973.

Board of Governors of the Federal Reserve System, June 18, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-12660 Filed 6-22-73;8:45 am]

NATIONAL ASSOCIATION OF INSURANCE AGENTS, INC., ET AL.

Order Denying Request

Applications of various bank holding companies to acquire and/or engage de novo in certain insurance activities pursuant to section 4(c)(8) of the Bank Holding Company Act; order denying request by National Association of Insurance Agents, Inc., et al for permission to appeal from ruling on motion to amend prehearing order and related matters.

On March 6, 1973, the Board ordered hearings on 22 individual applications, filed pursuant to section 4(c)(8) of the Bank Holding Company Act, to engage in insurance agency activities. The Board stated such hearings would be conducted in accordance with the Board's rules of practice for formal hearings (12 CFR pt. 263) and announced the designation of an administrative law judge to conduct the proceedings.

The National Association of Insurance Agents, Inc., and related parties (NAIA) have filed, pursuant to § 263.10 of the Board's rules of practice for formal hearings, a request to the Board for special permission to appeal certain rulings of the administrative law judge and to amend the prehearing order of the administrative law judge.

A prehearing conference was held by the administrative law judge on March 27, 1973, with respect to the applications of Barnett Banks of Florida, Inc. (Barnett), Jacksonville, Fla., and other Florida applicants. Other applicants were also notified of the prehearing conference and many were represented. The judge issued a prehearing order on April 16, 1973. Motions to amend the prehearing order were filed by NAIA, Barnett, and by the Committee to Preserve Consumer Options. Additional motions were filed by Palmer Bank Corp., Sarasota, Fla., Pan American Bancshares, Miami, Fla., and NAIA with respect to NAIA's requests for information and the adequacy of applicants' responses thereto. NAIA also requested than an additional prehearing conference be convened with respect to its requests for discovery. On May 16, 1973, the administrative law judge ruled on all of these motions and it is from certain of these rulings that NAIA seeks to appeal. Specifically, NAIA requests to appeal the rulings that applicants' responses to NAIA's requests for information are adequate and that a further prehearing conference NAIA had requested was unnecessary. NAIA also seeks amendment of the prehearing order of April 16, 1973, to indicate that the validity of § 225.4(a)(9) of the Board's Regulation Y (12 CFR 225.4(a)(9)) is at issue in these proceedings.

The Board's rules of practice for formal hearings do not favor interim appeal from rulings by presiding officers and any party seeking such appeal has a heavy burden to show why the appeal should be considered by the Board prior to its consideration of the entire record.

As for the adequacy of applicants' responses to NAIA's requests for information and the need for a further prehearing conference, it appears that applicants have substantially complied with NAIA's requests for information, and that the administrative law judge after examining the responses to NAIA's questions has ruled, in effect, that such responses provide an adequate basis for the proceedings to continue. The hearings themselves will afford all parties ample opportunity to elicit additional information to the extent relevant to the issues herein.

In view of the above, the Board concludes that interim appeal of the rulings pertaining to the adequacy of applicants' responses to NAIA's information request is not warranted. Accordingly, special permission for such appeal should be and is hereby denied.

NAIA also seeks permission to appeal the administrative law judge's ruling that the validity of § 225.4(a)(9) of regulation Y is not at issue in these proceedings, and requests amendment of the Judge's prehearing order to indicate that § 225.4(a)(9) is in issue herein. The hearings in these proceedings are on individual applications under § 225.4(a)(9) of regulation Y, which was adopted by the Board after appropriate rulemaking proceedings, including a hearing, and its validity is not at issue in these proceedings. In any event, we assume NAIA will be permitted to make for the record an appropriate offer of proof relating to its contentions. Accordingly, NAIA's request for special permission to appeal from the administrative law judge's ruling that § 225.4(a)(9) is not in issue is hereby denied.

By order of the Board of Governors,[1] effective June 15, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-12712 Filed 6-22-73;8:45 am]

PHILADELPHIA NATIONAL CORP.

Order Approving Acquisition of Signet Corp.

Philadelphia National Corp. (formerly PNB Corp.), Philadelphia, Pa., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Signet Corp., Pittsburgh, Pa. (Signet). Signet and its subsidiaries engage generally in the business of a consumer finance company, including the activities of: (1) Making installment loans for personal, family, or household purposes; (2) purchasing sales finance contracts executed in connection with the sale of personal, family, or household goods or services; (3) making automobile dealer inventory loans; (4) selling credit life insurance, credit disability insurance, and casualty insurance, offered in connection with certain personal installment loans made and sales finance contracts purchased; and (5) underwriting reinsurance with respect to the credit life and credit disability insurance sold. Such activities have been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a)(1), (2), (9), (10)), except to the extent indicated hereinafter.

In addition to the activities enumerated above, Signet is presently engaged, through subsidiaries, in underwriting reinsurance of casualty insurance on some types of goods serving as collateral on loans made by subsidiaries of Signet. Although originally part of the instant application, the request to continue reinsurance of casualty insurance was withdrawn by Applicant. Accordingly, approval of this amended application is based on the understanding that Signet subsidiaries will discontinue this type of reinsurance underwriting upon consummation of the transaction. This order should not be construed as expressing any opinion by the Board as to whether such reinsurance is so closely related to banking as to be a proper incident thereto under section 4(c)(8) of the act and § 225.4(b)(2) of the Board's Regulation Y.

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 4598). The time for filing comments and views has expired, and the Board has considered all comments received in the light of the public interest

[1] Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Bucher, and Holland. Absent and not voting: Governors Daane and Sheehan.

factors set forth in section 4(c)(8) of the act (12 U.S.C. 1843(c)).

Applicant controls one bank with deposits of $1.8 billion representing 5.4 percent of the commercial bank deposits in the State. (All banking data are as of June 30, 1972, adjusted to reflect bank holding company formations and acquisitions approved through Aprl 30, 1973.) Applicant also controls two nonbanking subsidiaries doing business wth the public: PNB Commercial Finance Corp., a commercial finance company which is engaged in making high-risk, short- and medium-term commercial loans and Colonial Associates, Inc., which is engaged in the origination and sale of residential mortgages, primarily on the west coast.

Signet performs management and accounting services for its operating subsidiaries and does not directly transact any business with the public. Signet's principal active subsidiary is Signal Finance Corp. (Signal) which engages in consumer finance activities through 42 subsidiary corporations. Signal also controls two insurance company subsidiaries which engage in the reinsurance of credit life and credit accident and health insurance (as well as reinsurance of casualty insurance which is to be terminated). Signet also owns a California industrial loan company, Fidelity Thrift & Loan Association. Signet's 42 finance company subsidiaries operate 74 offices in 12 States and had total loans outstanding of approximately $61 million as of September 30, 1972. The finance companies also act as agents for the sale of credit life insurance, credit accident and health insurance, and casualty insurance in connection with their extensions of credit.

Signet also has a subsidiary which engages in the business of selling home furnishings. Applicant does not seek Board approval for acquisition of this business and states an intention to sell it after consummation of the transaction. Accordingly, the Board's approval of this acquisition is conditioned on divestment of this merchandising subsidiary on the terms and conditions described hereinafter.

Applicant does not engage in consumer finance company activities in States outside of Pennsylvania, nor does it appear likely that it will engage de novo in these activities outside the State. Applicant's lead bank operates in the Philadelphia banking market which includes the counties of Philadelphia and Delaware, as well as the eastern portion of Bucks, Montgomery, and Chester Counties. Signet has 35 finance company offices operating in Pennsylvania but only 1 (with outstanding receivables of $1.2 million in September 1972) in the Philadelphia banking market and 2 others in adjacent counties where applicant's subsidiary bank could branch under Pennsylvania law. Although there may be some overlap in customers served by Signet and applicant's banking subsidiary, it does not appear that consummation of the proposed transaction would have a significantly adverse effect on competition for consumer loans in the Philadelphia market. Applicant's nonbanking subsidiary, PNB Commercial Fiance Corp., does no consumer lending, and does not compete with Signet's office in the Philadelphia market. Signet holds a very small amount of the total outstandings in this market, and there are a great number of consumer loan sources present in the market, including 27 commercial banks and at least 82 consumer finance companies. In view of the large number of existing competitors and potential entrants in the area, consummation of this transaction is not likely to have a significant adverse effect on future or potential competition even though applicant appears to possess resources to enter the market de novo. Nor does it appear that consummation will adversely affect the availability of lendable funds to other consumer finance companies. Accordingly, the Board concludes that approval of the application insofar as it related to the finance company subsidiaries of Signet would not appear to have any significant adverse effect on existing or potential competition.

Signet also controls a California industrial loan company, Fidelity Thrift & Loan Association (Association), which has one office in Fresno, Calif., that makes consumer installment loans and automobile dealer inventory loans. As of September 30, 1972, the Association had $924,000 in outstanding loans, and does not appear to have a significant share of the Fresno market. There is no competition between Association and applicant's subsidiaries that operate in California, and approval of the application would have no adverse effects on competition in this area. The competitive effects of the proposed insurance agency activities are also regarded as consistent with approval of the application.

With regard to insurance activities, the Board has noted previously that level term credit life insurance is not considered directly related to an extension of credit; and, therefore, section 225.4(a)(10) of regulation Y does not authorize underwriting of such insurance.[1] The Board notes that applicant has stated in its application that it intends to discontinue writing level term life insurance in North Carolina and instead proposes to write decreasing term credit life insurance in that State. North Carolina is the only one of the 12 States in which Signet presently engages in insurance activities where it writes such level term insurance. It is the Board's understanding that rate applications to effect this change will be filed with the appropriate North Carolina authorities promptly after consummation of this transaction and that sale and reinsurance of level term insurance by applicant will be discontinued as soon as such rate applications are approved.

[1] Order dated May 29, 1973, with respect to application of Fidelity Corp. of Pennsylvania to acquire Local Finance Corp., 59 Federal Reserve Bulletin ——.

In adding credit life underwriting to the list of permissible activities for bank holding companies, the Board stated that, "To assure that engaging in the underwriting of credit life and credit accident and health insurance can reasonably be expected to be in the public interest, the Board will only approve applications in which an applicant demonstrates that approval will benefit the consumer or result in other public benefits. Normally such a showing would be made by a projected reduction in rates or increase in policy benefits due to bank holding company performance of this service." (12 CFR 225.4(a)(10).) Applicant has stated that the proposed reinsurance subsidiary and the direct insurer, which issues the credit life and credit accident and health insurance policies made available by its lending subsidiaries, will reduce the rates charged for credit life insurance in all 12 States in which these lending subsidiaries operate. This percent of rate reduction is 3.6 percent in California, 4.6 percent in Delaware, 4.3 percent in Maryland, 2 percent in Massachusetts, New Hampshire, and New York, 3.7 percent in New Jersey, 6.7 percent in Ohio and Vermont, 7.7 percent in Virginia, and 15 percent per hundred dollars of indebtedness in North Carolina. In addition, premiums for credit disability insurance (credit accident and health) will be uniformly reduced by 5 percent in all 12 States. It is the Board's judgment that these benefits to the public are consistent with approval of the application.

Applicant's greater access to financial resources may assure Signet of more ready access to funds and enable it to become a more effective competitor, and thus increase public convenience and stimulate competition with affiliates of larger regional and national financial organizations active in the consumer finance company industry in the relevant markets. Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved, subject to the understanding cited above with respect to the reinsurance of casualty insurance and the sale and underwriting of level term insurance and to the condition that the Signet subsidiary engaged in the sale of home furnishings be divested as soon as possible but, in any case, no later than 90 days from the effective date of this order unless such period is extended for good cause shown by the Board, or by the Federal Reserve Bank of Philadelphia. This determination is additionally subject to the conditions set forth in § 225.4(c) of regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[2] effective June 18, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-12658 Filed 6-22-73;8:45 am]

SURVCO BANCORP, INC.

Order Approving Formation of Bank Holding Company and Acquisition of Surco Co.

Survco Bancorp, Inc., Sugar Creek, Mo., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 94 percent of the voting shares of Sugar Creek National Bank, Sugar Creek, Mo. (Bank). Applicant has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's regulation Y, for permission to acquire the assets of Surco Co., Sugar Creek, Mo. (Surco), which operates on the Bank's premises and engages in the business of selling credit life and credit health and accident insurance to customers of the Bank. Such activities have been determined by the Board to be so closely related to banking or managing or controlling banks as to be a proper incident thereto.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the act. The time for filing comments and views has expired, and none has been received.

Bank was chartered in 1963 as a national banking association. As of December 31, 1972, it had deposits of $11.7 million representing 0.1 percent of the State's total deposits. It is the only bank in Sugar Creek, a community with a population of approximately 5,000, adjacent to Kansas City, Mo., where its only competition is from several banks in the greater metropolitan area. Surco was a partnership, owned by the Bank's majority stockholders.

In October 1971, Lawrence K. Dodge contracted to purchase 94 percent of the common stock of the Bank and all of the operating assets of Surco for the purpose of forming a bank holding company; and in July 1972, applicant was organized to acquire the Bank stock and Surco assets from Dodge.

Approval of the acquisition would merely change the nature of the ownership of the Bank and Surco, and would have no effect on present or probable future competition in the Sugar Creek area. So far as the record indicates, the convenience and needs of the community are being adequately served at the present time; and no additional facilities or services are proposed by the applicant. However, the public should benefit, eventually, from the efficiencies made possible by the consolidation of ownership, by the accrual to the holding company of the earnings from the insurance agency activities formerly diverted to and shared by 12 partners, and the likelihood qualified management can be induced by stock options to remain with the Bank.

The earnings of the Bank and of Surco during the past year have increased substantially. Reasonably firm commitments have been obtained from noteholders to exchange their notes for stock, from other shareholders to exchange preferred for common stock, and from all shareholders to exercise warrants to increase their investments in common stock. Applicant proposes to strengthen Bank's capitalization further with funds derived from sale of capital stock.

Considerations relating to the financial and managerial resources and future prospects of applicant, the Bank and Surco are regarded as satisfactory and consistent with approval. Provision has been made for substantially equal offers to all shareholders. Applicant guarantees that provision of any credit, property, or services involved shall not be subject to any condition which would constitute an unlawful tie-in arrangement under section 106 of the act.

There is no evidence in the record indicating that consummation of the proposed acquisition would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the act and the Board's regulations and or orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[1] effective June 18, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-12656 Filed 6-22-73;8:45 am]

UNITED BANKS OF COLORADO, INC.

Acquisition of Bank

United Banks of Colorado, Inc., Denver, Colo., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of United Bank of Skyline, National Association, Denver, Colo. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 5, 1973.

Board of Governors of the Federal Reserve System, June 18, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-12662 Filed 6-22-73;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entry or Withdrawal From Warehouse for Consumption

JUNE 22, 1973.

On October 4, 1972, there was published in the FEDERAL REGISTER (37 FR 20883) a letter dated September 28, 1972, from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs implementing those provisions of the bilateral Wool and Man-Made Fiber Textile Agreement of January 4, 1972 between the Governments of the United States and the Republic of Korea which establish specific export limitations, among other categories, on two groups of man-made fiber textile categories, i.e., categories 214-240, 200-205, and 241-243; and a specific ceiling on Category 219, produced or manufactured in the Republic of Korea and exported to the United States during the 12-month period beginning October 1, 1972, and extending through September 30, 1973. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraph 5 of the bilateral Wool and Man-Made Fiber Textile Agreement of January 4, 1972, which provides that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent.

Accordingly, at the request of the Government of the Republic of Korea and pursuant to the provisions of the bilateral agreement referred to above, there is published below a letter of June 22, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the levels of restraint applicable to man-made fiber textile categories 214-240, 200-205, and 241-243, and category 219 for the 12-month period which began on October 1, 1972; and directing that a record be maintained of the visa numbers of all shipments in

[2] Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Bucher, and Holland. Absent and not voting: Governors Daane and Sheehan.

[1] Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Bucher, and Holland. Absent and not voting: Governors Daane and Sheehan.

category 219 permitted entry under this directive.

ALAN POLANSKY,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

JUNE 22, 1973.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

DEAR MR. COMMISIONER: On September 28, 1972, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry of wool and man-made fiber textile products in certain specified categories produced or manufactured in the Republic of Korea during the 12-month period beginning October 1, 1972, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Pursuant to paragraph 5 of the bilateral Wool and Man-Made Fiber Textile Agreement of January 4, 1972, between the Governments of the United States and the Republic of Korea and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to amend, effective as soon as possible, the levels of restraint established in the aforesaid directive of September 28, 1972, for man-made fiber textile products in categories 200–205 and 241–243, as a group; categories 214–240, as a group; and individual category 219 as set forth below:

Category:	Amended 12-month levels of restraint[2]
200–205 and 241–243.	31,498,882 square yards equivalent.
219	326,299,518 square yards equivalent.
214–240	3,634,923 dozen.

You are further directed to maintain a record of the visa number of man-made fiber textile products in category 219 exported from Korea and permitted entry under this directive.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of wool and man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73–12865 Filed 6–22–73;10:55 am]

[1] The term "adjustment" refers to those provisions of the bilateral Wool and Man-Made Fiber Textile Agreement of Jan. 4, 1972, between the Governments of the United States and the Republic of Korea which provide, in part, that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; for limited interfiber flexibility between cotton textiles and man-made fiber textile products of the comparable category; and for administrative arrangements.

[2] These amended levels of restraint have not been adjusted to reflect any entries made on or after Oct. 1, 1972.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 73–51]

DRAFT ENVIRONMENTAL IMPACT STATEMENT

Public Notice Regarding Availability

Notice is hereby given of the public availability of the draft environmental impact statement for the Mariner Jupiter/Saturn project.

The Mariner Jupiter/Saturn program is a continuation of a series of planetary and interplanetary space exploration missions using unmanned spacecraft. The mission involves the launch of two identical Mariner-type spacecraft by Titan/Centaur rockets from Cape Kennedy, Fla., to the vicinity of the planet Jupiter in 1977.

Comments on the draft environmental statement and on matters set forth therein are solicited from and may be submitted by State and local agencies and members of the public. Such comments should be submitted to the Associate Administrator, National Aeronautics and Space Administration, Washington, D.C. 20546. All comments must be received on or before August 24, 1973, in order to be considered in the preparation of the final environmental statement.

Copies of the draft statement may be obtained or examined at any of the following locations:

(a) National Aeronautics and Space Administration, public documents room (room 126), 600 Independence Avenue SW., Washington, D.C. 20546.

(b) Ames Research Center, NASA (building 201, room 17), Moffett Field, Calif. 94035.

(c) Flight Research Center, NASA (building 4800, room 1017), P.O. Box 273, Edwards, Calif. 93523.

(d) Goddard Space Flight Center, NASA (building 8, room 150), Greenbelt, Md. 20771.

(e) Johnson Space Center, NASA (building 1, room 136), Houston, Tex. 77058.

(f) John F. Kennedy Space Center, NASA (headquarters building, room 1207), Kennedy Space Center, Fla. 32899.

(g) Langley Research Center, NASA (building 1219, room 304) Hampton, Va. 23365.

(h) Lewis Research Center, NASA (administration building, room 120), 21000 Brookpark Road, Cleveland, Ohio 44135.

(i) George C. Marshall Space Flight Center, NASA (building 4200, room G–11), Huntsville, Ala. 35812.

(j) Mississippi Test Facility, NASA (building 1100, room A–213), Bay St. Louis, Miss. 39520.

(k) NASA Pasadena Office (Jet Propulsion Laboratory, building 180, room 600), 4800 Oak Grove Drive, Pasadena, Calif. 91103.

(l) Wallops Station, NASA (library building, room E–105), Wallops Island, Va. 23337.

Done at Washington, D.C., this 15th day of June 1973.

By direction of the Administrator.

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

[FR Doc.73–12692 Filed 6–22–73;8:45 am]

RENEGOTIATION BOARD

PERSONS HOLDING PRIME CONTRACTS OR SUBCONTRACTS FOR TRANSPORTATION BY WATER AS COMMON CARRIER

Extension of Time for Filing Financial Statements

Every person who held a prime contract or subcontract for transportation by water as a common carrier at any time during the calendar year 1972 is hereby granted an extension of time until September 1, 1973, for filing a financial statement for such year pursuant to section 105(e)(1) of the Renegotiation Act of 1951, as amended.

Dated June 20, 1973.

RICHARD T. BURRESS,
Chairman.

[FR Doc.73–12718 Filed 6–22–73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License 02/02–0297]

NELSON CAPITAL CORP.

Issuance of Small Business Investment Company License

On May 9, 1973, a notice of application for a license as a small business investment company was published in the FEDERAL REGISTER (38 FR 12179), stating that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1973)) for a license as a small business investment company by Nelson Capital Corp., 600 Old Country Road, Garden City, Long Island, N.Y. 11530.

Interested parties were given until the close of business May 24, 1973, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information and facts with regard thereto, SBA will issue license No. 02/02–0297 to Nelson Capital Corp. to operate as a small business investment company.

Dated June 18, 1973.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.73–12666 Filed 6–22–73;8:45 am]

DEPARTMENT OF LABOR

Wage and Hour Division

FULL-TIME STUDENTS

Certificates Authorizing the Employment Outside of School Hours at Special Minimum Wages

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR, pt. 519), and Administrative Order No. 621 (36 FR 12819), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly rates lower than the minimum wage rates otherwise applicable under section 6 of the act. While effective and expiration dates are shown for those certificates issued for less than a year, only the expiration dates are shown for certificates issued for a year. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base year; or provide the same standards authorized in certificates previously issued to the establishment.

Amos Quality Market, foodstore; 116 East Eighth Avenue, Homestead, Pa.; 4–13–74.

Andys Model Market, foodstore; 1221 North Seventh, Harlingen, Tex.; 3–20–74.

Anthony Euser Greenhouse, agriculture; Route 1, Broomfield, Colo.; 4–8–74.

Anthony's Super Market, foodstore; Oak and Fourth Street, Frackville, Pa.; 4–12–74.

Aurelia Clover Farm, foodstore; Aurelia, Iowa; 3–31–74.

Autry Greer & Sons, Inc., foodstore; 911 South Wilson Avenue, Prichard, Ala.; 4–3–74.

Ball & Christy Furniture Co., furniture store; 111 East D Street, Iron Mountain, Mich.; 3–26–74.

Bashas, foodstore; No. 22, Mesa, Ariz.; 4–19–73 to 3–31–74.

Bennet's Foodliner, foodstore; Ruidoso, N. Mex.; 3–26–74.

Bergemann's Market, foodstore; 804 North Spring Street, Beaver Dam, Wis.; 4–14–74.

Beynon IGA Foodliner, foodstore; Divernon, Ill.; 3–20–74.

Big Star Foods, foodstore; North Main Street, Monticello, Ky.; 4–12–74.

Bill Crook's Food Town, foodstore; No. 2, Old Hickory, Tenn.; 3–31–74.

Black & White, Inc., apparel store; 236 South Main, Yazoo City, Miss.; 3–22–74.

Bladenboro Cash Store, Inc., foodstore; Main Street, Bladenboro, N.C.; 3–27–74.

Bondurant Drugs, Inc., drugstore; 109 Main Street, Corbin, Ky.; 4–14–74.

Boulware H. Jameson, Inc., auto dealer; 1200 Highway 54 South, Fulton, Mo.; 3–30–74.

Buehler Markets, foodstore; 409 East Main Street, Streator, Ill.; 3–25–74.

By-Lo Super Market, foodstore; 639 Gillespie Street, Fayetteville, N.C.; 3–31–74.

C & L Markets, Inc., foodstore; 400 East Division, Rockford, Mich.; 4–15–74.

Carson Supermarket, foodstore; 217 Edwards Street, Merkel, Tex.; 3–13–74.

Carter's IGA Foodliner, foodstore; 138 South Washington, Charlotte, Mich.; 4–1–74.

Chamberlain Hospital & Home Association, hospital; Chamberlain, S. Dak.; 4–18–73 to 3–30–74.

Clay's Seed, Inc., agriculture; Carlisle, Ky.; 4–14–74.

Clinch Food Market, foodstore Homerville, Ga.; 4–24–74.

Colby Super Market, Inc., foodstore; Colby, Kans.; 3–23–74.

Colonial Food Store, restaurant; No. 2, Wichita, Kans.; 3–26–74.

Dairy Maid Confectionery Co., foodstore; Ninth and Boardwalk, Ocean City, N.J.; 5–18–74.

Dee's Food Market, foodstore; 522 West Milam, Wharton, Tex.; 4–11–74.

Denton's Supermarket, foodstore; Dallas, Ga.; 3–26–73 to 3–10–74.

Derryberry's Drug Store, Inc., drugstore; 115 West Seventh Street, Columbia, Tenn.; 3–24–74.

Dickinson Service Drug, drugstore; Dickinson, N. Dak.; 3–9–74.

Dillion Companies, Inc., foodstores; No. 48, Hutchinson, Kans.; 4–17–74; No. 53, Salina, Kans.; 3–31–74.

District Memorial Hospital, hospital; 246 11th Avenue Southeast, Forest Lake, Minn.; 4–3–74.

Doo Drop Inn, Inc., restaurant; 2410 Henry Street, Muskegon, Mich.; 4–6–74.

Durand IGA, foodstore; 219 North Saginaw, Durand, Mich.; 4–1–74.

Eagle Stores Co., Inc., variety-department store; 2813–2817 Greenmont Avenue, Baltimore, Md.; 3–31–74.

Eaton Rapids IGA, foodstore; 121 West Hamlin, Eaton Rapids, Mich.; 4–1–74.

Edge of the Ledge IGA Foodliner, foodstore; 512 South Clinton, Grand Ledge, Mich.; 4–1–74.

Edward Phillips, agriculture; Route 2, Lynchburg, S.C.; 3–29–74.

El Rancho Markets, foodstores, 3–31–74: 1760 East Santa Fe Avenue, Flagstaff, Ariz.; 5121 West Glendale Boulevard, Glendale, Ariz.; 1422 East Main, Mesa, Ariz.; 1018 West Main, Mesa, Ariz.; 5017 North Central Avenue, Phoenix, Ariz.; 6018 South Central Avenue, Phoenix, Ariz.; 5718 North 15th Avenue, Phoenix, Ariz.; 3921 East Indian School Road, Phoenix, Ariz.; 5326 West Indian School Road, Phoenix, Ariz.; 4430 East McDowell Road, Phoenix, Ariz.; 3115 North Third Avenue, Phoenix, Ariz.; 3717 East Thomas Road, Phoenix, Ariz.; 7830 North 12th Street, Phoenix, Ariz.; 6025 North 27th Avenue, Phoenix, Ariz.; 3442 West Van Buren, Phoenix, Ariz.; 326 West Indian School Road, Scottsdale, Ariz.; Thunderbird Road and Del Webb Boulevard, Sun City, Ariz.; 929 Mill Avenue, Tempe, Ariz.; 3607 East Broadway, Tucson, Ariz.; 5560 East Broadway, Tucson, Ariz.; 1930 East Grant Road, Tucson, Ariz.; 3360 East Speedway, Tucson, Ariz.; 6321 East 22d Street, Tucson, Ariz.; 367 West 16th Street, Yuma, Ariz.

Erspamer Super Market, foodstore; No. 521, Hurley, Wis.; 4–15–74.

Foodland Supermarket, foodstores, 4–16–74: 407 West Huron, Missouri Valley, Iowa; Fifth and Lincoln Way, Woodbine, Iowa.

Ford's IGA, Inc., foodstore; 520 High Street, Baldwin City, Kans.; 4–14–74.

Frankenmuth Bavarian Inn, restaurant; 713 South Main Street, Frankenmuth, Mich.; 3–28–74.

J. H. Galley Florists, Inc., agriculture; 2244 Union Road, West Seneca, N.Y.; 3–31–74.

Gee Bee, variety-department stores, 3–20–74: Route 30, Greensburg, Pa.; Route 56, Johnstown, Pa.; Route 19, Washington, Pa.

Gerbes Super Markets, Inc., foodstores, 3–21–74: No. 309, Camdenton, Mo.; No. 304, Eldon, Mo.; No. 308, Holden, Mo.; No. 312, Jefferson City, Mo.; No. 310, Pleasant Hill, Mo.; No. 301, Hipton, Mo.; No. 302, Versailles, Mo.; No. 303, Windsor, Mo.

W. T. Grant Co., variety-department store; No. 1022, Bloomsburg, Pa.; 3–31–74.

Guentert's Bakeries, foodstore; 526–528 Braddock Avenue, Braddock, Pa.; 4–10–74.

H. E. B. Food Store, foodstore; No. 98, Brenham, Tex.; 4–8–74.

Haag & Haag, Inc., foodstore; Chatom, Ala.; 4–5–74.

Hannibal Sandy's, Inc., restaurant; Huck Finn Shopping Center, Hannibal, Mo.; 3–24–74.

Headspring Farm, agriculture; Newberry, S.C.; 3–26–73 to 1–31–74.

Hekkema Brothers, agriculture; 620 Center Street, Muskegon, Mich.; 4–16–74.

Holiday Inn, motel; Bismarck, N. Dak.; 3–9–74.

Holiday Manor, Inc., nursing home; 1615 Parker Avenue, Osawatomie, Kans.; 4–6–74.

Host International, Inc., restaurant; Beckley, W. Va.; 4–2–74.

Howard Counts Grocery, Inc., foodstore; 231 Bradford Drive, Charlotte, N. C.; 4–8–74.

T. D. Hubbard Co., foodstore; 111 Victoria Street, Kenedy, Tex.; 3–21–74.

Jenny Lee Bakery, foodstore; Ingram and Foster Avenues, Pittsburgh, Pa.; 3–27–74.

Jim Dandy Drive-In, restaurant; 1803 South Anderson Street, Elwood, Ind.; 3–31–74.

Jim's Super Market, foodstore; 208 State Street, Oscoda, Mich.; 4–14–74.

Jim's Super Valu, foodstore; Jefferson, Iowa; 3–31–74.

Joe's Food Market, foodstore; Main Street, Springfield, Ky.; 3–26–74.

John B. Peters, agriculture; R.D. #1, Gardners, Pa.; 4–18–74.

Johnson's Cafe, restaurant; 14th and Pioneer, Lincoln, Nebr.; 4–3–73 to 3–14–74.

Johnson's Pharmacy, Inc., drugstore; 121 West Washington Street, Marquette, Mich.; 4–5–74.

Kay Baum, Inc., apparel store; 22283–22287 Michigan Avenue, Dearborn Mich; 4–16–74.

Ken's Super Valu, foodstore; Redfield, S. Dak.; 4–16–74.

King's Drug, Inc., drugstore; 101 Lewisville Center, Lewisville, Tex.; 3–24–74.

King's Food Host USA, restaurants, 3–31–74, except as otherwise indicated: 1955 28th Street, Boulder Colo. (3–16–74); 1503 West 23d Street, Lawrence, Kans.; 1011 West Loop Place, Manhattan, Kans.; 7420 Metcalf, Overland Park, Kans.; 525 West 21st Street, Topeka, Kans.; 2522 Johnson Drive, Westwood, Kans.; 309 Business Loop 70 East, Columbia, Mo.; 710 Missouri Boulevard, Jefferson City, Mo.; 1418 East 63d Street, Kansas City, Mo.; 9816 East Highway 50, Raytown, Mo.

Kreher's Poultry Farm, agriculture; 11066 Main Street, Clarence, N.Y.; 4–23–74.

Le-Mac Nurseries, Inc., agriculture; Hampton, Va.; 5–1–73 to 8–31–73.

Loupe's Red & White Store, foodstore; 135 North Jefferson Avenue, Port Allen, La.; 3–26–74.

Market Restaurant, restaurant; 1205 Assembly Street, Columbia, S.C.; 3–28–74.

Martins, apparel store; 536 Penn Street, Reading, Pa.; 3–31–74.

McCrory-McLellan-Green Stores, variety-department stores, 4–17–74: No. 121, Chestertown, Md.; No. 99, Homestead, Pa.; No. 110, Huntington, Pa.

McDonald's Hamburgers, restaurant; 7705 East 87th Street, Raytown, Mo.; 4–19–73 to 4–14–74.

McMaken's Market, Inc., foodstore; Corner Route 211 and Arlington Road, Brookville, Ohio; 4–8–74.

Melman's, food store; 924 Brookline Boulevard, Pittsburgh, Pa.; 3-20-74.

G. C. Murphy Co., variety-department stores, 3-31-74, except as otherwise indicated: No. 220, Hancock, Md. (4-16-74); No. 303, Aliquippa, Pa. (4-18-74); No. 311, Altoona, Pa. (3-21-74); No. 321, Belle Vernon, Pa. (4-14-74); No. 210, Oakmont, Pa. (4-13-74); Nos. 198 and 241, Alexandria, Va.; No. 214, Arlington, Va.; No. 308, Culpeper, Va.; No. 107, Danville, Va.; No. 278, Lynchburg, Va.; No. 63, Manassas, Va.; No. 24, Newport News, Va.; Nos. 142, 208, and 245, Richmond, Va.; No. 156, Woodbridge, Va.; No. 132, Beckley, W. Va.; No. 50, Buckhannon, W. Va.; No. 171, Clarksburg, W. Va.; No. 15, Elkins, W. Va.; No. 22, Keyser, W. Va.; No. 42, Montgomery, W. Va.; No. 197, Morgantown, W. Va.; No. 18, Moundsville, W. Va.; No. 168, North Fork, W. Va.; No. 213, Oak Hill, W. Va.; No. 212, Parkersburg, W. Va.; No. 49, Piedmont, W. Va.; No. 62, Point Pleasant, W. Va.; No. 154, Princeton, W. Va.; No. 207, South Charleston, W. Va.; No. 195, Spencer, W. Va.; Nos. 162 and 254, Weirton, W. Va.; No. 21, Weston, W. Va.; No. 33, Wheeling, W. Va.; No. 131, Williamson, W. Va.

Nathan's Jewelers, jewelers; 309 Center Avenue, Brownwood, Tex., 4-7-74; 129 South Chadbourne Street, San Angelo, Tex., 3-11-74.

Neumann Food Store, foodstore; 1507 East Juan Linn, Victoria, Tex.; 3-30-74.

Newman Pharmacy, Inc., drugstores, 4-2-74: 401 East 103d, Chicago, Ill.; 11856 South Western Avenue, Chicago, Ill.; 14201 Chicago Road, Dolton, Ill.

North Branch IGA, foodstore; 3820 Huron Street, North Branch, Mich.; 3-31-74.

North Plaza Shop Rite, foodstore; 1307 North Center Street, Beaver Dam, Wis.; 4-15-74.

Novak IGA, foodstore; First and Lincoln, Ellsworth, Kans.; 3-29-73 to 3-3-74.

O K Market Co., foodstore; 514 South North Saginaw Street, Holly, Mich.; 3-29-74.

Pappi's Pizza & Pub, restaurant; 50 Highway and O'Brien Road, Lee's Summit, Mo.; 4-14-74.

Parkview Nursing Home, Inc., nursing home; 309 Washington, Ortonville, Minn.; 4-13-74.

Parkway Super Market, Inc., foodstore; 111 Pfaff Street, St. Albans, W. Va.; 3-25-74.

Paul's IGA, foodstore; Benkelman, Nebr.; 4-6-74.

Peterson Drug, Inc., drugstore; Moose Lake, Minn.; 4-1-74.

Pete's Grocery, foodstore; McCrory, Ariz.; 3-21-74.

Piggly Wiggly, foodstores: West Main Shopping Center, Centre, Ala., 4-16-74; No. 37, Ridgeland, S.C., 3-24-74; 100-108 Richardson Avenue, Summerville, S.C., 4-7-74; No. 7, Jackson, Tenn., 3-20-74.

Pine Knoll Nursing Home, nursing home; Lyndonville, Vt.; 5-25-74.

Pleezing Food Store, foodstores: No. 1, Pensacola, Fla., 4-26-74; No. 4, Pensacola, Fla., 5-13-74.

Portland IGA Foodliner, foodstore; 228 Bridge Street, Portland, Mich.; 4-1-74.

Quality Market, foodstore; Delta, Utah; 3-24-74.

R. & G. Market, foodstore; 523 South 17th Street, Manhattan, Kans.; 3-30-74. Rawlinson's Red & White, Inc., foodstore; Main Street, Greeleyville, S.C., 3-21-74.

Regan's Restaurant, restaurants, 3-30-74: 8031 Metcalf, Overland Park, Kans.; 95th and Nall, Overland Park, Kans.; 6425 Oak Trafficway, Gladstone, Mo.; 11124 Holmes, Kansas City, Mo.

Ridgecrest Pharmacy, Inc., drugstore; 2329 Rochelle, Irving, Tex.; 3-31-74.

Robinson's Hardware, hardware store; 221 Morley Avenue, Nogales, Ariz.; 3-31-74.

Royce's Food Market, foodstore; 115 West Smith Street, Hesston, Kans.; 4-14-74.

St. Anthony Hospital, hospital; South Clark Street, Carroll, Iowa; 3-12-74.

St. Joseph Community Hospital, hospital; 308 North Maple Avenue, New Hampton, Iowa; 4-3-74.

St. Joseph Hospital, hospital; 312 East Alta Vista, Ottumwa, Iowa; 3-23-73 to 3-20-74.

St. Joseph's Hospital, hospital; 200-210 Michigan Street, Hancock, Mich.; 3-24-74.

St. Mary's Hospital, hospital; 15th and State, Emporia, Kans.; 4-11-74.

San Rosario Hospital, hospital; 110 Canfield Street, Cambridge Springs, Pa.; 3-31-74.

Schensul's Cafeteria, Inc., restaurant; Eastland Mall, Flint, Mich.; 3-31-74.

Sophers, Inc., variety-department store; 11-15 South Third Street, Oxford, Pa.; 3-31-74.

Spies Supermarket, Inc., foodstores, 4-10-74: Sixth Street and Breckenridge, Breckenridge, Minn.; Ninth and Dakota Avenue, Wahpeton, N. Dak.; 521 Sixth Avenue, Brookings, S. Dak.; 205-209 North Van Epps, Madison, S. Dak.; Watertown, S. Dak.

Stafford's Shopping Center, Inc., foodstore; 1509 Chatsworth Road, Dalton, Ga.; 4-21-74.

Stobie Shopping Center, foodstores, 4-14-74: No. 2, Plains, Mont.; No. 1, Thompson Falls, Mont.

Sullivan Food Services, Inc., foodstore; 5235 Gratiot, Saginaw, Mich.; 3-31-74.

Super Drive-Ins, foodstores, 4-14-74, except as otherwise indicated: No. 4, Clarksville, Tenn. (3-31-74); No. 6, Hermitage, Tenn.; No. 10, Nashville, Tenn.

Taylor Pharmacy, drugstore; 2000 South Richey, Pasadena, Tex.; 3-23-74.

The Thrift Store, foodstore; 12 Park Street, Headland, Ala.; 4-16-74.

Tower Super Markets, Inc., foodstores: 167 Main Street, Eldred, Pa., 4-10-74; Prospect Park, Emporium, Pa., 4-15-74.

United Super Save, United Market, foodstore; 422 East 900 South, Salt Lake City, Utah; 4-5-74.

Valian's, Inc., restaurant; 6935 South Main, Houston, Tex.; 3-24-74.

Vic Bernacchi & Sons, Inc., agriculture; 2429 South Monroe Street, La Porte, Ind.; 3-25-74.

Wagoners Tradewell Super Market, foodstore; 700 Central Avenue, Barboursville, W. Va.; 4-1-74.

Walter Foods, Inc., foodstore; 2682 Westerville Road, Columbus, Ohio; 4-14-74.

P. E. Ward & Co., furniture store; Union Square, Dover-Foxcroft, Maine; 4-6-74.

Wessies Bros. Farms, Inc., agriculture; 10126 Walsh Road, Montague, Mich.; 3-26-74.

Woody's Supermarket, foodstore; 104 Main Street, Wolfe City, Tex.; 3-28-74.

Zarda Bros. Dairy, Inc., foodstores, 3-31-74: No. 8, Olathe, Kans.; No. 1, Shawnee, Kans.; No. 6, Gladstone, Mo.; No. 5, Independence, Mo.

The following certificates issued to establishments permitted to rely on the base-year employment experience of others were either the first full-time student certificates issued to the establishment, or provide standards different from those previously authorized. The certificates permit the employment of full-time students at rates of not less than 85 percent of the applicable statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

Bashas', foodstores, for the occupations of carryout, cleanup, janitorial, 25 to 32 percent, 4-19-73 to 3-31-74: No. 21, Casa Grande, Ariz.; No. 23, Phoenix, Ariz.

Byrd's-Lo Mark, foodstore; 111 McClanahan Street, Oxford, N.C.; bagger, janitorial, cashier, carryout, stock clerk; 18 percent; 3-20-74.

Care Centre, Inc., nursing homes, for the occupations of nurse's aide, housekeeper, cook's helper, yard maintenance, 5 to 8 percent, 3-29-73 to 1-31-74: 403 First Avenue North, Humboldt, Iowa; 408 North Second Avenue East, Rock Rapids, Iowa.

Dillon Companies, Inc., foodstore; No. 5, Garden City, Kans.; cashier, checker, clerk, carryout, maintenance, wrapper; 13 to 24 percent; 3-21-74.

Kaufman's, Inc., apparel store; 1040 Main Street, Wheeling, W. Va.; salesclerk; 5 to 23 percent; 3-31-74.

S. S. Kresge Co., variety-department stores: No. 3055, Fayetteville, Ark., salesclerk, stock clerk, office clerk, 7 to 18 percent, 3-21-74; No. 3012, Baton Rouge, La., salesclerk, stock clerk, maintenance, checker-cashier, office clerk, 2 to 15 percent, 3-21-74; No. 3044, Lawton, Okla., salesclerk, 7 to 27 percent, 4-18-74.

McCrory-McLellan-Green Stores, variety-department store; No. 50, Altus, Okla.; salesclerk, stock clerk, office clerk; 2 to 20 percent; 4-18-74.

McDonald's Hamburgers, restaurant; 4495 North Oracle Road, Tucson, Ariz.; general restaurant worker; 38 to 63 percent; 4-14-74.

G. C. Murphy Co., variety-department stores, for the occupations of salesclerk, stock clerk, office clerk, janitorial: No. 701, Dubois, Pa., 7 to 30 percent, 4-3-74; No. 602, Greenville, Pa., 9 to 22 percent; 3-31-74; No. 286, Roanoke, Va., 10 to 16 percent, 3-29-74.

Newkirk Fashions & Shoes, apparel store; 62 West Jefferson, Franklin, Ind.; salesclerk, stock clerk, janitorial; 9 to 25 percent; 5-14-74.

Parkway Cafe, restaurant; 120 East Boulevard North, Rapid City, S. Dak.; general restaurant worker; 41 to 67 percent; 4-15-74.

Raylass Department Store, variety-department store; 2438-2440 Glass Street, Chattanooga, Tenn.; janitorial, salesclerk, stock clerk; 13 to 34 percent; 4-30-74.

Rose's Stores, Inc., variety-department store; No. 241, Shelbyville, Ky.; checker, salesclerk, stock clerk, office clerk; 6 to 24 percent; 4-14-74.

T. G. & Y Stores Co., variety-department stores for the occupations of salesclerk, stock clerk, office clerk; No. 1021, Bartlesville, Okla., 20 to 30 percent; 4-18-74; No. 72, Ponca City, Okla., 23 to 30 percent, 4-25-74.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificate may be annulled or withdrawn, as indicated therein, in the manner provided in part 528 of title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before July 25, 1973.

Signed at Washington, D.C., this 14th day of June 1973.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[FR Doc.73-12690 Filed 6-22-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 282]

ASSIGNMENT OF HEARINGS

JUNE 20, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 118468 sub 33, Umthun Trucking Co., now being assigned hearing August 6, 1973 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 136224, Southern Transport, Inc., now assigned June 25, 1973, at Jackson, Miss., is postponed to July 23, 1973, same time and place.

MC 118989 sub 90, Container Transit, Inc., now being assigned hearing August 7, 1973 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 29886 sub 285, Dallas & Mavis Forwarding Co., Inc., and MC 124947 sub 17, Machinery Transports, Inc., now being assigned continued hearing August 8, 1973 (3 days), at Chicago, Ill., in a hearing room to be later designated.

MC 138274 sub 1, Shippers Best Express, Inc., now being assigned hearing September 17, 1973 (2 days), at Salt Lake City, Utah, in a hearing room to be later designated.

MC-8872 sub 7, Dyersburg Express, Inc., is continued to July 2, 1973, at the Cordell Hull Building, floor C1, room 143, Nashville, Tenn.

MC 119302 sub 19, Miller Transfer and Rigging Co., now being assigned hearing August 8, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 113855 sub 269, International Transport, Inc., now being assigned hearing August 13, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-8020, Archie's Motor Freight, Inc., and Darby Transfer, Inc., Investigation and revocation of certificates, now being assigned hearing August 14, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 19227 sub 181, Leonard Bros., Trucking Co., Inc., now being assigned hearing August 15, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 116212 sub 6, Eyre's Bus Service, Inc., now being assigned hearing August 27, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

W-1266, Marine Exploration Co., Inc., now being assigned hearing August 28, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 115826 sub 244, W. J. Digby, Inc., now being assigned hearing September 10, 1973 (1 week), at Salt Lake City, Utah, in a hearing room to be later designated.

MC-C-8001, *La Porte Transit Co., Inc.* v. *South Bend Freight Line, Inc., et al*, now being assigned hearing September 20, 1973, at Chicago, Ill., in a hearing room to be later designated.

MC 13250 sub 121, J. H. Rose Truck Line, Inc., MC 113855 sub 264, International Transport, Inc., now being assigned hearing September 21, 1973, at Chicago, Ill., in a hearing room to be later designated.

MC 74238 sub 3, Kriegsman Transfer Co., now being assigned hearing September 24, 1973, at Chicago, Ill., in a hearing room to be later designated.

MC-F-11741, Transpo International, Inc.—control—Dunkley Refrigerated Transport, Inc., and Fd 27268, Transpo International, Inc., and J. B. Montgomery, Securities, now being assigned hearing September 19, 1973 (3 days), at Salt Lake City, Utah, in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-12719 Filed 6-22-73;8:45 am]

[Ex Parte 241; Rule 19, Rev. Exemption 43]

ATCHISON, TOPEKA & SANTA FE RAILWAY CO. ET AL.

Exemption Under Mandatory Car Service Rules

To: The Atchison, Topeka & Santa Fe Railway Co.; Chicago, Rock Island & Pacific Railroad Co.; Missouri-Kansas-Texas Railroad Co.; Missouri Pacific Railroad Co., and St. Louis-San Francisco Railway Co.

It appearing, that there is a massive harvest of wheat in progress in the States of Kansas, Oklahoma, and Texas; that present supplies of plain boxcars owned by the railroads serving these States are inadequate to move the newly harvested grain to terminal elevators for safe storage; that use of available plain boxcars owned by other carriers for movements of this grain will substantially augment the car supplies of the railroads named herein.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, the railroads named herein, and their short line connections, are hereby authorized to use and to accept from shippers shipments of grain originating at stations located in Kansas, Oklahoma, or Texas when loaded into plain 40-ft narrow-door boxcars of various ownerships without regard to the requirements of Car Service Rule 2.

Exception: This exemption shall not apply to plain boxcars subject to Association of American Railroads Car Relocation Directive No. 44.

Effective 12:01 a.m., June 15, 1973.

Expires 11:59 p.m., June 21, 1973.

Issued at Washington, D.C. June 15, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-12725 Filed 6-22-73;8:45 am]

[I.C.C. Order 101; Rev. S.O. 994]

BURLINGTON NORTHERN INC.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, agent, the Burlington Northern Inc. is unable to transport traffic over its line between Albia, Iowa, and Kirksville, Mo., because of flooding and track damages.

It is ordered, That:

(a) The Burlington Northern Inc., being unable to transport traffic over its line between Albia, Iowa, and Kirksville, Mo., because of flooding and track damages, that carrier is hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained. The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers. Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the division of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date. This order shall become effective at 2:30 p.m., June 14, 1973.

(g) Expiration date. This order shall expire at 11:59 p.m., June 30, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 14, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-12724 Filed 6-22-73;8:45 am]

[I.C.C. Order 100; Rev. S. O. 994]

PENN CENTRAL TRANSPORTATION CO.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, agent, the Penn Central Transportation Co., George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees, is unable to transport traffic over its line between Hyndman, Pa., and Cumberland, Md., because of track damage resulting from flooding.

It is ordered, That:

(a) The Penn Central Transportation Co., George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees, being unable to transport traffic over its line between Hyndman, Pa., and Cumberland, Md., because of track damage resulting from flooding, that carrier is hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained. The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers. Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date. This order shall become effective at 11:59 p.m., June 14, 1973.

(g) Expiration date. This order shall expire at 11:59 p.m., December 15, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 14, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-12723 Filed 6-22-73;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 20, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 42702.—Joint Water-Rail Container Rates—Sea-Land Service, Inc. Filed by Sea-Land Service, Inc. (No. 75), for itself and interested rail carriers. Rates on general commodities, from ports in the Mediterranean, to rail stations on the west coast.

Grounds for relief.—Water competition.

Tariff.—Sea-Land Service, Inc., Tariff 205, I.C.C. No. 73. Rates are published to become effective on July 15, 1973.

FSA No. 42703.—Joint Water-Rail Container Rates—Zim Israel Navigation Co., Ltd. Filed by Zim Israel Navigation Co., Ltd. (No. 3), for itself and interested rail carriers. Rates on general commodities, from ports in continental Europe and Mediterranean Sea, to railroad terminals at U.S. Pacific coast ports.

Grounds for relief.—Water competition.

Tariff.—Zim Israel Navigation Co., Ltd., Tariff I.C.C. No. 3. Rates are published to become effective on July 19, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-12720 Filed 6-22-73;8:45 am]

[Notice 302]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR pt. 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before July 16, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73814. By order of June 15, 1973, Division 3, acting as an appellate division, approved the transfer to Logistics Express, Inc., doing business as Logex, Anaheim, Calif., of the operating rights in certificates No. MC-97357 (sub-No. 10) and MC-97357 (sub-No. 16), issued March 13, 1970, and September 27, 1968, respectively, to Allyn Transportation Co., a corporation, Los Angeles, Calif., authorizing the transportation of liquid oxygen, nitrogen, hydrogen, argon, and helium between points in Washington, Utah, Idaho, Montana, Colorado, Arizona, New Mexico, California, Nevada, and Wyoming. Marvin Handler, 405 Montgomery Street, San Francisco, Calif. 94104., attorney for transferee. R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017, attorney for transferor.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-12721 Filed 6-22-73;8:45 am]

[Notice 303]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR pt. 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any

interested person may file a petition seeking reconsideration of the following numbered proceedings on or before July 15, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74198. By order of June 8, 1973, the Motor Carrier Board, on reconsideration, approved the transfer to Dick's Express, Inc., Piscataway, N.J., of a portion of certificate No. MC-54200 issued to Seigle's Express, Inc., North Arlington, N.J., authorizing the transportation of: General commodities, usual exceptions, between New York, N.Y., and points in Nassau County, N.Y., and points in Hunterdon and Warren Counties, N.J., in a radial movement. Robert B. Pepper, practitioner, 168 Woodbridge Ave., Highland Park, N.J. 08904.

No. MC-FC-74528. By order of June 18, 1973, the Motor Carrier Board approved the transfer to Leslie C. Moore, Jr., doing business as Caswell Van Lines, Henrietta, N.Y., of the operating rights in certificate No. MC-40404 issued March 21, 1941 to Paul D. Caswell, doing business as Caswell Van Lines, Henrietta, N.Y., authorizing the transportation of household goods between Rochester, N.Y., and points within 20 miles thereof, on the one hand, and, on the other, points in New Jersey, New York, Ohio, and Illinois and between New York, N.Y., on the one hand, and, on the other, points in New York, Pennsylvania, and Ohio.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-12722 Filed 6-22-73;8:45 am]

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MONDAY, JUNE 25, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 121

PART II

FEDERAL REGISTER HANDBOOK ON DOCUMENT DRAFTING

■

Interim Edition

Office of the Federal Register

FEDERAL REGISTER HANDBOOK ON DOCUMENT DRAFTING

The following is an interim edition of a new Federal Register handbook on document drafting, which will replace the 1966 handbook. It is being published at this time to provide up-to-date guidance on document drafting until a bound version can be completed. It is also being published to allow Federal Agencies and the public time to comment. Interested persons may submit comments to the Director, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408, by August 24, 1973.

FRED J. EMERY,
Director, Office of
the Federal Register.

Foreword

This handbook is designed to assist in the preparation of documents for publication in the FEDERAL REGISTER. This revision has been undertaken for two principal reasons:

1. To reflect the regulations of the Administrative Committee of the Federal Register and of the Office of the Federal Register (1 CFR Chs. I, II, revised as of Jan. 1, 1973), and

2. To update procedures and terms to conform to present practice.

The liaison officer of each agency is responsible for the distribution of this handbook (1 CFR 16.2).

This handbook is issued under the Federal Register Act (44 U.S.C., ch. 15), and the regulations of the Administrative Committee (1 CFR 15.10). Inquiries should be addressed to the Director of the Federal Register.

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Chapter I—Purpose of Handbook

The purpose of this handbook is to instruct Federal agencies how to prepare clear and uniform documents for publication in the FEDERAL REGISTER. It implements and supplements the regulations of the Administrative Committee of the Federal Register and of the Office of the Federal Register, which appear in their entirety as Supplement B of this manual.

Chapter II contains an introduction to the Federal Register system and a brief history of that system. Chapter III describes the proper appearance of documents and the procedures to be followed for submittal of documents. Chapters IV through VI offer advice as to style and arrangement of documents generally, spell out requirements, make recommendations for the drafting of proposals, final rules, and notices, and contain specific instructions for certain types of documents. A Supplement A with extra examples of various documents and an index are included to further assist the document drafter.

NOTE.—Of special importance is the discussion on preambles in Chapter IV. There is a growing demand for regulatory documents to include adequate background information because, without it, the FEDERAL REGISTER makes little sense to an increasingly interested public. Recognizing this need, the regulations of the Administrative Committee of the Federal Register now require every proposal and rulemaking document to begin with a "clear preamble statement that describes the contents of the document in a manner sufficient to apprise a reader, who is not an expert in the subject area, of the general subject matter of the rulemaking document." (See 1 CFR 18.12)

Chapter II—Introduction to the Federal Register System; a Brief History and Description

The FEDERAL REGISTER is the publication established by Congress to inform the public about the regulations of the executive branch of the U.S. Government. The FEDERAL REGISTER's present functions have been shaped largely by two laws, The Federal Register Act of 1935 (44 U.S.C., ch. 15) and The Administrative Procedure Act of 1946 (5 U.S.C. 551 et seq.).

Congress passed the first law to alleviate the communications problem between the executive agencies and the public caused by the surge of regulatory activity in the early 1930's. Since the administrative agencies needed a method for giving timely public notice of their often far-reaching requirements and programs, the Federal Register Act for the first time established a uniform system for the handling of agency issuances. It provided for: (1) Filing, (2) placement on public inspection, (3) publication in the FEDERAL REGISTER, and (4) permanent codification, where applicable.

The Administrative Procedure Act (APA) added several dimensions to the system outlined in the 1935 law. The 1946 measure introduced the element of public participation into the rulemaking process. It required the agencies to publish certain regulations initially as proposals and to allow interested citizens time for comment before final adoption. The APA also required agencies to publish routinely other types of material in addition to regulations. This new material included organization descriptions, procedural rules, rules of general applicability, and other documents.

It is the function of the Office of the Federal Register (OFR) to implement both these laws. Under their terms the OFR receives documents from the agencies, records them, and places them on public display. It then publishes the documents in the daily FEDERAL REGISTER.

Publication in the FEDERAL REGISTER carries with it a number of legal effects. It serves as official notice of a document's existence and its contents. It establishes an accuracy of text and indicates the date of a regulation's promulgation. Moreover, the printed FEDERAL REGISTER version of a document constitutes prima facie evidence in a court of law and must be judicially noticed.

Most documents that appear in the FEDERAL REGISTER are required by law to be published there. These include:

1. Presidential proclamations, Executive orders, and other Presidential documents.

2. Documents generally required to be published under the Federal Register Act or the Administrative Procedure Act; and

3. Documents required to be published under a specific act of Congress.

In addition, the Director of the Office of the Federal Register is authorized under the Federal Register Act to publish documents which he considers to be in the public interest.

Appearance of a regulation in the FEDERAL REGISTER fulfills only part of the publication requirements. The codified material also becomes a part of the Code of Federal Regulations (CFR).

Chapter III—Mechanics of Document Preparation and Transmittal

Item

1. Original document.
2. Copies.
3. Format.
4. Style.
5. Illustrations.
6. Tabular material.
7. Forms.
8. Computer-processed documents.
9. Submission of documents.
10. Scheduling for publication.
11. Filing.
12. Corrections.
13. Combined documents.
14. Highlights.

The following information applies to all documents submitted for publication in the FEDERAL REGISTER: Rules and regulations, notices of proposed rulemaking, and general notices.

1. Original document. (See 1 CFR 18.1.)

The original document submitted by an agency becomes a part of the National Archives of the United States and should have the appearance of a formal document prepared for public inspection. It should be typed on 8- by 10½-inch bond paper and be signed in ink by the agency official issuing the document.

Printed or electrostatic copies or computer printouts may be used as originals provided the copies are of high quality, have the appearance of a formal document, and are signed in ink.

For discussion on use of computer data in a document see item 8 of this Chapter.

2. Copies. (See 1 CFR 18.1, 18.5, 18.6.)

Two legible copies must be submitted with each original document. These copies may be submitted in one of two forms:

(a) *Certified copies.*—These copies are not signed in ink by the issuing official. Instead, a statement reading substantially as follows is typed or stamped on each copy: "Certified to be a true copy of the original document." This statement must be signed by the agency's certifying officer (appointed under 1 CFR 16.1). If time is pressing and the regular certifying officer is not available, certification may be made by a line superior of the certifying officer or by an official having authority to appoint a certifying officer. The name and title of the signer of the original must be typed or stamped on all copies at the appropriate position. (If the document is printed on two sides, submit three copies, not two.)

(b) *Duplicate originals.*—Instead of having copies certified, an agency may choose to have all copies signed in ink by the issuing official. No certification is necessary as the "copies" are, in fact, duplicate originals.

Whether certified copies or duplicate originals are submitted, they must be legible and identical with the original.

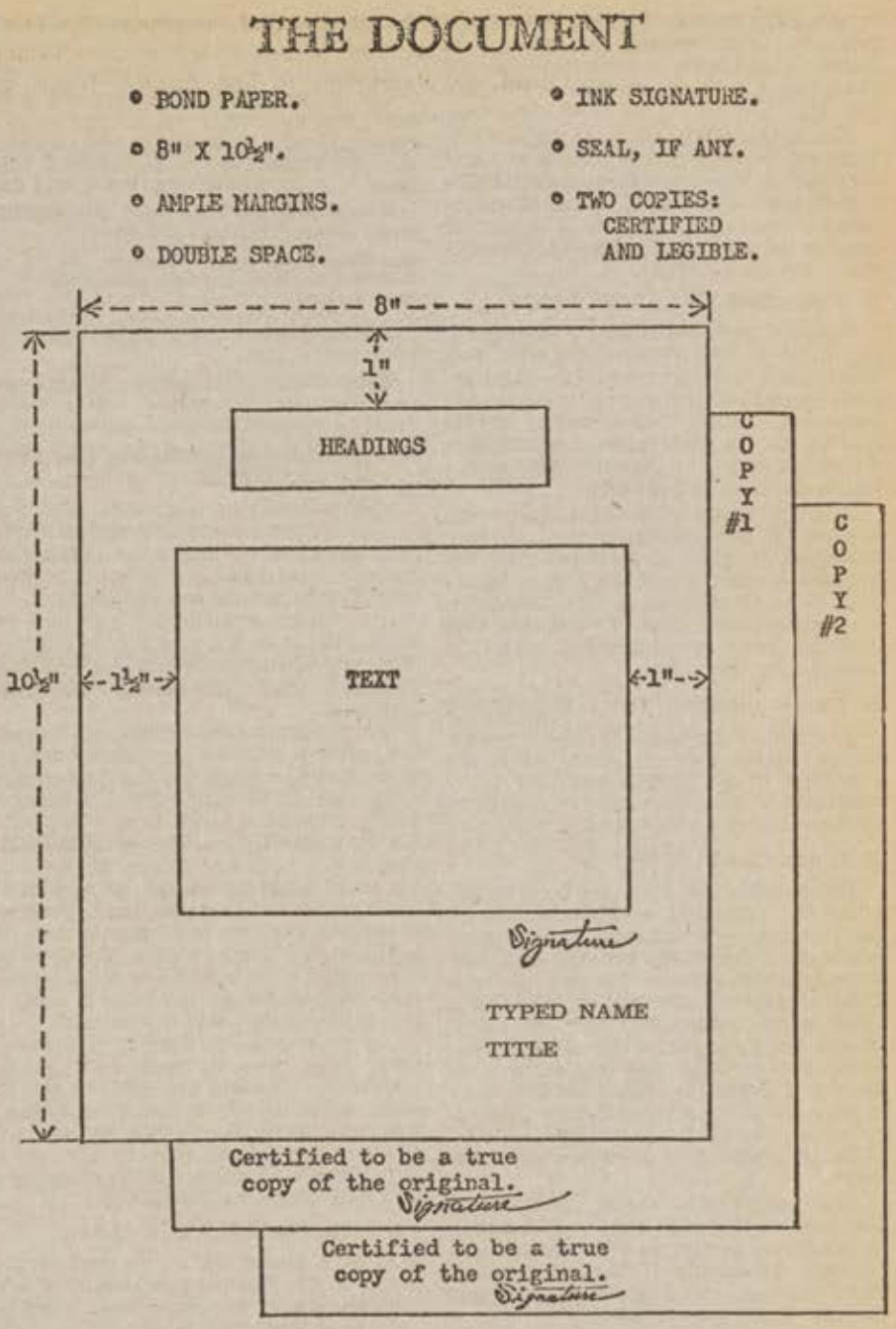
CAUTION.—Do not omit pages, assemble pages out of order, or include pages from an earlier draft—one of the certified copies (or duplicate originals) is placed on public inspection and the other is edited and sent to the printer.

3. Format. (See 1 CFR 18.4, 18.7, 18.8.)

Use bond paper approximately 8 by 10½ inches in size. Leave a 1-inch margin at the top, bottom, and right side and a 1½-inch margin at left. Number all pages consecutively. (See example on this page.)

Double space all primary text. Single space:

(a) Tables of sections (part tables of contents).



(b) Authority statements in rules documents.

(c) Lists of items.

(d) Quoted material when set apart from regular text, not "run-in."

A signature of the issuing official should never be placed on a page by itself. The signature page should always include some material that can be identified with the text.

The agency seal is not required. If used, it must not cover any text on the original or copies.

4. Style. (See 1 CFR 18.9.)

For punctuation, capitalization, spelling, compounding, and similar matters, follow the "U.S. Government Printing Office Style Manual" (available from Superintendent of Documents, Government Printing Office).

For spelling of geographic names, use "Foreign Names Decisions" (Office of Geography, Department of the Interior), "Domestic Name Decisions and Decisions in U.S. Territories and Possessions"

(Geological Survey, Department of the Interior), and "Board on Geographic Names Gazetteers" (Superintendent of Documents, Government Printing Office).

For land descriptions, use "Specifications for Descriptions of Tracts of Land for Use in Executive Orders and Proclamations" (Bureau of Land Management, Department of the Interior, or Superintendent of Documents, Government Printing Office).

5. Illustrations. (See 1 CFR 18.10.)

Pictorial material is very expensive to reproduce in the FEDERAL REGISTER and usually delays publication of a document. Only when necessary for compliance purposes and for an understanding of the text of the document should maps, diagrams, graphs, or other pictorial material be included in documents.

If it is determined that an illustration is essential, the original artwork or clear reproduction must be included with the original document and the copies. Moreover, if an illustration is to be amended at a subsequent date, a complete new drawing must be submitted with the amendatory document.

6. Tabular material. (See 1 CFR 18.10.)

Tables may be included where necessary or useful. However, since tables are expensive to set in type and may delay publication, their use should be restricted to cases where a clear benefit is derived.

7. Forms. (See 1 CFR 18.11.)

Tabulated blank forms for reports, applications, contracts, and similar matter for rulemaking documents are not generally published in the FEDERAL REGISTER. The prescription for the use of such forms and any procedural or substantive instructions appearing on the forms should be included in the text of the document, and one copy of the form attached. The FEDERAL REGISTER will carry a footnote to the effect that the form is "filed as part of the original document," showing availability of copies as pertinent.

After consultation with the Office of the Federal Register, certain forms may be published in notices of proposed rulemaking documents if the commenters must see the form in order to comment adequately on the proposal.

8. Computer-produced documents.

Agencies that have computer data that will eventually be included in documents submitted for publication should consult with the Office of the Federal Register before preparation of such documents. It may be possible to use a magnetic tape of such material in the printing process. As mentioned in item 1 of this chapter, computer printouts may also be deemed acceptable in documents.

9. Submission of documents. (See 1 CFR 18.3.)

Documents may be delivered to the Office of the Federal Register, 633 Indiana Avenue NW., Washington, D.C., between 8:45 a.m. and 5:15 p.m., Monday through Friday, except for Federal holidays.

Documents sent through the regular mail should be addressed to:

The Office of the Federal Register
National Archives and Records Service
Washington, D.C. 20408

For interagency mail service, the post office stop is 220.

NOTE.—Letters of transmittal are not necessary and are discouraged unless special handling or treatment is requested.

10. Scheduling for publication. (See 1 CFR 17.2, 17.3, 17.6.)

Each document is assigned to the "regular" publication schedule unless special arrangements are made for publication under "emergency" or "deferred" schedules. The schedules are as follows:

(a) "Regular schedule" provides for publication 3 working days after the date of receipt of the document—e.g., received Monday, filed Wednesday, published Thursday.

(b) "Emergency schedule" is designed to provide the fastest possible publication of documents involving the prevention, alleviation, control, or relief of any emergency situation—either 1- or 2-day service. Requests for emergency publication should not be made lightly. However, if the need is clearly shown, the potential benefits are substantial and printing schedules permit, the request will be granted. For 1-day service—the deadline for receipt of documents to be published under the emergency schedule is noon of the day preceding publication date.

(c) "Deferred schedule" is used whenever more time is needed to handle lengthy or complex material, or the issuing agency requests a deferred publication date. Advance consultation with the Office of the Federal Register on unusually difficult documents is the surest way to avoid delays in publication.

11. Filing. (See 1 CFR 17.1, 18.13.)

After a document is received by the Office of the Federal Register, it is held for confidential processing until it is filed for public inspection at the Office of the Federal Register. No information will be released, except to the issuing agency, about either the document, its contents, the scheduled filing date, or the publication date, until it has been placed on public inspection. Each document is filed for public inspection the day before the scheduled publication date, unless the issuing agency requests an earlier filing date.

The original of each document is filed for permanent record purposes in the National Archives and Records Service, of which the Office of the Federal Register is a constituent unit.

12. Corrections. (See 1 CFR 18.14, 18.15.)

Before a document is submitted to the Office of the Federal Register, the original and certified copies should be doublechecked for errors. One certified copy is placed on display for public inspection and the other is sent to the Government Printing Office for typesetting. Thus, a mistake in a certified copy, or a mistake in the original carried through to a certified copy, may result in an error in the FEDERAL REGISTER. Additional errors occur from the omission, misplacement, or duplication of a page, or the inclusion of a page from an earlier draft.

Correction tape should never be used. It may become detached and errors would result in the printed version or in the permanent record (the original document) stored in the National Archives and Records Service. If it is necessary to make minor changes in a document after it has been typed, mark all copies neatly in ink and initial the margins opposite the change.

If an error is discovered in a document before it is filed for public inspection, the document may be recalled by the issuing agency for correction. Simple corrections may, in some cases, be made by telephoning the FEDERAL REGISTER staff.

If an error is discovered after a document is filed for public inspection, the document may be corrected only by the issuance of a correction document by the agency.

After publication, the FEDERAL REGISTER should be proofread for errors against a copy of the original document. If an error was made in the publication process and the original document was correct, the Office of the Federal Register will prepare and publish a correction statement. If the error was made in the original document, the agency must issue a signed correcting document.

13. Combined documents. (See 1 CFR 18.2.)

A separate document must be submitted for each category of publication in the FEDERAL REGISTER—"Rules and Regulations," "Proposed Rules," and "Notices." It is also necessary to submit separate documents for each chapter of the CFR. Documents combining chapters present production problems at both the Office of the Federal Register and at the U.S. Government Printing Office.

14. Highlights. (See 1 CFR 18.16.)

A highlight should be written in layman's language. It must contain: A catchword or short headnote that captures the subject of the highlight, the name of the issuing agency, and a one to three-line description of the document.

The Office of the Federal Register prefers to use agency-submitted highlights, but reserves the right to edit and prepare entries for this valuable, informative portion of the daily issue.

When drafting highlights, the following guidelines apply:

(a) Use common words, with few or no technical terms.

(b) Use headnotes that are eye-arresting.

(c) Use active terms which state the full impact of the document.

(d) Be concise.

HIGHLIGHT EXAMPLES

PASSENGER CAR TIRES—DOT proposes uniform grading system; comments by 6–4–73 6194

OFF-ROAD VEHICLES—Proposed regulations for use on DOD lands; comments by 4–6–73 6186

FLAMMABLE CARPETING—Commerce Department proposed sampling plans (2 documents) 6207, 6210

ORGANIZED CRIME—GSA rule for reporting suspected involvement of bidders and contractors 6179

PETROLEUM—Cost of Living Council issues special mandatory price controls 6283

CONTINENTAL SUGAR—USDA announces quotas and requirements for 1973 6287

JAPANESE BEETLE—USDA revises list of quarantine-exempt articles; effective 3–8–73 6286

SECURITIES—SEC extends to 4–10–73 suspension of broker-dealer financial responsibility operation 6277

FISHERMEN'S GUARANTEE FUND—NOAA changes name and extends fee provisions to 6–30–73 6283

PUBLIC LANDS—Interior Department amends timber sale contract procedures; effective 7–31–73 6280

TEXTILE IMPORTS—CITA amends restraint levels on certain fiber products from Korea 6313

Chapter IV—Guidelines for Drafting Codified Documents

Part A—Code of Federal Regulations

Item

1. Title.
2. Chapters.
3. Parts.
4. Sections.
5. Paragraphs.

Part B—Drafting Rulemaking Documents

6. Headings.
7. Preambles.
8. Words of issuance.
9. Adoption of proposals.
10. Body text.
11. Citations of authority.
12. Effective date statements.

Appendix A—Checklist for Rules Document/Illustration.

Appendix B—Suggestions on Choice of Language.

Rules and regulations are generally "subject to codification." Regulatory documents must be prepared therefore as amendments to the Code of Federal Regulations (CFR). Such documents add, remove, or change provisions appearing in the CFR. In the case of a provision which expires after a specified period by its own terms, a document must be published which so states. (See 1 CFR 21.6)

PART A—CODE OF FEDERAL REGULATIONS

The Code of Federal Regulations (CFR) is a special edition of the FEDERAL REGISTER. It is a codification of the general and permanent rules issued by the executive departments and executive agencies of the Federal Government. At present it consists of 120 volumes, each of which is revised at least once each calendar year. The CFR is divided into 50 titles, plus a general index volume and a finding aids volume.

Each title is consecutively subdivided into chapters, parts, sections, and paragraphs as described below.

1. Titles.

Each of the 50 titles of the CFR is numbered consecutively in Arabic numerals (1, 2, 3, etc.). Each title represents a broad area that is subject to Federal regulation—e.g., Title 7 deals with agriculture, Title 29 with labor, Title 46 with shipping. Subtitles, lettered consecutively in capitals (A, B, C, etc.), are sometimes used to distinguish between the regulations of an overall agency and its various bureaus or in order to group chapters because of subject relationship, as in Title 41 (Subtitle A—Procurement; Subtitle B—Property Management). Each title is divided into chapters.

The current list of CFR titles follows:

1 General Provisions.
2 [Reserved].
3 The President.
3A The President, Appendix.
4 Accounts.
5 Administrative Personnel.
6 Economic Stabilization.
7 Agriculture.
8 Aliens and Nationality.
9 Animals and Animal Products.
10 Atomic Energy.
11 Federal Elections.
12 Banks and Banking.
13 Business Credit and Assistance.
14 Aeronautics and Space.
15 Commerce and Foreign Trade.
16 Commercial Practices.
17 Commodity and Securities Exchanges.
18 Conservation of Power and Water Resources.
19 Customs Duties.
20 Employees' Benefits.
21 Food and Drugs.
22 Foreign Relations.
23 Highways.
24 Housing and Urban Development.
25 Indians.
26 Internal Revenue.
27 Alcohol, Tobacco Products and Firearms.
28 Judicial Administration.
29 Labor.
30 Mineral Resources.
31 Money and Finance: Treasury.
32 National Defense.
32A National Defense, Appendix.
33 Navigation and Navigable Waters.
34 [Reserved].
35 Panama Canal.
36 Parks, Forests, and Memorials.
37 Patents, Trademarks, and Copyrights.
38 Pensions, Bonuses and Veterans' Relief.
39 Postal Service.
40 Protection of Environment.
41 Public Contracts and Property Management.
42 Public Health.
43 Public Lands: Interior.
44 Public Property and Works.
45 Public Welfare.
46 Shipping.
47 Telecommunication.
48 [Reserved].
49 Transportation.
50 Wildlife and Fisheries.

2. Chapters.

Each chapter is numbered consecutively in roman capitals (I, II, III, etc.). A chapter is generally assigned to a single issuing agency, which may be an entire department or simply one of its units. Chapters are sometimes divided into subchapters, lettered consecutively (A, B, C, etc.). Subchapters group related parts within a chapter.

3. Parts.

Each chapter is divided into parts, usually numbered in Arabic throughout each title (1, 2, 3, etc.). A part consists of a unified body of regulations applying to a specific function of the issuing agency or devoted to specific subject matter under control of the issuing agency. Parts are normally assigned to chapters as follows: Chapter I, Parts 1 to 199; Chapter II, Parts 200 to 299; Chapter III, Parts 300 to 399, etc. Subparts, sometimes used to group related sections within a part, are lettered in capitals (A, B, C, etc.). Parts are divided into sections.

PART B—DRAFTING RULEMAKING DOCUMENTS

4. Sections.

The section is numbered in Arabic (1.1, 1.2, 1.3, etc.). The section (§) is the basic unit of the CFR and ideally consists of a short, simple presentation of one principal proposition. Each section number includes the number of the part set off by a decimal point. For example, the third section in Part 25 is expressed as "§ 25.3."

5. Paragraphs.

When internal division of a section is necessary, sections are divided into "paragraphs." Paragraphs may be further subdivided as follows:

Term	*Symbol*
Paragraph	(a), (b), (c), etc.
For further subdividing of a paragraph.	(1), (2), (3), etc. (i), (ii), (iii), etc. (A), (B), (C), etc. (*1*), (*2*), (*3*), etc. (i), (ii), (iii), etc.

When referring to (C) in (iii) of (3) of paragraph (d) of § 25.3, the drafter writes, "paragraph (d)(3)(iii)(C) of § 25.3." Such detailed subdividing of a section is to be avoided where possible in favor of shorter, better expressed sections. Do not use unnumbered or unlettered paragraphs; they are difficult to refer to in other portions of the CFR.

The above material describes the basic structure, numbering, and nomenclature used in the CFR. Occasionally a title or chapter is keyed to a particular agency's own numbering system (see 1 CFR 21.14). Other matters of numbering and structure, such as the insertion of new units between existing ones and reservation of units are discussed in item 10(g)(3) of this chapter.

NOTE.—The recommended numbering scheme was changed so that the CFR numbering would correspond to the standard United States Code numbering. However, agencies should not renumber existing material merely to reflect this change. The new numbering system should be used where a whole part is being revised or where a new part is being adopted.

6. Headings.

The headings of a codified document serve a dual purpose. First, they tie the document to the CFR. Second, they present the essential subject or subjects covered by the document so that the reader may quickly determine whether the regulation applies to him.

Prepare on separate lines the following headings:

(a) *CFR title.*—Write the number and name of the title of the CFR that is being amended.

(b) *Chapter.*—On the second line write chapter name and number.

(c) *Agency document designation.*—If use of an agency regulation number is required, carry it as a separate line in brackets. Abbreviate, if possible.

(d) *Part number and name.*—Write the number and name of the part involved. (A part heading should clearly and briefly describe the actual content and scope of the part. General phrases, such as: "Regulations under the Federal Development Act," and redundant expressions such as "Regulations governing" or "Rules applicable to," should not be used.)

(e) *Additional headings.*—On an amendatory document, add immediately after the part heading a brief heading stating the specific subject area of the document. This heading may be identical with the heading of the section amended by the document. An undesignated centerheading covering a group of sections being amended may be suitable. Avoid the use of "Miscellaneous amendments," unless the document truly comprises a number of unrelated changes. The additional heading will not be carried in the CFR. It is needed in the FEDERAL REGISTER printing to provide better understanding of the document and to aid in the production of more useful finding aids.

Examples of Rulemaking Document Headings

Title 9—Animals and Animal Products	Title
CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE	CHAPTER
PART 82—EXOTIC NEWCASTLE DISEASE; AND PSITTACOSIS OR ORNITHOSIS IN POULTRY	PART
Areas Quarantined	Additional Heading

Title 12—Banks and Banking	Title
CHAPTER II—FEDERAL RESERVE SYSTEM	CHAPTER
[Reg. K]	Agency Designation (optional)
PART 211—CORPORATIONS ENGAGED IN FOREIGN BANKING AND FINANCING UNDER THE FEDERAL RESERVE ACT	PART
Special Purpose Leasing Corporations	Additional Heading

7. Preambles.

Preambles of codified documents consist of the nonregulatory language that introduces the substantive text of the rules in the document. They are, in effect, the basic "legislative history" of the amendment. Preambles are not published in the CFR and may not include regulatory provisions.

Preambles do the following: Prescribe the document and describe its effect on the CFR; identify the document's relationship to any previous notices of proposed rulemaking; and present any background information, results of hearings or comments, or any other matters or considerations which led to the issuance of the document and would help the reader understand the scope and import of the new provision.

By providing the answers to the following questions the draftsman can prepare a preamble that explains the action taken:

What is being promulgated? Why? How does it affect the CFR?

Did the comments received on the proposal substantiate the need for it?

Did the comments received on the proposal bring out any additional facts or information? Was the proposal understood by the person to whom it would apply?

Were any alternatives suggested as a result of the proposal? Do any of them require further consideration? Are the reasons for their rejection or adoption explained?

Are there any agency-developed changes in the final rule that were not in the proposal? Are they fully explained?

Are all of the meaningful comments received on the proposal discussed and answered?

Examples of Preambles for Rulemaking Documents

Title 29—Labor

CHAPTER XVII — OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Approval of Anhydrous Ammonia Equipment

On July 29, 1972, a document was published in the FEDERAL REGISTER proposing to amend the standards relating to the approval of appurtenances used in the storage and handling of anhydrous ammonia by recognizing additional sources of such approval. As amended, the standards would include as sources of approval not only Underwriters Laboratories, Inc., and Factory Mutual Engineering Corp., but also any other nationally recognized testing laboratory using nationally recognized testing standards; certain public authorities under specified conditions; and in the case of equipment installed before February 8, 1973, the American National Standard for the Storage and Handling of Anhydrous Ammonia, K61.1, or the Fertilizer Institute Standards for the Storage and Handling of Agricultural Anhydrous Ammonia, M–1, in effect at the time of installation. It also proposed a redefinition of the word "appurtenances" (37 FR 15316).

All comments received in response to the proposal supported its adoption. It was pointed out however, that the proposal still did not provide for custom units that were not tested by a nationally recognized laboratory, or by any regulatory agency, even though such units could be shown to be functionally safe. To deal with this problem the material in § 1910.111(b)(1)(iv) has been added. The standard contained in § 1910.111(b)(1)(iii) has also been rewritten to clarify its scope. As so revised the proposal is hereby adopted to read as set forth below. As these amendments are intended to relieve a restriction they shall become effective immediately.

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regulations No. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED (1965—)

Payment of Offset Amounts to Beneficiary or Other Person

On May 16, 1972, there was published in the FEDERAL REGISTER (37 FR 9674) a notice of proposed rulemaking with a proposed amendment to Subpart F of Regulations No. 5. The proposed amendment adding new § 405.622 to subpart F of regulations No. 5 would allow the Social Security Administration to make direct refund to a beneficiary or other person from title XVIII (medicare) payment amounts otherwise due a former participating provider of services which has failed to refund moneys incorrectly collected from the beneficiary (or other person) for items and services for which the beneficiary is entitled to have payment made under the health insurance program. All comments submitted with respect to the proposed amendment were given due consideration.

As a result of comments received, the following changes are made:

1. A new paragraph (g) is added to § 405.1505 specifically designating the determination under § 405.622 to make direct refund to a beneficiary or other person as an administrative action not constituting an initial determination.

2. Additional wording and a parenthetical reference to § 405.1505 (g) has been included in paragraph (a) of § 405.622 in order to further clarify the nature of the determination under § 405.622 as an administrative action not constituting an initial determination.

* * * * *

The above are examples of short preambles. Preambles often are longer, of necessity, in order to completely discuss background, history, etc.

8. Words of issuance.

The term "words of issuance" refers to the language in the document by which a codified document is legally prescribed and tied to the CFR. The action must be clearly stated, not implied. It must be clear enough for the reader to understand the full effect of the document.

Nine of the most common terms used as "words of issuance" are defined and illustrated below. Please note that the examples are in the present tense, since the document itself is the act of promulgation. These words also are used in the amendatory statements preceding individual amendments.

(a) *Amended.*—"Amended" means that a CFR unit is partially set forth. A title, subtitle, chapter, or subchapter may be amended by adding, revising, revoking, etc., one or more chapters, subchapters, or parts, within it. A part may be amended by adding, revising, revoking, etc., one or more of its subparts or sections. A section may be amended by adding, revising, revoking, etc., one or more (but not all), paragraphs in that section, or by changing words, phrases, or sentences within a paragraph.

Examples No. 1 and No. 2

Chapter II of Title 34 of the Code of Federal Regulations is amended by adding a new Part 215, reading as follows:

In 34 CFR Chapter II, Part 200 is amended by revising §§ 200.4 and 200.6 and revoking Subpart D, as follows:

(b) *"Revised" or "Revised to read as follows".*—"Revised" means that a CFR unit is completely rewritten and is being presented in full text.

Examples No. 3 and No. 4

Chapter I of Title 34 of the Code of Federal Regulations is revised to read as follows:

In 34 CFR Part 15, paragraph (b) of § 15.4 is revised to read as follows:

(c) *"Revoked" or "Repealed".*—"Revoked" or "Repealed" means that a CFR unit or provision is being removed from the CFR as an express act of legally terminating its existence.

Examples No. 5 and No. 6

Part 303 of Chapter IV of Title 34 of the Code of Federal Regulations is revoked.

In 34 CFR Part 340, the third sentence of § 340.15 reading, "This restriction shall apply until June 30, 1979," is revoked.

(d) *Deleted.*—"Deleted" means that a CFR unit or provision is being removed from the CFR rather than being expressly legally terminated. This may occur, for example, when an act of Congress has already ended the effectiveness of a given agency rule.

Examples No. 7 and No. 8

Part 410 is deleted from Chapter IV of Title 34 of the Code of Federal Regulations. The authority for the issuance of Part 410 (96 Stat. 333) has expired.

In 34 CFR Part 410, the third sentence of § 410.10 reading, "A fee of 50 cents shall accompany each application filed prior to June 30, 1965," is deleted.

(e) *Recodified.*—"Recodified" means major portions of regulations are being renumbered without substantive change. Recodification is used to restructure or rearrange the regulatory materials because of the cumulative effect of past changes, to make room for future changes, or to reflect major organizational or structural changes. Any major recodification should be discussed in advance with the Federal Register staff.

Examples No. 9 and No. 10

Chapter III of Title 34 of the Code of Federal Regulations is recodified as set forth below to reflect a rearrangement of the subchapters and a renumbering of the parts without substantive change.

Because of the number and complexity of published amendments to Part 10 of Chapter I, Title 34 of the Code of Federal Regulations, the part is recodified and republished as set forth below. This recodification contains numerous editorial corrections but no substantive changes have been made.

(f) *Redesignated.* — "Redesignated" means a CFR unit is being renumbered and transferred to another position. Redesignation should not be used merely to fill gaps created by revocations or deletions or to make room for simple additions. For numbering additions between existing units, see item 10(g)(3) of this chapter.

Examples No. 11 and No. 12

Part 20 of Chapter I of Title 34 of the Code of Federal Regulations is redesignated as Part 30.

Part 501 of Chapter V of Title 34 of the Code of Federal Regulations, the only regulations in this chapter, is hereby transferred to Chapter III of Title 34 and redesignated as Part 310 of that chapter. Chapter V is hereby vacated and reserved.

(g) *Suspended.*—"Suspended" means that the effectiveness of a provision has been temporarily terminated.

Examples No. 13 and No. 14

In Chapter X of Title 34, the provisions of paragraphs (b) (1) and (2) of § 1036.42 are suspended for the months of July–December 1979.

The provisions of paragraph (b) (1) of § 1036.42 in Chapter X of Title 34 are suspended indefinitely, pending the results of a hearing.

(h) *Corrected.*—"Corrected" means the correction of a clerical or typographical error in a recently published document. Such a document should be treated as a change in the prior document rather than as a change in the CFR. Identify the prior document clearly as to headings, date of publication, and FEDERAL REGISTER page.

Examples No. 15 and No. 16

The document revising Part 40 of Chapter I of Title 34 of the Code of Federal Regulations, published in the FEDERAL REGISTER on August 18, 1975, at 40 FR 11781, is corrected by changing the reference in § 40.4 from "§ 40.10" to "§ 40.20."

FEDERAL REGISTER Document 77–3456, published at page 2357 in the issue dated Tuesday, February 29, 1977, is corrected by changing "Director" to read "Acting Director" in the first paragraph.

9. Adoption of proposals.

(a) *General.*—Section 553 of title 5, United States Code, requires notice of proposed rulemaking in many cases before the issuance of regulations. Some agencies, although exempted, elect to publish proposals as a matter of public information and sound administrative practice.

If a notice of proposed rulemaking was published, whether required or voluntary, the preamble of the final adoption document must make a clear and specific reference to the proposal document, citing its FEDERAL REGISTER publication date and page number.

(b) *Cases in which a notice of proposed rulemaking was not issued.*—Not all regulations have to go through proposed rulemaking procedures. Section 553 of title 5 (5 U.S.C. 553) exempts certain regulations from that requirement—for example, in cases where persons subject to the action are named, personally served, or have actual notice of the proposed rule. Also exempted under section 553 are the following:

(1) Interpretive rules;

(2) General statements of policy;

(3) Rules of agency organization, procedure, or practice, unless otherwise provided by law;

(4) Rules involving a function of military or foreign affairs;

(5) Rules involving agency management or personnel; and

(6) Rules involving public property, loans, grants, benefits, or contracts.

Section 553 also allows an agency to dispense with the notice of proposed rulemaking procedures when the agency finds that public participation is "impractical, unnecessary, or contrary to the public interest." However, the section further stipulates that, in such a case, the agency must explain in the rule document the reasons for waiving the proposal procedures.

Following are examples of documents with regulations not preceded by notice of proposed rulemaking documents published in the FEDERAL REGISTER.

Examples of Final Rules Documents Not Preceded by Proposed Rules

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 73-SW-16, Amendment 39-1602]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 206A, 206B, 206A-1, and 206B-1

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an airworthiness directive was adopted on February 28, 1973, and made effective immediately as to all known U.S. operators of Bell Model 206A, 206B, 206A-1, and 206B-1 helicopters. The directive requires an inspection of each pylon support link near the top bearing for cracks prior to further flight and a daily visual check for cracks in each link. It also requires disassembly and inspection of each link bearing inner race face within the next 10 hours' time in service after receipt of the message.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Bell Model 206A, 206B, 206A-1, and 206B-1 helicopters by individual messages dated February 28, 1973. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of part 39 of the Federal Aviation Regulations to make it effective to all persons.

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

PART 42—NONDISCRIMINATION: EQUAL OPPORTUNITY: POLICIES AND PROCEDURES

Subpart E—Equal Employment Opportunity Guidelines

By virtue of the authority vested in it by 5 U.S.C. 301, and section 501 of the Omnibus Crime Control and Safe Streets Act of 1968, Public Law 90-351, 82 Stat. 197, as amended, the Law Enforcement Assistance Administration hereby issues title 28, chapter I, subpart E of part 42 of the Code of Federal Regulations. In that the material contained herein is a matter relating to the grant program of the Law Enforcement Assistance Administration, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation and delay in effective date are inapplicable.

In accordance with the spirit of the public policy set forth in 5 U.S.C. 553, interested persons may submit written comments, suggestions, data, or arguments to the Administrator, Law Enforcement Assistance Administration, U.S. Department of Justice, Washington, D.C. 20530, attention: Office of Civil Rights Compliance, within 45 days of the publication of the guidelines contained in this part. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. Until such time as further changes are made, however, part 42, subpart E, as set forth herein shall remain in effect, thus permitting the public business to proceed more expeditiously.

(c) *"Short-form adoption" technique.*—Many proposed rules are adopted with few or no changes. Although publication of the complete text in the FEDERAL REGISTER is required, there is a method for avoiding retyping the entire text of certain rules prescribed by a final document. This method consists of adopting the proposed rule by reference, the "short-form adoption" technique. See examples at end of this paragraph (c).

When the short-form adoption technique is used, the document should include as attachments two copies of the FEDERAL REGISTER pages containing the proposed text, with all changes and corrections clearly marked. These attachments enable the FEDERAL REGISTER to identify the pertinent proposal and assure accurate printing of the adopted text.

This technique represents an additional savings to the Government since in actual practice the type for the proposal document is stored and is available for use when the final rule is adopted.

Example of

Short-Form Adoption—No Change

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Educational Assistance Allowance; Eligibility and Computation

On page 7403 of the FEDERAL REGISTER of March 21, 1973, there was published a notice of proposed regulatory development to amend §§ 21.3021(a) and 21.4272(d). The change to § 21.3021(a) provides that a child and wife of a serviceman who has a total disability evaluated as total and permanent in nature resulting from a service-connected disability are eligible for educational assistance benefits. The change to § 21.4272(d) clarifies the present regulation concerning use of the measurement equivalency formula for computation of the educational assistance allowance when the veteran or eligible person pursues a program on other than the standard semester or quarter. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

No written objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date.—These VA regulations are effective May 2, 1973.

Approved May 2, 1973.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

1. In § 21.3021(a), paragraphs (1)(iii) and (3)(i) are amended to read as follows:

* * * * *

Example of

Short Form Adoption—Some Changes

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regulations No. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED (1965—)

Payment of Offset Amounts to Beneficiary or Other Person

On May 16, 1972, there was published in the FEDEARL REGISTER (37 FR 9674) a notice of proposed rulemaking with a proposed amendment to Subpart F of regulations No. 5. The proposed amendment adding new § 405.622 to Subpart F of Regulations No. 5 would allow the Social Security Administration to make direct refund to a beneficiary or other person from title XVIII (Medicare) payment amounts otherwise due a former participating provider of services which has failed to refund moneys incorrectly collected from the beneficiary (or other person) for items and services for which the beneficiary is entitled to have payment made under the health insurance program. All comments submitted with respect to the proposed amendment were given due consideration.

As a result of comments received, the following changes are made:

1. A new paragraph (g) is added to § 405.1505 specifically designating the determination under § 405.622 to make direct refund to a beneficiary or other person as an administrative action not constituting an initial determination.

2. Additional wording and parenthetical reference to § 405.1505 (g) has been included in paragraph (a) of § 405.622 in order to further clarify the nature of the determination under § 405.622 as an administrative action not constituting an initial determination.

Accordingly, with these changes and additions, the proposed amendments are adopted as set forth below.

10. Body text.

(a) *CFR numbering.*—Codified documents must be drafted within the framework of the Code of Federal Regulations. The structure and nomenclature of the code are covered in part A of this chapter. Documents must fit into that structure and use the CFR nomenclature consistently.

(b) *Table of sections.*—Codified documents require a table of sections whenever—

(1) A new part (including more than one section) is added;

(2) An existing part (including more than one section) is completely revised; or

(3) Two or more sections set forth as a subpart or otherwise separately grouped under a centerhead are added or revised.

The table of sections is merely a list of the numbers and headings of the sections involved in the amendment, together with all subpart and other centerheadings. This is an aid to the reader, enabling him to scan quickly the scope of the regulations. The table of sections should precede the citation of authority (item 11 of this part).

(c) *Logical arrangement of text.*—The substantive text follows the table of sections (if used). Regulatory material should be organized into a logical and orderly arrangement that will promote reader understanding and facilitate reference. While there is no blueprint to fit all regulatory situations, many regulations can be arranged in some variation of the following:

(1) Statement of applicability, policy, or purpose, if necessary.

(2) Definitions.

(3) Most important general rules—positive requirements in order of time or other logical sequence.

(4) Exceptions, exemptions, and subordinate provisions, or negative provisions, important enough to be stated as separate sections.

(5) Results of compliance or noncompliance.

An example of logical arrangement follows:

	Sec.	
Nature	1.1	Introductory material.
Purpose	1.2	
Scope	1.3	
Applicability		
Definitions		
Positive requirements in order of time or other logical sequence	1.11	Primary substance.
	1.12	
	1.13	
Exceptions	1.21	Negative provisions.
Exemptions	1.22	
Prohibitions	1.23	
The direct results of compliance or noncompliance	1.31	Benefits or sanctions.
	1.32	
	1.33	

Allow space for future growth between groupings whether for parts, sections, etc. When a provision is removed and the space is to be maintained, the word "reserved" may be used with the part, section, or paragraph designation. For further discussion on reserving space see paragraph (g)(3) of this item 10.

(d) *Language—"plain" English.*—In writing regulations use plain English. Insuring understanding, providing for compliance and at the same time expressing highly complex requirements can be difficult. Short sections, short paragraphs, and short sentences all well arranged can help considerably. Specialist areas—accounts, biologicals, contracts, dietetics, etc.—have special terms. These should be used only when necessary. In every case, review the draft from the standpoint of what it will mean to the reader. Following is a list of good drafting practices:

(1) Make short statements.
(2) Use positive rather than negative statements.
(3) Use active rather than passive voice.
(4) Use present tense as much as possible.
(5) Use indicative mood as much as possible.
(6) Use simple finite verbs rather than their infinitives, participles, or gerunds.
(7) Use singular rather than plural nouns.
(8) Use the same words consistently for the same meaning—avoid synonyms.
(9) Avoid: Unnecessary modifiers, unnecessary definitions, unnecessary references, long and unfamiliar words, legalistic expressions, and circumlocutions.
(10) Use words and forms of popular speech as much as possible.

Give special attention to the discussions which follow, covering sections, sentences, and precise language. At the end of this chapter you will find a list of "Suggestions on Choice of Language."

(e) *Sections.*—The section is the basic unit of the code. Each section should be drafted as a short, simple presentation of one principal regulatory proposition.

Give each section a short, descriptive heading and place the section number and the heading on a separate line above the beginning of the text. Section headings act as signposts and make it easier for the reader to search for a particular provision. Center headings and section headings are carried in the table of contents and thereby increase the reader's overall understanding of the entire regulation. Headings may also be used for subordinate paragraphs whenever they serve to promote reader understanding of the text. However, they should be used with consistency to avoid undue emphasis. For example, if one paragraph in a section is assigned a heading, all paragraphs in that same section should have headings. Bear in mind that the heading is not legally a part of the rule, so do not use it as a part of the text. No matter how descriptive the heading, do not assume that it carries over into the text grammatically or legally.

Following is an example of a short section which is difficult to understand. Beside it is an improved version.

EXAMPLES

Original Section	Improved Version
§ 30.01–6 Application of regulations to tankships on an international voyage—T/ALL. (a) Where, in various places or portions of this subchapter, requirements are stipulated specifically for "tankships on an international voyage," it is intended that these requirements apply only to tankships subject to the International Convention for Safety of Life at Sea, 1960, which are mechanically propelled tankships of 500 gross tons and over on an international voyage, as defined in § 30.10–36. (b) In accordance with Regulation 4, Chapter I (General Provisions), of the International Convention for Safety of Life at Sea, 1960, a tankship which is not normally engaged on an international voyage but which in exceptional circumstances, is required to undertake a single international voyage, may be exempted by the Commandant from any of the requirements of the regulations of this convention: *Provided*, That it complies with safety requirements which are adequate, in his opinion, for the voyage which is to be undertaken. (c) In accordance with Regulation 1(c), Chapter II (Construction), of the International Convention for Safety of Life at Sea, 1960, the Commandant may, if he considers that the sheltered nature and conditions of the voyage are such as to render the application of any specific requirements of Chapter II of this convention unreasonable or unnecessary, exempt from those requirements individual tankships or classes of tankships, which in the course of their voyage do not proceed more than 20 miles from the nearest land. (d) In accordance with Regulation 3(a), Chapter III (Lifesaving Appliances, etc.), of the International Convention for Safety of Life at Sea, 1960, the Commandant, if he considers that the sheltered nature and conditions of the voyage are such as to render the application of the full requirements of Chapter III of this convention unreasonable or unnecessary, may to that extent exempt from the requirements of Chapter III individual tankships or classes of tankships which, in the course of their voyage, do not go more than 20 miles from the nearest land.	**§30.01–6 Application of regulations to tankships on an international voyage—T/ALL.** (a) The requirements in this subchapter for "tankships on an international voyage" apply only to those tankships that— (1) Are subject to the International Convention for Safety of Life at Sea, 1960 (SOLAS 60); (2) Are mechanically propelled and weigh at least 500 gross tons; and (3) Are involved on an international voyage, as defined in § 30.10–36. (b) The Commandant may exempt a vessel from the requirements of Chapter I of SOLAS 60 in a case where the vessel— (1) Makes a single international voyage in exceptional circumstances; and (2) Complies with the safety requirements prescribed for the voyage by the Commandant. (c) The Commandant may exempt a vessel from the requirements of chapters II and III of SOLAS 60 in a case where— (1) The vessel does not venture any further than 20 miles from the nearest land during its voyage; and (2) The Commandant determines that the conditions of the voyage render the application of the requirements unreasonable or unnecessary.

(f) *Short sentences.*—Breaking up long compound sentences into short simple ones will greatly improve any type of FEDERAL REGISTER document. In the following example, natural sentence breaks are signified by the words in bold face type:

> The initial and terminal points of the survey shall be accurately connected by course and distance to the nearest corner of the public land surveys, **unless** that corner is more than 6 miles distant, in which case the connection shall be made to some prominent natural object or permanent monument, which can be readily recognized and recovered; **in addition,** the station number and plus distance to the point of intersection should be ascertained and noted, together with the course and distance along the section line to the nearest existing corner.

The example below shows how two periods and a slight rewording improve the paragraph:

> The initial and terminal points of the survey shall be accurately connected by course and distance to the nearest corner of the public land surveys. **However,** if that corner is more than 6 miles distant, the connection shall be made to some prominent natural object or permanent monument, which can be readily recognized and recovered. **In addition,** the station number and plus distance to the point of intersection should be ascertained and noted, together with the course and distance along the section line to the nearest existing corner.

The punctuation of a long sentence sometimes provides a clue to natural sentence breaks. For example, semicolons often can be replaced by periods.

Another kind of unnecessarily long sentence is the one-sentence itemization. The long paragraph below consists of this type of run-in listing:

> Each application shall contain the full name, citizenship, age, address, and present employment of the applicant; the education and experience of the applicant; serial numbers of any licenses issued by the board to the applicant, and whether such licenses are still in effect, have expired, or have been revoked, modified, or suspended; and the specific control of the facility for which the applicant seeks the license.

Divided into its component items, it is much easier to understand and remember:

> Each application shall contain the following information:
> (a) The full name, citizenship, age, address, and present employment of the applicant.
> (b) The education and experience of the applicant.
> (c) Serial numbers of any licenses issued by the Board to the applicant and whether such licenses are still in effect, have expired, or have been revoked, modified, or suspended.
> (d) The specific control of the facility for which the applicant seeks the license.

(g) *Precise language.* To prepare precise FEDERAL REGISTER material, the document drafter must write provisions so that the intended meaning is clearly understood. Concentrate efforts in five major areas:

(1) Avoid gobbledygook, legalese, ambiguity, and circumlocutions;

(2) Be exact in writing amendatory language;

(3) Do not renumber—avoid confusion and error;

(4) Use asterisks properly in showing omitted material (this cannot be stressed enough); and

(5) Make internal references absolutely clear.

These five areas are described below:

(1) Gobbledygook, legalese, ambiguity, circumlocution, and all other forms of foggy writing can lead to a flood of inquiries. The rulemaking steps may have to be repeated, which means drafting more documents. Noncompliance may result, involving the agency in costly litigation, and in the end the courts may hold that the rules were not "sufficiently clear and unambiguous to justify a criminal prosecution."

(2) Exact amendatory language is a vital part of good drafting. The reader must know, without doubt, which CFR provisions are being affected and how they are being affected. The relationship between amendatory language and words of issuance is very close. For example, a brief document might state:

> Part 205 of Title 34 of the Code of Federal Regulations is amended by revising § 205.15 to read as follows.

In the above example, the words of issuance and the amendatory language are in the same statement.

On the other hand, many documents change several existing CFR provisions. In such cases: (i) Give the overall words of issuance to tie the document to the correct position of the CFR just preceding the body text of the document, and (ii) itemize each change in the body text, as amendatory language, to pinpoint its exact CFR location and effect. The following are examples of amendatory language:

Examples

No. 1

> Section 61.121 is amended by deleting the definition after the word "pratique" and substituting the following:

No. 2

> Paragraph (a) of § 61.171 is amended by adding a paragraph (4) reading as follows:

No. 3

> Paragraph (a) of § 61.192 is revised to read as follows:

No. 4

> Section 101.7 is amended by deleting paragraph (c).

No. 5

> In § 52.976, paragraph (b)(8)(iv) is added and paragraph (b)(9)(iii) is revised. The added and revised provisions read as follows:

(3) Do not renumber CFR units either: (i) To make room for additions, or (ii) to close gaps after a provision is removed. In the initial assignment of numbers to a regulation, room should be left to anticipate additions. If, however, it is necessary to add new material that was not anticipated, designate it as follows:

New material	*Existing provisions*
Part 30a	Part 30. Part 30a. Part 31.
§ 31.15a	§ 31.15. § 31.15a. § 31.16.
Paragraph (a–1)	Paragraph (a). Paragraph (a–1). Paragraph (b).

If it is necessary to remove a provision from within a regulation or from within a series of regulations, label the removed unit "[Reserved]". This device is an aid in maintaining the integrity of a regulation and in avoiding subsequent confusion. Provisions should be renumbered or relettered "only" when removals and other changes are so complex that a complete revision is necessary. See examples for use of "[Reserved]".

Example No. 1

Part 30 of Title 34, Code of Federal Regulations, is amended by revising Subparts A and G, and revoking and reserving Subpart B, as follows:

Subpart A—General

Subpart B—[Reserved]

* * * * *

Subpart G—Claims and Adjustments

Example No. 2

Section 30.3 is amended as follows: Paragraph (a) is revised, paragraph (b) is revoked and reserved, and the last sentence of paragraph (c) is revised. As amended, § 30.3 reads as follows:

§ 30.3 ------.

(a) ----------

(b) [Reserved]

(c) ----------

---

(4) Asterisks indicate the text left untouched by the document. It is important to carry entire "typographical units" whenever practicable. However, this may not be practicable when the considerable length of the full section, in relation to the small amount of change, does not appear to justify a complete reprinting of the untouched portions of the section. In such a case, use asterisks to show omitted text, as in the following example:

In § 52.2270, paragraph (c)(2) is revised to read as follows:

§ 52.2270 Identification of plan.

* * * * *

(c) * * *

(2) July 31 and November 10, 1972.

* * * * *

2. Section 1910.68 (b)(4) and (c)(5)(iv)(c) are revised to read as follows:

§ 1910.68 Manlifts.

* * * * *

(b) * * *

(4) Reference to other codes and subparts. The following codes, and subparts of this part, are applicable to this section. Safety Code for Mechanical Power Transmission Apparatus ANSI B15.1–1953 (R 1958) and subpart O; National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of 1968) and subpart S; Safety Code for Fixed Ladders, ANSI A14.3–1956 and Safety Requirements for Floor and Wall Openings, Railings and Toeboards, ANSI A12.1–1967 and subpart D.

* * * * *

(c) * * *

(5) * * *

(iv) * * *

(c) Where flammable vapors or dusts may be present all electrical installations shall be in accordance with the National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of 1968), requirements for such locations.

* * * * *

Asterisks are quite important to the reader. They help him locate the exact area being amended, by indicating what provisions immediately preceding and immediately following remain unchanged, if any. Use five asterisks centered across the page to show omission of entire text units—"typographical units." Run three asterisks into the text where a "portion" of the typographical unit is missing.

Simple amendments, such as the addition or deletion of a word or short phrase can be accomplished simply by stating the amendment in narrative style.

Examples

Section 300.5 is amended by inserting the word "or" between the words "property" and "services."

Section 300.13 is amended by striking the words "than that" in the first sentence of the introductory text.

(5) Make references clear when citing provisions of the Code of Federal Regulations. Write the specific titles, chapters parts, sections, and paragraphs concerned. Do not use nonspecific references, such as "herein," "above," "below," etc. They constitute poor usage at all times, and are more ambiguous when the text is fitted into the printed CFR.

References to material not published in the Code of Federal Regulations or the FEDERAL REGISTER should give the full title of the material and a statement of its availability. (See 1 CFR Part 51, for the rules governing incorporation by reference).

The following examples cover the most common reference situations:

References to a different CFR title

In:	In reference to:	Write:
Title 34	Title 1, Ch. I	1 CFR Ch. I.
Do	Title 1, Ch. I, Part 17	1 CFR Part 17.
Do	Title 40, Ch. I, Part 2, § 2.8	40 CFR 2.8.
Do	Title 44, Ch. I, Part 2, § 2.7, paragraph (a)(2).	44 CFR 2.7(a)(2).
Do	The familiar name of another regulation in a different title.	In the Civil Service rules (5 CFR Ch. I).

References within the same title

In:	In reference to:	Write:
Ch. I	Ch. II	Ch. II of this title.
Part 100 (Ch. I)	Part 300 (Ch. III)	Part 300 of this title.
§ 250.10 (Ch. II)	§ 300.19 (Ch. III)	§ 300.19 of this title.

References within the same chapter

In:	In reference to:	Write:
Part 20	Part 30	Part 30 of this chapter.
§ 20.10	§ 30.19	§ 30.19 of this chapter.

References within the same part

In:	In reference to:	Write:
§ 20.5	§ 20.15	§ 20.15.
§ 20.5	§ 20.25, paragraph (a)	§ 20.25(a).

References within the same section

In:	In reference to:	Write:
Paragraph (a)	Paragraph (b)	Paragraph (b) of this section.
Do	Paragraph (b)(1)	Paragraph (b)(1) of this section.
Paragraph (a)(1)	Paragraph (a)(2)	Paragraph (a)(2) of this section.
Paragraph (a)(1)(i)	Paragraph (a)(1)(ii)	Paragraph (a)(1)(ii) of this section.

11. Citations of authority. (See 1 CFR 21.40–21.53.)

(a) *General.*—Each codified document issued must be covered by a complete citation of the authority for its issuance, including any statutory general rulemaking authority. Whenever appropriate, it must also include any specific rulemaking authority delegated by statute and any executive delegations which link the statutory authority to the issuing agency.

The issuing agency is responsible for including these citations with each document it prepares, for their accuracy and integrity, and for keeping them current. Changes in authority must be reflected by formal amendment of citations, in the same form as an amendment to regulatory text.

(b) *Form of citations.*—After determining the precise authority to cite, prepare the citation in proper form. Basically, authority citations should provide positive identification and ready reference in as few words as possible.

(1) "Statutory provisions." These provisions should include: (i) The section of the public law, and the public law number; (ii) the volume of the U.S. Statutes at Large and page where the section begins; and (iii) if available, the title and section of the United States Code. For example:

(Sec. 5, Pub. Law 89–670, 80 Stat. 935 (49 U.S.C. 1654))

If the authority is a citation to a title of the United States Code that has been enacted into positive law, the references to the public law and Statutes at Large are unnecessary and should be omitted. Cite the authority:

(10 U.S.C. 501)

When the citations include two or more references, separate the different references with a semicolon:

(Sec. 5, Pub. Law 89–670, 80 Stat. 935 (49 U.S.C. 1654); sec. 313, Pub. Law 85–726, 72 Stat. 752 (49 U.S.C. 1354); (10 U.S.C. 501); (5 U.S.C. 301))

(2) "Nonstatutory provisions." These may be Presidential Executive orders, agency executive delegations, or other documents which show authority to issue regulations. Citations should identify the class of documents, including the specific control number, and the FEDERAL REGISTER volume and page where the document was published. When possible, a parallel citation to the CFR should be included. See example:

(Special Civil Air Regulation SR–422A, 28 FR 6703, 14 CFR, pt. 46. EO 11130, 28 FR 12789, 3 CFR 1959–63 Comp.)

(3) "Combined statutory and nonstatutory citations." The statutory citations should precede nonstatutory material when both must be cited in the same authority:

(Sec. 5, Pub. Law 89–670, 80 Stat. 935 (49 U.S.C. 1654); sec. 313, Pub. Law 85–726, 72 Stat. 752 (49 U.S.C. 1354); EO 11130, 28 FR 12789, 3 CFR 1959–63 Comp.)

(c) *Placement of citations.*—The placement of an authority citation in a document varies with the nature of the document. The following examples show the different possibilities:

(1) Single section. Where the document affects only one CFR section, place the authority in parentheses following the section, as shown in following example:

> Part 1 of Title 34 is amended by adding a new section, § 1.10, as follows:
>
> **§ 1.10 Specimens for research purposes; permits.**
>
> The collection and handling of specimens for research purposes shall be under permit issued by the inspector in charge. Permits shall be issued for a period not longer than 1 year. The permit may be revoked by the inspector in charge if the specimens are not used as stated in the application.
>
> (Sec. 3, 82 Stat. 368 (34 U.S.C. 5))

(2) Miscellaneous amendments. Where the document affects two or more sections under: (i) Varying authority or (ii) the same authority, use the following for guidance:

Example of Several Amendments Issued Under Varying Authorities

1. Section 16.7(a) is revised to read as follows:

§ 16.7 Departure procedure.

(a) Before a vessel leaves its position, the captain shall file form 262A with the control officer in charge.

* * * * *

(Sec. 2, 82 Stat. 367 (34 U.S.C. 4))

2. Section 1.99(c) is revised to read as follows:

§ 18.99 Flight plan.

* * * * *

(c) If a spaceship cannot comply with its flight plan, the captain shall transmit a complete statement of the circumstances requiring alteration of the plan.

(Sec. 11, 82 Stat. 375 (34 U.S.C. 9))

Example of Several Amendments Issued Under the Same Authority

1. Section 3.41 is added to read as follows:

§ 3.41 Control area extension.

The airspace within a 10,000-mile radius of the Moon shall be under the control of interplanetary platform 40.

2. In the list in § 3.67, insert the following items in alphabetical order:

§ 3.67 Forty-mile radius.

* * * * *

Moon.

* * * * *

Pluto.

* * * * *

(Secs. 3, 5, 82 Stat. 368, 370 (34 U.S.C. 5, 7))

(3) Blanket citations. Blanket citations are used when the document includes a group of consecutive sections. There are however, variations within blanket citations depending upon whether it reflects: (i) Regular blanket coverage with all consecutive sections issued under the same authority, (ii) combined blanket coverage where all sections in the group are issued under the same authority and two or more consecutive sections within the group are under the same additional authority, and (iii) combined blanket and separate coverage where all sections in the group are issued under a common authority and one or more nonconsecutive sections are issued under different authority.

Example of a Regular Blanket Authority

Sec.
7.1 Purpose.
7.2 Definitions.
7.3 Chairman.
7.4 Membership.
7.5 Meetings.

AUTHORITY: Sec. 5, 82 Stat. 370 (34 U.S.C. 7).

Example of Combined Blanket Authority

Sec.
47.1 Policy.
47.2 Purpose.
47.3 Responsibility.
47.10 Provision of bail in criminal cases.
47.11 Reimbursement.

AUTHORITY: Sec. 8, 82 Stat. 470 (34 U.S.C. 21). Secs. 47.10 and 47.11 also issued under sec. 11, 82 Stat. 503 (34 U.S.C. 311).

Example of Combined Blanket and Separate Authorities

Sec.
8.1 Designation of arbitrator.
8.2 Investigation and disposition of alleged violations.
8.3 Disclosures of information.
8.4 Penalties.

AUTHORITY: Sec. 6, 82 Stat. 501 (34 U.S.C. 306), unless otherwise noted.

§ 8.1 Designation of arbitrator.

The Deputy Administrator, after receiving application for arbitration, will designate one or more persons to act as arbitrator.

(Secs. 201, 83 Stat. 94 (34 U.S.C. 26))

12. Effective date statements.

(a) *General.*—Codified documents have general applicability and legal effect. Some prescribe a procedure or course of conduct. Some confer rights, privileges, or immunities. Some impose an obligation or prescribe a penalty, or both. Some do all of these things. Thus, the date they become effective can be a matter of prime importance, and a clear statement of each document's effective date or dates is essential to the reader's understanding and compliance. Be sure to provide an effective date statement with every document except where immaterial. Be sure that the assigned date is legally permissible. For example, section 553(d) of title 5, United States Code, provides that the "required publication * * * of a substantive rule shall be made not less than 30 days before its effective date, except—

"(1) A substantive rule which grants or recognizes an exemption or relieves a restriction;

"(2) Interpretive rules and statements of policy; or

"(3) As otherwise provided by the agency for good cause found and published with the rule."

(b) *Form and placement.*—There are several acceptable ways of stating the effective date. It may be included in the preamble. Very rarely is it important to carry it as a codified section. Most frequently, it is best to state it separately preceding the signature. The following examples cover most situations:

(1) In the preamble of brief and simple documents:

Example No. 1

Effective September 1, 1975, § 1.15 is amended by adding a new paragraph (d), reading as follows:

However, do not bury an effective date statement in a lengthy preamble. Rather, follow examples No. 3 or No. 4 of this item 12(b).

(2) In the body text (codified): It is sometimes necessary to give a section number to the effective date provision in a codified document. Do this *only* when the provision belongs in the CFR with other provisions of the part because it sets forth contingencies, distinctions, or other conditions under which effectiveness is determined. The following example clearly belongs in the CFR:

Example No. 2

> **§ 1.25 Effective date.**
>
> This part becomes effective on July 1, 1975, as to all authorizations that are in effect on that date. Each authorization issued after July 1, 1978, is subject to part 75 of this chapter.

Examples No. 3 and No. 4

> *Effective date.*—This part becomes effective on July 1, 1975.

> *Effective date.*—This revision becomes effective on July 1, 1975, except for §§ 1.10 and 1.23 which become effective on August 1, 1975.

(3) Preceding the signature: For most documents, the appropriate place for the effective date statement is at the end, as a separate paragraph, preceding the signature. Label the statement with an underlined heading, "*Effective date:*" followed by the pertinent provision. The most common types are for specific dates as follows:

NOTE.—Do not specifically tie effectiveness to publication in the FEDERAL REGISTER, by making it effective on the "publication date" or "_____ days after publication in the FEDERAL REGISTER." Publication dates of most documents can be computed by using the information in 1 CFR Part 17, and a specific date can be determined on this basis. If there is any doubt or confusion, the FEDERAL REGISTER staff will furnish the date certain.

Appendix A—Checklist for Rules Documents

1. HEADINGS.
   - a. CFR title number and name.
   - b. Chapter or subtitle designation and name.
   - c. Agency document designation, if any.
   - d. Part(s) number and name.
   - e. Descriptive heading.
2. PREAMBLE.
   - a. Introduction—purpose of the rule, effect on CFR.
   - b. Proposed rule history.
   - c. Results of public participation.
   - d. Effective date (discussion).
   - e. Words of issuance (effective date may appear here).
3. BODY TEXT.
   - a. Amendatory language.
   - b. Table of contents (table of sections), if required.
   - c. Authority citation.
   - d. Text.
   - e. Effective date.
4. SIGNATURE.
   - a. One manually signed original, two certified copies or duplicate originals.
   - b. Printed name of signer and title of signer.
   - c. Date signed, optional.
   - d. Seal, optional.
5. HIGHLIGHT attached.

ILLUSTRATION

Title 14—Aeronautics and Space	a.	1. Headings
CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION	b.	
[Docket No. 12006, Amendments 25-34 and 121-99]	c.	
PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES		
PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT	d.	
Rear Exit Security: Large Passenger-Carrying Turbojet-Powered Airplanes	e.	
The purpose of these amendments to Parts 25 and 121 of the Federal Aviation Regulations is to provide additional security on certain large passenger-carrying turbojet-powered airplanes operated under Part 121 by requiring that each ventral exit and tailcone exit be designed and constructed so that it cannot be opened during flight. These amendments also apply to air travel clubs certificated under Part 123 and to air taxi operators certificated under Part 135, when conducting operations governed by those parts with the large airplanes.	a. Introduction	2. Preamble
Interested persons have been afforded an opportunity to participate in the making of these amendments by a notice of proposed rulemaking (notice 72-15) issued June 20, 1972, and published in the FEDERAL REGISTER on June 24, 1972 (37 FR 12507), and due consideration has been given to all comments received in response to the notice, insofar as they relate to matters within the scope of the notice. Except for editorial changes, and except as specifically discussed hereinafter, these amendments and the reasons therefor are the same as those contained in the notice.	b. History of proposed rule	

Illustration (Continued)

Several commentators objected to the requirement in proposed § 25.809(j)(1) and § 121.310(k)(1) that means must be provided so that takeoff cannot be started if either the ventral exit or tailcone exit is not locked. They based their objection on the possible catastrophic results of a malfunction or failure in the currently available means that could be used to implement this requirement, for example, systems providing for the locking of brakes or throttles by electrical signals from the stair lock. In this regard, a number of means were suggested by commentators to assure that the ventral exit could not be opened during flight, but that it still would be available for use as an emergency exit. The FAA agrees with those comments, and, accordingly, the proposal that means be provided so that takeoff cannot be started if the ventral exit or tailcone exit is not locked is not adopted in this amendment. However, under the rule as adopted, when the airplane becomes airborne the design and construction characteristics of each ventral exit and tailcone exit must be such that it cannot be opened during flight.		
Certain comments contended that altering the design of an aircraft is not an effective means of overcoming the problems of hijacking, because simple devices can be overcome by the hijacker and more complicated devices create additional risk in the operation of the aircraft. One comment pointed out that it is patently impossible to add a lock to an emergency exit without statistically reducing the reliability of that exit. However, the FAA does not believe that, because a device installed in compliance with the rule may be simple in design, it will necessarily also be simple for a hijacker to overcome it. Nor does the FAA believe that compliance with the rule, as adopted, will reduce the reliability of the exits in an emergency.	c. Results of public participation (Comment evaluation)	2. Preamble (continued)
One commentator recommended that the rule specify that the ventral exit be available for normal and emergency ground operations. The FAA does not agree that a rule change in this respect is necessary, since the amendment as adopted herein in no way conflicts with other rules dealing with the availability of exits for emergency egress in an actual emergency.		
Several commentators recommended that an appropriately worded placard be installed in a conspicuous location near the means of opening each ventral exit and tailcone exit, stating that the exit cannot be opened during flight. The FAA agrees, and this requirement is added to the proposed amendments.		

Illustration (Continued)

One commentator suggests that the proposed rule should not be applied to air travel clubs, because the makeup of their membership and their financial structure makes it highly unlikely that they would be subjected to the kind of hijacking and extortion the proposed rule is intended to prevent. The FAA does not agree. The proposal was intended to prevent all hijacking of certain large aircraft engaged in operations required to be conducted in accordance with Part 121 and the amendment is applicable to all such operations.	c. Results of public participation Comment evaluation (continued)	2. Preamble (continued)
One commentator objected to the rule, stating that it is unnecessary since the proper response to any hijacker is to refuse all of his demands for ransom, whatever the cost. The FAA does not agree. As stated in the notice, every possible step must be taken to deter persons from boarding aircraft for the purpose of hijacking them and escaping by parachute. The purpose of these amendments is to make it clear that any attempt to hijack a large passenger-carrying turbojet-powered airplane and escape therefrom by parachute will be a futile effort.		
While the notice proposed to make the amendment to § 121.310 effective 6 months after the effective date of the rule, the rule as adopted provides for an 8-month compliance period to allow additional time for design, manufacture, and installation, where modifications are needed to conform to the rule.	d. Effective date discussion	
In consideration of the foregoing, and for the reasons given in notice 72–15, Parts 25 and 121 of Chapter I of Title 14 of the Code of Federal Regulations are amended, effective December 31, 1972, as follows:	e. Words of issuance and effective date	

Appendix B—Suggestions on Choice of Language

The following are included as a checklist for convenience of reference and are not exhaustive:

(a) *Avoid the following:*

"above" (as an adjective)
"aforesaid"
"aforementioned"
"and/or" (say "A or B, or both")
"before" (as an adjective)
"before-mentioned"
"hereby"
"provided that"
"said" (as a substitute for "it," "he," "she," etc.)
"same" (as a substitute for "it," "he," "she," etc.)
"to wit"
"whatsoever"
"whensoever"
"wheresoever."

(b) *Circumlocutions:*

(1) Avoid pairs of words having the same effect:

"any and all"
"authorized and empowered"
"by and with" (except for cases of Senate confirmation)
"each and all"
"each and every"
"final and conclusive"
"full and complete"
"full force and effect"
"null and void"
"order and direct"
"over and above"
"sole and exclusive"
"terms and conditions"
"terms and limitations"
"type and kind"
"unless and until."

(2) Avoid pairs of words one of which includes the other (use the broader or narrower term as the substance requires):

"any and all"
"authorized and directed"
"desire and require"
"means and includes"
"necessary or desirable".

(3) Avoid expressions such as:

"none whatsoever"
"make application"
"make a determination"
"shall be considered (or deemed) to be"
"may be treated as"
"have the effect of" (unless a fiction is intended).

(c) *Preferred expressions:* Unless there are special reasons to the contrary—

Don't say	*Say*
(1) "* * * is directed" "it is the duty of * * * to"	(1) "shall"
(2) "is authorized and directed"	(2) "shall"
(3) "is authorized to" "is entitled to" "it shall be lawful to"	(3) "may"
(4) "in case" "in the event that"	(4) "if"
(5) "in a case in which" "in the case of"	(5) "when," "where" (say "whenever" or "wherever" only when emphasizing the exhausting or recurring applicability to the proposition)
(6) "for the reason that"	(6) "because"
(7) "pursuant to"	(7) "under"
(8) "the provisions of section ------"	(8) "section ------"
(9) "in order to"	(9) "to"
(10) "accorded"	(10) "given"
(11) "deem"	(11) "consider"
(12) "specified" (in the sense of "mentioned" or "listed")	(12) "named"
(13) "commence", "institute"	(13) "start", "begin"
(14) "prior to"	(14) "before"
(15) "subsequent"	(15) "later"
(16) "subsequent to"	(16) "after"
(17) "at the same"	(17) "when"
(18) "per annum"	(18) "a year"
(19) "per centum"	(19) "percent"
(20) "under the provisions of"	(20) "under"
(21) "provisions of law"	(21) "law"
(22) "attains the age of ------"	(22) "becomes ------ years of age"
(23) "on his own application"	(23) "at his request"
(24) "calculate"	(24) "compute"
(25) "render"	(25) "make"
(26) "is (shall be) applicable"	(26) "applies"
(27) "on and after July 1, 1971"	(27) "after June 30, 1971"
(28) "from July 1, 1971"	(28) "after June 30, 1971"
(29) "purchase"	(29) "buy"
(30) "full and adequate"	(30) "full"
(31) "successfully completes' or "passes"	(31) "completes" or "passes"

(d) *Special problems.*

(1) "Shall" and "may": If a discretionary right, privilege, or power is conferred, use "may." If a right, privilege, or power is abridged, use "may not." If an obligation to act is imposed, use "shall." Avoid the common practice of using a negative subject with an affirmative "shall".

Don't say

"A person shall not * * *."

Say

"A person may not * * *."

(2) "Any," "each," "every," etc. (technically known as "pronominal indefinite adjectives") should be used only where necessary. When their use is necessary, follow these conventions:

(i) If a right, privilege, or power is conferred, use "a" or "any" (e.g., "any person may * * *").

(ii) If an obligation to act is imposed, use "each" (e.g., "each applicant shall * * *").

(iii) If a right, privilege, or power is abridged, or an obligation to abstain from acting is imposed, use "No * * * may" (e.g., "No operator may * * *") or "A * * * may not."

(3) "Such": Although the word "such" is commonly used in legal writing as a "demonstrative" (a word pointing at something already referred to), this use is not considered to be best practice, because it is a stilted "legalistic" way of saying something better expressed by "the," "that," "these," "it," "them," etc., and it is easily confused with the more appropriate uses of the word as a synonym, when followed by "a" or "as" for "that kind of."

(e) *Provisos.* Do not use provisos. They are archaic, confusing, and consistently misused. To introduce an exception, limitation, or condition, say "except that," "but," or "however," or simply start a new sentence or subparagraph.

(f) *"Legalese" and "gobbledygook."* These forms of stilted and foggy drafting are often used because the drafter thinks that common words lack dignity; that polysyllables lend distinction; that precision is unsafe (leave loopholes in the form of ambiguity); that simple writing is hard work (correct). However, the frequency of these forms is reduced by emphasis on plain language and plain English. Also, they may be very expensive when used by causing a flood of inquiries, endless interpretations, repeated amendment, poor compliance, and adverse court decisions.

Chapter V—Guidelines for Drafting Proposed Rulemaking Documents

Item

A proposed rulemaking document is a notice to the public that an amendment to the Code of Federal Regulations is being considered. Interested persons are given an opportunity to comment or otherwise participate in developing the final amendment. Notices of proposed rulemaking are carried separately in the FEDERAL REGISTER under the heading "Proposed Rules."

Since proposals usually become rules, proper form and thoughtful composition are important both for user understanding and for the saving of time and type resetting costs when adopted as a final rule. A proposed rulemaking document includes the following elements:

(a) Appropriate headings.

(b) Reference to authority under which the rule is proposed.

(c) The substance of the proposal, a description of the subjects and issues involved, the effect on the CFR.

(d) Background information, facts, history, and other matter helpful for reader understanding.

(e) A statement of the time, place, and nature of public rulemaking proceedings (hearings, opportunity to submit written comment, or both).

(f) Words of issuance, and where appropriate, amendatory language pinpointing individual changes.

2. Headings.

Prepare on separate lines the following headings, which are described in their proper order:

(a) *Name of the overall issuing agency.*—Write the name of the issuing department or agency at the beginning of the document.

(b) *Name of agency subdivision.*—If the proposal is issued by or for a subordinate administration, bureau, service, or similar unit within a department or overall agency, write the name of the subordinate unit on the next line.

(c) *CFR designation.*—Write the CFR title and part number(s) concerned, in brackets, on the line below, for example "[34 CFR Part 181." If the part number has not yet been assigned, write the title and chapter, such as "[34 CFR Ch. III."

The CFR designation enables users to distinguish promptly between a proposed rule document and a notice document.

(d) *Agency document designation (Optional).*—If the agency requires the inclusion of a file or docket number, or other identifying symbol, insert it in brackets on the next line; abbreviate if possible.

(e) *Subject heading.*—Clearly identify the document's subject with a suitable short heading. This heading may be the same as that of the CFR part affected. Often a more specific heading based on subpart or section heading is more informative. The subject heading should be clear and precise.

HEADINGS

DEPARTMENT OF TRANSPORTATION....(a)	COST ACCOUNTING STANDARDS BOARD
National Highway Traffic Safety Administration.....(b)	
[49 CFR Part 580].....(c)	[4 CFR Part 331]
[Docket No. 72-31; Notice 1] (d)	
ODOMETER DISCLOSURE REQUIREMENTS.....(e)	CONTRACT COVERAGE Proposed Exemptions and Waivers

3. Body of proposal documents.

The text of each notice of proposed rulemaking must include the following:

(a) *Time, place, and nature of the rulemaking proceeding.*—Specify a time and place for a formal hearing, or provide a reasonable period of time for written comments to be submitted for consideration, with an informal hearing, if desired.

(b) *Authority.*—Make a clear reference and citation to the authority under which the rule is proposed.

(c) *Preamble, including background information.*—Much of the criticism of Federal rulemaking efforts has been directed to the inadequacy of the published explanations of proposed changes. An adequate preamble explanation will save each agency time and effort in its overall rulemaking program and could, in some cases, avoid litigation.

By providing answers to the following questions, the drafter can prepare a preamble that explains the justification for the proposal, identifies the significant issues, and complies with legal and policy requirements. The necessary questions and answers may vary considerably with the rulemaking problem involved, but the following list attempts to be as inclusive as possible:

What facts, studies, surveys, tests, etc., show the need for the proposal?

What law, regulations, or internal directive, if any, requires the proposal?

What existing regulations apply to the subject of the proposal? How are they affected? Why are they inadequate?

What is the proposal—in plain language?

What indicates the proposal's potential for accomplishing its objectives?

What are the alternatives? Why are they unreasonable or ineffective?

How does the proposal affect regulated persons? What burdens will it place on them?

What is the cost of the proposal and alternatives?

How can the proposal be enforced? What are the penalties for noncompliance?

Does the proposal, in total effect, apprise interested parties of all of the issues involved?

(d) *Full text or description of the proposed rule.*—Write either the terms or substance of the proposed rule, by presenting the proposed rule in full text or describing it adequately. There are two advantages to presenting the proposed rule in full text:

(1) The reader can better evaluate the exact effect of the proposal and thereby comment intelligently. Moreover, when the proposal is adopted, he can more quickly assess the final rule.

(2) If the proposal is carefully drafted, it may later be adopted with few or no changes, using the "short-form" adoption technique described in item 9(c) of Chapter IV of this handbook. This method can save time, costs, and retyping and can assure accuracy in the final printing. If the rule is presented in full text, be sure to follow all of the requirements of nonmenclature, drafting, and format in Chapters III and IV of this handbook.

Following are two examples of proposals; the first affects only one part, the second affects several parts.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR, Part 37]

AUTOPSIES OF COAL MINERS

Submission of Report

Section 203(d) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 843(d)) provides that upon the death of any active or inactive coal miner, the Secretary of Health, Education, and Welfare, after obtaining proper consent, is authorized to pay for an autopsy to be performed on such a miner. On May 14, 1971, the Secretary prescribed the conditions under which qualified pathologists would be paid for such autopsies (36 FR 3869).

Notice is hereby given that the Administrator, Health Services and and Mental Health Administration, with the approval of the Secretary, proposes to amend the subpart of Part 37 of Title 42, Code of Federal Regulations entitled "Autopsies" by adding to § 37.202 the requirement that autopsy reports must be submitted for Occupational Respiratory Diseases (ALFORD) within 120 days after the post mortem examination of any miner. It is proposed to make the amendment effective on the date of its republication in the FEDERAL REGISTER.

Inquiries may be addressed, and data, views, and arguments concerning the proposed amendment may be submitted to the National Institute for Occupational Safety and Health, room 10-05, 5600 Fishers Lane, Rockville, Md. 20852. All material received on or before March 14, 1973, will be considered. All comments in response to this proposal will be available for public inspection during normal business hours at the foregoing address.

It is therefore proposed to amend Part 37 in the manner set forth below.

Dated January 4, 1973.

DAVID J. SENCER,
Acting Administrator, Health Services and Mental Health Administration.

Approved February 6, 1973.

FRANK CARLUCCI,
Acting Secretary.

In § 37.202(a), subparagraph (2) is redesignated as subparagraph (3), a new subparagraph (2) is added, and subparagraph (1) is revised to read as follows:

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR, Parts 35, 56, 74, 93, 191]

OILY BALLAST DISCHARGE REQUIREMENTS

Notice of Proposed Rulemaking

The Coast Guard is considering amendments to the oily ballast discharge regulations for tank vessels, passenger vessels, cargo and miscellaneous vessels, and oceanographic vessels, to include references to the oil pollution prevention operating requirements contained in 33 CFR Parts 155 and 156.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Coast Guard (GCMC), 400 Seventh Street SW., Washington, D.C. 20590. Each person submitting a comment should include his name and address, identify the notice (CGD 72-179), and give reasons for any recommendations. Comments received before March 19, 1973, will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination by interested persons in room 8234, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. The proposal may be changed in the light of the comments received.

No hearing is contemplated but may be held at a time and place set in a later notice in the FEDERAL REGISTER, if requested by an interested person desiring an opportunity to comment orally at a public hearing and raising a genuine issue.

Sections 35.01-40, 56.50(n), 74.-15-10(b), 93.13-10(b), and 191.25-10(b) are concerned with oily ballast discharge. In order to update these regulations, it is proposed to amend each regulation by adding a reference to the oil pollution prevention requirements contained in 33 CFR Parts 155 and 156.

In consideration of the foregoing, it is proposed to amend Chapter I of Title 46, Code of Federal Regulations, as follows:

PART 35—OPERATIONS

1. By revising § 35.01-40 to read as follows:

§ 35.01-40 Prevention of oil pollution—TB/ALL.

Oil pollution prevention operating requirements are contained in 33 CFR Parts 155 and 156.

PART 56—PIPING SYSTEMS AND APPURTENANCES

2. By revising paragraph (n) of § 56.50-50 to read as follows:

§ 56.50-50 Bilge and ballast piping.

* * * * *

(n) Oil pollution prevention requirements for bilge and ballast systems are contained in 33 CFR Part 155.

PART 74—STABILITY

3. By revising the second sentence of paragraph (b) of § 74.15-10 to read as follows:

§ 74.15-10 Liquid ballast.

* * * * *

(b) * * * (Oil pollution prevention operating requirements are contained in 33 CFR Parts 155 and 156.)

PART 93—STABILITY

4. By revising paragraph (b) of § 93.13-10 to read as follows :

§ 93.13-10 Liquid ballast.

* * * * *

(b) Water ballast in oil tanks used to provide satisfactory immersion, trim, and stability as allowed in § 93.13-1 shall be carried into port. (Oil pollution prevention operating requirements are contained in 33 CFR Parts 155 and 156.)

PART 191—SUBDIVISION AND STABILITY

5. By revising paragraph (b) of § 191.25-10 to read as follows:

§ 191.25-10 Liquid ballast.

* * * * *

(b) Water ballast in oil tanks used to meet the stability standard contained in Subpart 191.20 of this part shall be carried into port. (Oil pollution prevention operating requirements are contained in 33 CFR Parts 155 and 156.)

(R.S. 4405, as amended, R.S. 4417a, as amended, R.S. 4462, as amended, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 391a, 416, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b) and (o)(4))

Dated February 9, 1973.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

4. Documents which affect proposals.

Documents which amend, supplement, or otherwise affect previously published notices of proposed rulemaking (other than adoption documents) will be published in the "Proposed Rulemaking" section of the FEDERAL REGISTER. They should be prepared with the complete headings described in item 2 of this chapter, and should provide clear and specific references to the previous proposal document, citing the FEDERAL REGISTER volume and page. Documents which affect proposals include those which:

(a) Extend time for comments.

(b) Change the date or place of hearing.

(c) Suspend, terminate, or withdraw the rulemaking proceeding.

(d) Correct the text.

(e) Supplement a notice of proposed rulemaking.

Some examples follow:

Extension of Time for Comments

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. 25; Notice 5]

[49 CFR, Part 575]

UNIFORM TIRE QUALITY GRADING

Extension of Comment Period

This notice extends the period for comments to the notice, published March 7, 1973 (38 FR 6194), proposing the uniform tire quality grading regulation.

Requests for an extension of time were submitted by the Rubber Manufacturers' Association, the Shell Oil Co., and General Motors Corp. The Rubber Manufacturers' Association and the Shell Oil Co. requested that the comment period be extended to December 1, 1973. General Motors requested that the period be extended 90 days. The requests argued that additional comment time is necessary to test control tires, and to enable the industry to base comments on results obtained by performing the tests proposed in the regulation. It is argued that additional time is needed to obtain both control tires and other test equipment as well as to run the prescribed tests.

The NHTSA has not granted the requests that the comment period be extended until December 1, 1973. While the NHTSA supports the efforts of industry to base comments on actual tests, it cannot agree that 6 additional months are necessary for sufficient tests to be conducted. The NHTSA has decided that a reasonable extension of the comment closing date is 4 months from the existing (June 4, 1973) date, and the comment period is hereby extended to October 5, 1973.

The NHTSA does not anticipate that this extension will result in any extension of the regulation's proposed effective date of September 1, 1974.

The NHTSA plans to issue in the near future some minor amendments to the proposal. They have not been included in this notice so as not to delay informing the public of the extended comment period.

Withdrawal of Proposal

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[49 CFR, Part 393]

[Docket No. MC-10; Notice No. 73-6]

UPHILL PERFORMANCE OF COMMERCIAL MOTOR VEHICLES

Notice of Termination of Proposed Rulemaking

The purpose of this notice is to announce that the Director of the Bureau of Motor Carrier Safety is closing docket No. MC-10 without further action and does not now intend to institute additional rulemaking proceedings on the subject of uphill performance of commercial motor vehicles operated in interstate or foreign commerce.

On January 17, 1969, the Federal Highway Administrator issued an advance notice of proposed rulemaking, inviting interested persons to comment on uphill performance requirements for commercial motor vehicles (34 FR 1057). Upon review of the comments received in response to that invitation, and after consultation with the National Highway Traffic Safety Administration, the Bureau has determined that the most practicable way to combat whatever dangers the inability of commercial vehicles to maintain speed on ascending grades may present is through performance standards applicable to newly manufactured commercial motor vehicles. In the absence of a new-vehicle standard, it would clearly be inappropriate to issue a regulation applicable to vehicles in use while operating under the Bureau's jurisdiction.

The Bureau will, of course, continue to cooperate with NHTSA on the subject of uphill performance. If a motor vehicle safety standard is issued, the Bureau will take the necessary action to assure such vehicles are not modified or operated so as to defeat the purpose of the standard.

If rulemaking proceedings on the subject of uphill performance are again contemplated, another notice to that effect will be issued. However, the present proceeding, docket No. MC-10, is closed.

Supplemental Proposal

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR, Parts 10, 12, 187]

[CGD 72-149P]

LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

Supplemental Notice of Proposed Rulemaking

In the March 1, 1972, issue of the FEDERAL REGISTER (37 FR 4293), the Coast Guard published a notice of proposed rule making (CGFR 72-37) which would permit a relaxation of the visual acuity requirements for an original license as a deck, engineer, or radio officer, or as an operator licensed under Part 10 or Part 187 of Title 46, Code of Federal Regulations. The proposal was also published in the Marine Safety Council Public Hearing Agenda, dated March 27, 1972, and was identified as item 7 in the notice and the agenda.

This document supplements the notice and agenda by notifying the public that the proposed relaxation would also affect the visual acuity requirements in Part 12 for certification as able seamen, qualified member of the engine department, or tankerman. This issue was not discussed in the notice of March 1, 1972, or in the agenda. The only issue discussed in those documents was the effect of the amendments to the visual acuity requirements for an original license as a deck, engineering, or radio officer, or as an operator licensed under Part 10 or Part 187 of Title 46, Code of Federal Regulations. The direct impact that the proposed change in § 10.02-5 would have in Part 12 was not discussed.

The proposed change in § 10.02-5 would affect Part 12 as follows:

* * * * *

Comments received before January 10, 1972, will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination by interested persons in room 8234, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C., both before and after January 10, 1972. The proposal may be changed in the light of the comments received.

5. Advance notice of proposed rulemaking documents.

An advance notice of proposed rulemaking is a variation of the proposed rule. It is a preliminary inquiry prior to proposed rulemaking. Frequently it is used by an agency to invite the public to supply expert advice at a preliminary stage before the agency is prepared to issue a specific notice of proposed rulemaking.

Prepare the advance notice document as you would a proposed rule: Explain the need for rulemaking and the issues involved. Use specific questions for expert commenters to answer.

Following is an example of an advance notice of proposed rulemaking and a withdrawal of an advance notice of proposed rulemaking:

Advance Notice of Proposed Rulemaking

Heading	**DEPARTMENT OF TRANSPORTATION** **Federal Aviation Administration** **[14 CFR, Parts 61, 63, 121, 123, 127, 135, 141]** [Docket No. 10594; Notice 70-37] **TIME SHARING SCAN TRAINING** **Advance Notice of Proposed Rulemaking**
Introduction	The Federal Aviation Administration is considering amending Parts 61, 63, 121, 123, 127, 135, and 141 of the Federal Aviation Regulations to require flight crew time sharing scan training as a means of reducing midair collision hazards.
Reason for Inquiry	This advance notice of proposed rulemaking is being issued pursuant to the FAA's policy for the early institution of rulemaking proceedings. An advance notice is issued when it is found that the resources of the FAA and reasonable outside inquiry do not yield a sufficient basis to identify and select a tentative course or alternate courses of action, or where it would be helpful to invite public participation in the identification and selection of a course or alternate courses of action. The subject matter of this notice involves a situation contemplated by that policy.
Comment Information	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:

Advance Notice of Proposed Rulemaking (Continued)

Comment Information

Rules Docket, GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before December 29, 1970, will be considered by the Administrator before taking action on the proposed rule. The proposal 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. If it is determined to be in the public interest to proceed further after consideration of the available data and comments received in response to this notice, a notice of proposed rulemaking will be issued.

(The preamble continues here with the background information on the rule.)

* * * * *

Questions

Comments are specifically requested on the following areas of interest:

A. *Applicability.*—1. Should such training be required of all segments of aviation? If not, which one(s)?

2. If the applicability should be restricted to other than all, what is the reason?

3. What would be the impact on each segment of aviation if the applicability is extended to all segments thereof?

4. Should the training be required only for applicants for pilot certificates, or should it also be required for persons who now hold certificates?

5. In the case of general aviation pilots, if limited to applicants, should it be required only for graduates of certificated pilot schools?

6. Should the training be required once only, or should it be a recurring requirement? If recurrent, how often?

7. How much training should be required?

Questions (Continued)

8. Should the training be required of flight crewmembers other than pilots? If so, which flight crewmembers?

B. *Equipment.*—1. What is the availability of the equipment necessary to provide the subject training, and what is its cost?

2. What type equipment is most compatible with existing training facilities?

3. What would be a reasonable timelag for implementation of the requirement? How much time is needed to allow manufacturers to produce, and owners to acquire and install the equipment if required by the regulations?

4. What type equipment provides adequate training to the broadest spectrum of flight crewmembers?

C. *Alternatives.*—1. Could any alternative be substituted for the subject training and achieve the same results? If so, what?

Comments are welcome on these suggestions, as well as any additional recommendation for implementing the objective of improving flight crewmember skills to avoid midair collision.

Authority

This advance notice of proposed rulemaking is issued under the authority of sections 313, 601, 602, 604, and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1422, 1424, and 1427), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on September 18, 1970.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

Withdrawal of Advance Notice of Proposed Rulemaking

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR, Parts 61, 63, 121, 123, 127, 135, 141]

[Docket No. 10594; Reference Notice 70-37]

TIME SHARING SCAN TRAINING

Withdrawal of Advance Notice of Proposed Rulemaking

The purpose of this notice is to withdraw advance notice 70-37 published in the FEDERAL REGISTER September 25, 1970 (35 FR 14934), in which the Federal Aviation Administration proposed to amend Parts 61, 63, 121, 123, 127, 135, and 141 of the Federal Aviation Regulations to require flight crew time sharing scan training as a means of reducing midair collisions.

Numerous comments were received from interested persons in response to the advance notice. The majority of the comments did not favor the amendment as proposed for several reasons. As a result of the comments received, the Federal Aviation Administration has reevaluated the advance notice and has concluded that there is a definite need for additional research and development before specific rulemaking can be undertaken on the proposal. Therefore, the Federal Aviation Administration has decided by this action to withdraw advance notice 70-37.

The withdrawal of this advance notice does not, however, preclude the Federal Aviation administration from issuing similar notices in the future nor does it commit the FAA to any course of action.

In consideration of the foregoing, the advance notice of proposed rulemaking published in the FEDERAL REGISTER, September 25, 1970 (35 FR 14934), and circulated as advance notice 70-37 entitled "Time Sharing Scan Training," is hereby withdrawn.

This withdrawal is issued under the authority of section 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1345(a)), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Appendix A—Checklist For Proposed Rulemaking Documents

1. HEADINGS
   - a. Agency title.
   - b. Name of subdivision.
   - c. CFR designation.
   - d. Agency document designation.
   - e. Main subject heading.
   - f. Descriptive heading.
2. PREAMBLE
   - a. Introduction—answers questions concerning the significance of proposal.
   - b. Background—answers why and how the proposed rule differs from existing regulations.
   - c. Corrective action—desired effect of proposal.
   - d. Compliance and enforcement—requirements, if adopted, penalties, etc.
   - e. Conclusion—summary.
   - f. Public participation—discusses comments periods, hearings, etc.
   - g. Authority.
   - h. Words of issuance.
3. BODY TEXT
   - a. Amendatory language.
   - b. Table of contents, if required.
   - c. Authority citation.
   - d. Text of proposal.
4. SIGNATURE
   - a. One manually signed original and two certified copies or duplicate originals.
   - b. Printed name of signer and title.
   - c. Date signed (optional).
   - d. Seal (optional).
5. HIGHLIGHTS

ILLUSTRATION

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR, Parts 25, 121]

[Docket No. 12006; Notice 72-15]

LARGE PASSENGER-CARRYING TURBOJET-POWERED AIRPLANES

Rear Exit Security

a.

b.

c.

d.

e.

f.

1. Headings

The Federal Aviation Administration is considering rulemaking with respect to Parts 25 and 121 of the Federal Aviation Regulations to provide additional security on all large passenger-carrying turbojet-powered airplanes operated under Part 121 by requiring that a means be provided to prevent the opening of central exits and tail cone exits during flight.

a. Introduction "What"

In spite of concerted efforts made by the FAA and the air carriers, incidents continue to occur wherein the safety of the flight of aircraft engaged in passenger-carrying operations under Part 121 of the Federal Aviation Regulations has been jeopardized by persons intending to harm the crew or take command of the airplane. On a number of occasions in recent hijackings, the ventral exit of an airplane has been opened and a hijacker aboard has parachuted from the airplane through that exit. The agency recognizes that every possible step must be taken to deter persons from boarding aircraft for such a hijacking purpose. Accordingly, the FAA deems it appropriate to propose certain amendments to Parts 25 and 121.

b. Background "Why"

2. Preamble

Specifically, it is proposed to amend § 25.809 to provide that, when required by the operating rules, for any large passenger-carrying turbojet-powered airplane an approved means must be provided so that: (1) Takeoff cannot be started if either the ventral exit or tail cone exit is not locked; and (2) neither the ventral exit nor the tail cone exit can be opened in flight.

A similar amendment is proposed to be made to § 121.310, to become effective with respect to persons conducting operations under Part 121, 6 months following its adoption.

c. Desired Effect of proposal "How"

Illustration (Continued)

However, it is to be noted that to achieve compliance with the proposed regulation both the ventral exit and tail cone exit would have to continue to meet all of the requirements applicable to their approval as emergency exits. Specifically, to achieve compliance, the conditions that would have to be met to obtain approval of modification to the locking mechanisms of these two exits are as follows: (1) The mechanism must be locked while the airplane is aloft; (2) Takeoff of the airplane cannot be started if either ventral or tail cone is not locked; and (3) The exit must be available for use in the event of an emergency.	2. Preamble (continued) d. Compliance
In summary, it is the purpose of these proposed amendments to Parts 25 and 121 to assure that, without changing the function of either the ventral exit or the tail cone exit as an emergency means of egress in the event of an accident, these exits will no longer be a means of exit during flight.	e. Summary
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 CG-24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before July 24, 1972, 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.	f. Invitation to participate
These amendments are proposed under the authority of sections 313(a), 601, 603, 604, and 605 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423, 1424, and 1425) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).	g. Authority
In consideration of the foregoing, it is proposed to amend Parts 25 and 121 of Chapter I of Title 14 of the Code of Federal Regulations as follows:	h. Words of issuance

Chapter VI—Guidelines for Drafting General Notice Documents

Item

1. General

General notice documents are agency notices not subject to codification because they do not directly affect the Code of Federal Regulations.

Because of the wide variety of notice documents authorized or required to be published in the FEDERAL REGISTER, definitive drafting aids cannot be supplied in this handbook. However, many notice documents have some common elements for which guidelines have been developed in this chapter. The general drafting information in Chapter IV of this handbook will also be helpful.

2. Headings

Use the following headings in the order set forth:

(a) *Name of issuing agency.*—Write the name of the issuing agency or department at the beginning of the document. Carry on a separate line the name of the subordinate unit involved, if any.

(b) *Agency document designation.*—If the issuing agency requires the inclusion of a file or docket number, or other identifying symbol, carry it in brackets as the next heading on a separate line. Abbreviate, if possible.

(c) *Subject headings.*—Clearly identify the document's subject with a suitable short heading. An additional heading is often desirable to indicate the nature of the document—how it concerns or affects the main subject. The following examples of notice document headings may be helpful:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ..... Agency

[Docket No. D-73-220] ..... Agency Designation (Optional)

CERTAIN HUD EMPLOYEES IN REGION VIII (DENVER) ..... Subject

Redelegation of Authority To Administer Oaths ..... Action

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ..... Agency

Food and Drug Administration ..... Bureau, etc.

ADVISORY COMMITTEES ..... Subject

Notice of Meetings ..... Action

3. Body text.

Most of the precepts of good drafting in Chapter IV of this handbook are equally applicable to notice documents. Draft the text with those precepts in mind, with particular attention to short sentences and short paragraphs, and avoiding legalese, ambiguity, circumlocution, and gobbledygook.

Some Examples of Notices

COST OF LIVING COUNCIL

[Cost of Living Council Order No. 15A]

COMMISSIONER OF INTERNAL REVENUE

Delegation of Authority

Pursuant to the authority delegated to the Director by Cost of Living Council Order No. 14 (38 FR 1489, Jan. 12, 1973), it is hereby ordered as follows:

There is hereby delegated to the Commissioner of Internal Revenue (the Commissioner), or his duly authorized agent, the authority to sign and issue subpenas for the attendance and testimony of witnesses and the production of relevant books, papers, and other documents, and to administer oaths, all in accordance with section 206 of the Economic Stabilization Act of 1970, as amended, for the purpose of exercising, with respect to rentals of residential real property, any authority delegated to the Commissioner by Cost of Living Council Order No. 15 (38 FR 1489, Jan. 12, 1973).

The authority hereby delegated is in addition to the authority delegated to the Commissioner by Cost of Living Council Order No. 15.

Issued in Washington, D.C., on March 5, 1973.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

EQUAL RIGHTS GUIDELINES

Effect on Minorities and Women of Minimum Height Requirements for Employment of Law Enforcement Officers

1. *Purpose.*—This guideline is issued to assist in the elimination of discrimination based on national origin, sex, and race caused by the use of restrictive minimum height requirements criteria where such requirements are unrelated to the employment performance of law enforcement personnel.

2. *Scope.*—The provisions of the guideline apply to all recipients of LEAA funds. This guideline is of concern to all State planning agencies.

3. *Background.*—The use of minimum height requirements as criteria for employee selection, assignment, or similar personnel action may tend to disqualify disproportionately women and persons of certain national origins, and races. Discrimination on the ground of race, color, creed, sex, or national origin is prohibited by the Department of Justice regulations concerning employment practices of State agencies or offices receiving financial assistance extended by the Department (28 CFR Part 42, Subpart D).

4. *Requirement.*—The use of minimum height requirements, which disqualifies disproportionately women and persons of certain national origins and races, such as persons of Mexican and Puerto Rican ancestry, or oriental descent, will be considered violative to this Department's regulations prohibiting employment discrimination.

5. *Exceptions.*—In those instances where the recipient of Federal assistance is able to demonstrate convincingly through the use of supportive factual data such as professionally validated studies that such minimum height requirements used by the recipient is an operational necessity for designated job categories, the minimum height requirement will not be considered discriminating.

6. *Definition.*—a. The term, "operational necessity," as used in this guideline shall refer to an employment practice for which there exists an overriding legitimate operational purpose such that the practice is necessary to the safe and efficient exercise of law enforcement duties, is sufficiently compelling to override any discriminatory impact, is effectively carrying out the operational purpose it is alleged to serve, and for which there are available no acceptable alternate policies or practices which would better accomplish the operational purpose advanced, or accomplish it equally well with a lesser discriminatory impact.

b. The term, "law enforcement," as used in this guideline is defined at section 601(a) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and means all activities pertaining to crime prevention or reduction and enforcement of the criminal law.

Effective date.—This guideline shall become effective on March 9, 1973.

DEPARTMENT OF DEFENSE

Department of the Army

HISTORICAL ADVISORY COMMITTEE

Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following Committee meeting:

Name: Department of the Army Historical Advisory Committee.
Date: April 6, 1973.
Place: Conference room, wing 2, second floor, Tempo C, Second and R Streets SW., Washington, D.C.
Time: 1015-1130; 1345-1515.
Proposed agenda:
1020-1130: Review of historical activities.
1345-1515: Discussion of activities and executive session of the committee.

Purpose of meeting: The Committee will review the past year's historical activities based on reports and manuscripts received throughout the year and formulate recommendation to the Secretary of the Army for advancing the purposes of the Army historical program.

Meeting of the Advisory Committee is open to the public. Public attendance depending on available space, may be limited to those persons who have notified the Advisory Committee Management Office in writing, at least 5 days prior to the meeting, of their intention to attend the April 6 meeting.

Any member of the public may file a written statement with the Committee before, during or after the meeting. To the extent that time permits the Committee Chairman may allow public presentation of oral statements at the meeting.

All communications regarding this Advisory Committee should be addressed to Lt. Col. C. F. Moore, Advisory Committee Management Officer for Office Chief of Military History, room 2009, Tempo C, Second and R Streets SW., Washington, D.C. 20315.

For the Chief of Military History.

C. F. MOORE,
LTC, Infantry, Executive Officer, Plans, Programs, and Administration.

MARCH 5, 1973.

4. References to affected documents.

Some notices amend or otherwise concern previous notices. References to such prior documents should be clear and include precise citations to the FEDERAL REGISTER volume and page. If the reader cannot locate an earlier document because the reference is too vague, or the citation is absent, he may be unable to appreciate the full significance of this notice document.

Some notices include references to material in the Code of Federal Regulations. In such cases, be sure to include an exact citation to the appropriate CFR title and section.

Example: Reference to Prior Notice

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST

Notice of Proposed Additions to the Initial List

Notice is hereby given pursuant to section 2(a)(2) of the Act To Create a Committee on Purchases of Blind-Made Products, as amended (85 Stat. 79) of the proposed addition of the following commodities to the initial procurement list published on pages 16982 through 16997 of the FEDERAL REGISTER of August 26, 1971.

CLASS 6530

Bag, Patient's Effects.. 6530-715-0915

CLASS 8460

Suitcase, Cotton Duck, Sage Green..... 8460-391-0502

Not later than April 9, 1973, comments and views regarding the proposed addition may be filed with the Committee: Communications should be addressed to the Executive Director, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, 2009 14th Street North, suite 610, Arlington, Va. 22201.

By the Committee.

CHARLES W. FLETCHER,
Executive Director.

Example of Notice Containing Reference to Code of Federal Regulations

FEDERAL RESERVE BANK OF BOSTON ET AL.

Notice of Hearings on Individual Applications To Engage in Insurance Agency Activities

Notice is hereby given that the Board of Governors of the Federal Reserve System has granted requests for hearings on applications, listed below, to engage in insurance agency activities pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) and (2) of the Board's Regulation Y (12 CFR 225.4(b)(1) and (2)). Objections to each of the applications and requests for a hearing thereon have been received from insurance agents or agencies, who assert they would be adversely affected by approval of each application and from organizations representing such agents or agencies. Among the objections are claims that the proposed activities are not closely related to banking within the terms of § 225.4(a)(9) of regulation Y, which designates certain insurance agency activities as closely related to banking (12 CFR 225.4(a)(9)) and that in each instance approval of the application to engage in insurance agency activities would not be in the public interest.

The following are the applications involved:

* * * * *

5. Effective date statements.

Many notice documents do not involve a specific time of effectiveness. Some, however, do need effective date statements. Include them, properly labeled, whenever they are pertinent.

Examples

No. 1

Effective date.—This delegation of authority shall be effective as of July 1, 1973.

No. 2

Effective date.—This order shall become effective on publication, May 13, 1973.

6. Duplicative documents.

Many agencies publish in the FEDERAL REGISTER each year hundreds of notice documents that are largely repetitive. The duplication usually results from treating each individual or each company in a given situation as a separate case. Often this duplication of printing can be eliminated by simple changes in internal agency procedure that in no way changes the legal effect of the document but that save hundreds of dollars worth of FEDERAL REGISTER pages annually. The Office of the Federal Register is anxious to work with Federal agencies to devise methods for eliminating duplicative printing both because it saves printing costs and also because it makes the notices section of the FEDERAL REGISTER easier to use. An example of a before and after situation that resulted from OFR/agency consultation and cooperation follows.

Old-Type Notice Published for Each Individual

DEPARTMENT OF THE TREASURY

Internal Revenue Service [1]

JOHN DOE

Notice of Granting of Relief

Notice is hereby given that John Doe, 4010 Maine Street, Marion, Iowa, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on November 21, 1959, in the U.S. District Court for the Northern District of Iowa, Eastern Division, of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for John Doe, because of such convictions, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C. App.), because of such convictions, it would be unlawful for John Doe to receive, possess, or transport, in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered John Doe's application and:

(1) I have found that the convictions were made upon charges which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code: *It is ordered*, That John Doe be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 27th day of September 1971.

[SEAL] REX D. DAVIS,
Director, Alcohol, Tobacco, and Firearms Division.

[1] These notice documents, are now issued by the Bureau of Alcohol, Tobacco and Firearms using the same waiver procedure developed by the Internal Revenue Service.

New-Type Notice Combining Like Notices in One

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

NOTICE OF GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C. 925(c) the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding 1 year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

John Doe, 114 Smith Street, Aberdeen, S. Dak., convicted on October 21, 1970, in the Circuit Court, Second Judicial Circuit, Sioux Falls, S. Dak.

Jane Doe, 7001 South Street, Green Bay, Wis., convicted on December 14, 1961, in Brown County Municipal Court, Green Bay, Wis.

James Doe, 237 Hughes Boulevard, Jackson, Miss., convicted on December 29, 1948, and April 11, 1953, by the City Court of Jackson, Miss., and on November 13, 1962, by the U.S. District Court, Jackson, Miss.

Mary Doe, 295 Jonquil Street, Lansing, Mich., convicted on July 18, 1958, in the circuit court for the county of Ingham, Mich.

* * * * *

Supplement A—Additional Examples of Amendments in Areas That Have Proven Troublesome to Agencies

Examples to include:

1. Establishment of title.
2. Establishment of chapter and part(s).
3. Interim regulations.
4. Effective date postponed.
5. Nomenclature changes.
6. Recodification.
7. Reorganization and republication.
8. Rescission of part.
9. Transfer of chapter, part.
10. Withdrawal of proposal.

ESTABLISHMENT OF TITLE

Title 11—Federal Elections

Chapter I—Comptroller General

CAMPAIGN COMMUNICATIONS AND DISCLOSURE OF FEDERAL CAMPAIGN FUNDS

There is hereby established a new Title 11, entitled Federal Elections, in the Code of Federal Regulations.

The Federal Election Campaign Act of 1971 (Public Law 92–225, approved February 7, 1972) was enacted to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes. The Act directs the Comptroller General of the United States to prescribe rules and regulations for several sections of Title I, entitled the "Campaign Communications Reform Act," and under Title III, entitled "Disclosure of Federal Campaign Funds."

This chapter is entirely new and is issued by the Comptroller General to carry out the statutory mandate. Subchapter A of this chapter contains regulations issued by the Comptroller General under Title I of the Act, and Subchapter B of this chapter contains regulations issued by the Comptroller General as a supervisory officer under Title III of the Act. Both subchapters will be amended from time to time in the light of experience under the Act. Any such amendments will be published in the FEDERAL REGISTER and codified in the Code of Federal Regulations, Title 11.

Effective date: This chapter is effective on April 7, 1972.

ESTABLISHMENT OF CHAPTER AND PART

Title 6—Economic Stabilization

CHAPTER II—PAY BOARD

PART 201—STABILIZATION OF WAGES AND SALARIES

On August 15, 1971, the President announced a freeze on prices, rents, wages, and salaries for a period of 90 days ending midnight, November 13, 1971. By Executive Order No. 11627 of October 15, 1971, the President provided for an orderly transition from the 90-day general freeze to a more flexible system of economic restraints. Under that order, the President established a Pay Board to be composed of 15 members (i.e., five representatives each from labor, business, and the general public) to be appointed by him. On November 8, 1971, the Pay Board adopted policies governing pay adjustments to be effective after the 90-day general freeze. A statement of that policy is set forth below as an appendix to regulations prescribed by the Pay Board.

Pursuant to the authority vested in the Pay Board by the Economic Stabilization Act of 1970, as amended (Public Law 91-379, 84 Stat. 799; Public Law 91-588, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 38), Executive Order No. 11627 (36 FR 20139, Oct. 16, 1971), and Cost of Living Council Order No. 3 (36 FR 20202, Oct. 16, 1971), the Pay Board hereby adopts the following regulations (including the policy statement) in implementation of the President's economic program. A new "Chapter II—Pay Board" is hereby established in "Title 6—Economic Stabilization" of the Code of Federal Regulations and a new "Part 201—Stabilization of Wages and Salaries" is added thereto.

Because of the need for immediate guidance from the Pay Board with respect to the provisions contained in these regulations, it is hereby found impracticable to issue such regulations with notice and public procedure thereon under 5 U.S.C. 553(b), or subject to the effective date limitation of 5 U.S.C. 553(d).

Title 39—Postal Service

CHAPTER III—POSTAL RATE COMMISSION

PART 3001—RULES OF PRACTICE AND PROCEDURE

The Postal Rate Commission promulgates this Part 3001 as the Postal Rate Commission's rules of practice and procedure governing the conduct of proceedings before the Commission in matters concerning rates of postage, fees for postal services, mail classification schedules and changes in such schedules, changes in the nature of postal services generally affecting service on a nationwide or substantially nationwide basis, complaints as to rates and services of such nature.

The Postal Reorganization Act, as well as the legislative history and matters developed in pertinent hearings before committees of the House and Senate, including presentations to the Congress by the Postal Service concerning revenue objectives and imminent proposals for postal rate increases, point to the urgency of the immediate promulgation of Part 3001.

Notice and public procedure are not required by the Administrative Procedure Act as to rules of agency organization, procedure, or practices. Furthermore, as to the rules here promulgated, the Commission for good cause finds that notice and public procedure are impracticable, unnecessary, and contrary to the public interest.

This Part 3001 shall become effective upon its publication in the FEDERAL REGISTER.

Interested persons may submit written comments concerning these rules to the Postal Rate Commission, Washington, D.C. 20268.

By order of the Postal Rate Commission.

WILLIAM J. CROWLEY,
Chairman.

INTERIM REGULATIONS

Final Rule

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER B—GRANTS

PART 40—RESEARCH AND DEMONSTRATION GRANTS

Interim Regulations

Interim regulations are hereby promulgated to publish a new codification (40 CFR Part 40) for Environmental Protection Agency research and demonstration grant regulations which supplement the general grant regulations (40 CFR Part 30). Publication of these regulations is a continuation of an effort to coordinate and conform grant award and administration policies, procedures, and terms for the various EPA grant programs, to improve administration of these grant programs and to furnish applicants, grantees, and the public with a more explicit statement of grant award and administration requirements.

All EPA research and demonstration grants, including continuation grants, awarded after the effective date of part 40 shall be subject to the EPA general grant regulations (40 CFR Part 30) and to the supplemental grant regulations published herewith (40 CFR Part 40). For the most part, these regulations constitute a more explicit statement of prior regulations or of previously uncodified policies, procedures, and terms of the respective grant programs. Most changes are attributable to the effect to coordinate and conform EPA grant policies and procedures. The requirement that applicants submit applications in an original and 14 copies was incorporated to expedite processing by eliminating the time required for reproduction.

Interested parties and government agencies are encouraged to submit written comments, views, or data concerning the regulations promulgated hereby to the Director, Grants Administration Division, Environmental Protection Agency, Washington, D.C. 20460. All such submissions received on or before June 29, 1973, will be considered prior to the promulgation of final EPA general or supplemental grant regulations. Suggestions for changes to the regulations promulgated in this subchapter are solicited on a continuous basis pursuant to 40 CFR 30.106.

* * * * *

Proposal

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 18]

MARINE MAMMALS

Notice of Proposed Rulemaking

Chapter I, Subchapter B, of Title 50 of the Code of Federal Regulations is proposed to be amended by adding a new Part 18.

The Marine Mammal Protection Act of 1972[1] becomes effective on December 21, 1972. It is therefore deemed desirable to publish interim regulations to be made effective on that date. Accordingly, subparts A, B, and C are issued as proposed rulemaking at this time. Additional subparts will be proposed at a later date which will fully implement the Marine Mammal Protection Act of 1972.

PART 18—MARINE MAMMALS

Subpart A—Introduction

Sec.

18.11 Purpose of regulations.
18.12 Definitions.
18.13 Other applicable laws or regulations.

Subpart B—Actions Prohibited by the Act

18.21 Taking marine mammals prohibited.
18.22 Importing marine mammals prohibited.
18.23 Certain uses, possession, transportation, and sales prohibited.

Subpart C—Exceptions to Prohibited Acts

Sec.

18.31 Exception by permit.
18.32 Taking incidental to commercial fishing operations.
18.33 Undue economic hardship.
18.34 Actions permitted by international treaty, convention, or agreement.
18.35 Taking by officials for protection of the mammal or humans.
18.36 Exception where taking, sale, or importation of marine mammal was legal.
18.37 Native exceptions.

AUTHORITY: The provisions of this part 18 issued under 86 Stat. 1027.

* * * * *

[1] Filed as part of the original document.

EFFECTIVE DATE POSTPONED

Title 7—Agriculture

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 65]

PART 1065—MILK IN THE NEBRASKA-WESTERN IOWA MARKETING AREA

Deferral of Effective Date of Certain Provisions

This order defers until further notice the effective date of the Class I base plan provisions, §§ 1065.90 through 1065.98, contained in the order amending the order regulating the handling of milk in the Nebraska-Western Iowa marketing area, issued December 15, 1972 (37 FR 28126).

Statement of consideration.—Associated Milk Producers, Inc., Central Region, a cooperative association whose membership comprises a substantial number of the producers on the market, has requested that the Class I base plan, scheduled to become effective April 1, 1973, be held in abeyance until certain provisions of the plan have been considered on the basis of a public hearing. The cooperative association alleges that certain provisions contained in the plan would be inequitable to its member producers and that implementation of the plan may have other adverse results.

Inasmuch as uncertainties exist as to whether the Class I base plan as issued can operate without inequities or other possible adverse effects, it is necessary that effectuation of the plan be deferred pending a public hearing and related procedures.

A notice of public hearing, providing for reconsideration of all provisions of the Class I base plan, is issued concurrently with this deferral order.

It is therefore ordered, That the effective date with respect to the aforesaid order provisions is deferred until further notice.

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

Signed at Washington, D.C., on March 15, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

NOMENCLATURE CHANGES

Title 41—Public Contracts and Property Management

CHAPTER 14—DEPARTMENT OF THE INTERIOR

Editorial Amendment

Pursuant to the authority of the Secretary of the Interior, contained in 5 U.S.C. 301, Chapter 14, Title 41 of the Code of Federal Regulations is amended as follows:

Wherever the title "Assistant Secretary for Administration" appears in the chapter, it is changed to read "Assistant Secretary—Management and Budget."

Public Law 92–22, 85 Stat. 75 established the new position of Assistant Secretary—Management and Budget, and abolished the former position of Assistant Secretary for Administration.

It is the general policy of the Department of the Interior to allow time for interested parties to take part in the rulemaking process. However, this amendment is entirely administrative in nature. Therefore the public rulemaking process is waived and this amendment will become effective upon publication in the FEDERAL REGISTER (8–13–71).

WARREN F. BRECHT,
Deputy Assistant Secretary, Management and Budget.

AUGUST 6, 1971.

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

[General Order 16, Amendment 10]

PART 502—RULES OF PRACTICE AND PROCEDURE

Change of Title of Hearing Examiner to Administrative Law Judge

Rules changing the title "hearing examiner" to "administrative law judge" were published in the FEDERAL REGISTER, August 19, 1972, by the U.S. Civil Service Commission (37 FR 16787).

The Federal Maritime Commission's rules of practice and procedure were published October 26, 1965 (30 FR 13604), and contained numerous references to the words "hearing examiner" or "hearing examiners." In order that the Commission's rules will be consistent with other regulatory agencies, notice is hereby given that the title "hearing examiner" or "hearing examiners" as used in Part 502, Title 46, of the Code of Federal Regulations, is hereby changed to administrative law judge or administrative law judges, as appropriate.

Effective on publication in the FEDERAL REGISTER (9–19–72).

FRANCIS C. HURNEY,
Secretary.

RECODIFICATION

(Complicated by delayed effective dates)

Title 49—Transportation

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

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Recodification

The Motor Vehicle Safety Standards formerly contained in § 571.21 of Title 49 are being recodified and reissued as Subpart B of Part 571 (§§ 571.101 through 571.302). The recodification is for convenience and ease in incorporating future amendments, particularly those amendments with future effective dates.

These sections are keyed to the numbers of the existing standards. Regulations for concurrent standards bearing the same standard number and becoming effective at a future date involving a time period of a year or more, are identified with the suffix "a", "b", etc. The suffix will be dropped from the new standard when the effective date is reached. This, in effect, denotes a supersedure of the former standard. Amendments published in the FEDERAL REGISTER to these standards are reflected in the recodification and have been incorporated in these regulations through November 11, 1971.

DOUGLAS W. TOMS,
Administrator.

Subpart B—Federal Motor Vehicle Safety Standards

Sec.

571.101 Standard No. 101; Control location and identification.
571.101a Standard No. 101a; Control location, identification, and illumination. (Effective Jan. 1, 1972, with amendments effective Sept. 1, 1972, and Mar. 1, 1973).
571.102 Standard No. 102; Transmission shift lever sequence, starter interlock, and transmission braking effect.
571.103 Standard No. 103; Windshield defrosting and defogging systems.
571.104 Standard No. 104; Windshield wiping and washing systems.
571.105 Standard No. 105; Hydraulic service brake, emergency brake and parking brake systems.
571.106 Standard No. 106; Hydraulic brake hoses.
571.107 Standard No. 107; Reflecting surfaces.
571.108 Standard No. 108; Lamps, reflective devices, and associated equipment. (Effective Jan. 1, 1972.)
571.108a Standard No. 108a; Lamps, reflective devices, and associated equipment. (Reflecting amendments effective Jan. 1, 1973.)

* * * * *

REORGANIZATION AND REPUBLICATION

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

Reorganization and Republication

Under the authority of Reorganization Plan No. 3 of 1970 (3 CFR 1970 Comp., p. 199), 35 FR 15623, a variety of activities related to pollution abatement control were transferred to the Environmental Protection Agency.

Regulations issued by the Environmental Protection Agency were published in various titles of the Code of Federal Regulations. Such regulations are being reorganized and transferred to Chapter I of Title 40 "Protection of Environment." All amendments to these regulations are included in this republication through November 4, 1971. The following table shows the relationship of these regulations prior to this republication and the redesignations reflected in Title 40.

Old title and part No.:	*New parts in title 40*
42 CFR Part 410	Part 50.
42 CFR Part 420	Part 51.
42 CFR Part 475	Revoked.
42 CFR Part 476	Part 76.
42 CFR Part 479	Part 79.
42 CFR Part 481	Part 81.
45 CFR Part 1201	Part 85.
18 CFR Part 602	Part 20.
18 CFR Part 604	Part 104.
18 CFR Part 606	Part 106.
18 CFR Part 607	Part 107.
18 CFR Part 609	Part 109.
18 CFR Part 610	Part 110.
18 CFR Part 615	Part 115.
18 CFR Part 620	Part 120.
18 CFR Part 622	Part 122.
7 CFR Part 2762	Part 162.
7 CFR Part 2763	Part 163.
7 CFR Part 2764	Part 164.
21 CFR Part 420	Part 180.

Subchapter B, Title 40, is hereby reserved for all regulations pertaining to "grants" of the Environmental Protection Agency. Previously published grant regulations are hereby removed from the Code of Federal Regulations, but are retained in force as uncodified regulations. Grant regulations thus affected are as follows:

Title 18, Part 601—Grants for water pollution control.

Title 42, Part 456—Grants for air pollution control programs.

Title 42, Part 480—General Provisions Applicable to Grants Under Sections 204, 205, 207, 208, and 210 of the Solid Waste Disposal Act (26 FR 18622).

Title 42, Part 461—Grants for Research, Investigations, Experiments, Surveys, and Studies Under Section 204 or 205 of the Solid Waste Disposal Act (35 FR 18625).

Title 42, Part 463—Grants for Planning Under Section 207 of the Solid Waste Disposal Act (36 FR 18626).

Title 42, Part 461—Grants for Resource Recovery Systems and New or Improved Solid Waste Disposal Facilities Under Section 208 of the Act (36 FR 18626).

Title 42, Part 465—Grants for Training Under Section 204 or 210 of the Solid Waste Disposal Act (36 FR 13628).

Part 475 of Title 42 is hereby revoked.

Parts 3 and 4 of Title 40 are included in this republication of Chapter I without substantive change. Chapter I is set forth below in its entirety.

WILLIAM D. RUCKELSHAUS,
Administrator, Environmental Protection Agency.

* * * * *

RESCISSION OF PART, SECTION

Title 12—Banks and Banking

CHAPTER I—BUREAU OF THE COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY

PART 2—NATIONAL BANKS ACTING AS INSURANCE AGENTS AND AS BROKERS OR AGENTS IN MAKING OR PROCURING LOANS OR REAL ESTATE

Rescission of Part

The Comptroller of the Currency has determined that the regulations contained in this part are obsolete, are not required to implement the powers conferred by statute upon national banks, and should be rescinded. He has also found that notice and public procedure for the rescission of this part are unnecessary and are not in the public interest. The rescission will accordingly become effective upon publication (12-2-71).

Part 2, Chapter I, Title 12, of the Code of Federal Regulations of the United States of America is hereby rescinded.

Dated November 29, 1971.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Rescission of Advisory Opinion Concerning Tripartite Promotional Program

Pursuant to the provisions of the Federal Trade Commission Act (sec. 6, 33 Stat. 721; 15 U.S.C. 46), and the provisions of Subpart A of Part I of the Commission's general procedures, 32 FR 844 (June 13, 1967) as amended 34 FR 17432 (October 29, 1969) and 36 FR 24213 (December 21, 1971), notice is hereby given that the Federal Trade Commission has reconsidered and rescinded advisory opinion § 15.88, Three-way promotional plan set up by radio station and financed by participating retailers and their suppliers (31 FR 12014; Sept. 14, 1966).

Released July 7, 1972.

By direction of the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

TRANSFER OF PART FROM ONE TITLE TO ANOTHER

Title 15—Commerce and Foreign Trade

CHAPTER VI—BUREAU OF DOMESTIC COMMERCE, DEPARTMENT OF COMMERCE

PART 615—DETERMINATION OF BONDA FIDE MOTOR VEHICLE MANUFACTURER

Part 615 is hereby added to Chapter VI of Title 15 of the Code of Federal Regulations to provide for carrying out the functions and responsibilities of the Deputy Assistant Secretary and Director, Bureau of Domestic Commerce, relating to the development, maintenance, and publication of a list of bona fide motor vehicle manufacturers. Instructions formerly found in Part 301 of Chapter III of Title 19 of the Code of Federal Regulations are revised as set forth below and redesignated as Part 615 of Chapter VI of Title 15.

The notice, public rulemaking procedure and effective date requirements contained in 5 U.S.C. 553 are omitted as unnecessary because the changes are procedural and editorial in nature. Accordingly, this revision shall become effective on the date of its publication in the FEDERAL REGISTER (4-15-71).

Title 19—Customs Duties

CHAPTER III—BUREAU OF DOMESTIC COMMERCE, DEPARTMENT OF COMMERCE

PART 301—DETERMINATION OF BONA FIDE MOTOR VEHICLE MANUFACTURER

Regulations formerly appearing in Part 301 of Chapter III of Title 19 of the Code of Federal Regulations are transferred to Chapter VI of Title 15 of the Code of Federal Regulations and redesignated as Part 615 of that chapter.[1] Accordingly, Chapter III of Title 19 is hereby vacated.

This redesignation shall become effective on the date of its publication in the FEDERAL REGISTER (4-15-71).

Dated March 22, 1971.

WILLIAM D. LEE,
Deputy Assistant Secretary and Director, Bureau of Domestic Commerce.

[1] See FR Doc. 71-5204, Title 15, *supra.*

WITHDRAWAL OF PROPOSAL

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 37]

[Docket No. 11452; Reference Notice 71-34]

AIRBORNE VOR RECEIVING EQUIPMENT

Withdrawal of Notice of Proposed Rulemaking

The purpose of this notice is to withdraw notice 71-34 (36 FR 20441) in which the FAA solicited comments on a proposed amendment of Part 37 of the Federal Aviation Regulations which would revise the technical standard order (TSO-C40a) for airborne VOR receiving equipment.

A number of comments were received in response to notice 71-34, all but one of which were either opposed to the issuance of the proposed amendment or opposed to significant portions thereof.

The principal objection made by the commentators was that the proposed revision of TSO-C40a was untimely. The commentators stated that the Radio Technical Commission for Aeronautics (RTCA) has been working for a number of years to develop updated minimum performance standards for VOR receiving equipment, and that these standards are in the final stages of completion. The commentators requested that notice 71-34 either be withdrawn or held in abeyance to await the finalization of the RTCA activity.

Since the issuance of notice 71-34, the FAA has determined that the RTCA has approved minimum operational characteristics (MOC) for airborne VOR receiving equipment, intended for general aviation aircraft, and that approval of minimum performance standards (MPS), intended for air carrier aircraft, is expected in the near future. The withdrawal of notice 71-34, which applies only to equipment intended for use in air carrier aircraft, would permit, at a later date, the issuance of a notice of proposed rulemaking which would encompass standards for VOR receivers intended for use in both general aviation and air carrier aircraft. The FAA believes that such a course of action would provide for a more cohesive and comprehensive revision of TSO-C40a.

In view of the foregoing, the FAA has determined that rulemaking action on the proposed amendments is not appropriate at the present time, and that notice 71-34 should be withdrawn. The withdrawal of this notice, however, does not preclude the FAA from issuing similar notices in the future or commit the FAA to any course of action.

In consideration of the foregoing, the notice of proposed rulemaking published in the FEDERAL REGISTER (36 FR 20441) on October 22, 1971, and circulated as notice 71-34 entitled "Airborne VOR Receiving Equipment," is hereby withdrawn.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 8(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 3, 1972.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

NOTE: Both Supplement B—Regulations of the Administrative Committee of the FEDERAL REGISTER and of the Office of the Federal Register and the Index will be included in the bound edition of the handbook.